



NOTICE OF EXTRAORDINARY COUNCIL MEETING

An EXTRAORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, SEPTEMBER 16, 2003, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

September 10, 2003

COUNCIL BUSINESS AGENDA

16/9/03

PUBLIC ACCESS SESSION:

PAGE NO.

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

DISCLOSURE OF INTEREST

MAYORAL MINUTES

RESCISSION MOTION

SUSPENSION OF STANDING ORDERS

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

REPORTS

- Subdivision and Sale of Council Land in Bristol Circuit, Goonellabah
(To be forwarded under separate cover)

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That Council's decision in regard to the Lismore Lake Plan of Management be rescinded.

- 193/03 **RESOLVED** that the report be received and –
- 1 Council endorse the Draft Plan of Management with the following added amendments:
 - a) The precinct referred to as the Lismore Lake be named "The Bob Gates Memorial Recreation Reserve" with the lake itself called "Lake Gates".
 - b) Recreational non-motorised craft such as canoes, sailboats, sculling craft etc. be allowed.
 - c) Non-motorised model craft be allowed, confined to the northern end of the lake.
 - d) The swimming pool remain in use as part of the City's recreational water space.
 - e) Recreational fishing be encouraged and managed on advice from sports fishing clubs.
 - 2 The Draft Plan be placed on exhibition and public submissions be invited in accordance with provisions of the Local Government Act 1993.

COUNCILLOR R M Irwin

COUNCILLOR D R Tomlinson

COUNCILLOR K R Gallen

DATE September 9, 2003

Staff Comment – Recreation Planner, Alex Wilford:

The following comments are in relation to some of the proposed amendments to the plan of management for Lismore Lake.

1 Recreational non-motorised craft such as canoes, sailboats, sculling craft, etc, be allowed.

While on face value Lismore Lake appears to be an ideal site for non-motorised craft, there are a number of issues that need to be carefully considered before such use should be allowed.

The lake is prone to blue-green algae blooms, which are known to produce toxins that pose a risk to human health. These toxins can cause skin, eye and ear irritations, allergic reactions, gastroenteritis, liver damage and under certain conditions may promote the growth of tumors. As a result of public health and liability concerns the lake has been closed to public use since February 1997.

Council previously considered remediating the lake to improve the water quality so that it could safely sustain a range of water sports. This would involve physical removal of nutrient rich sediment via either draining or dredging the lake and installation of aeration devices.

This work has previously been estimated to cost in the vicinity of \$250,000. The disposal of the sediment material is also somewhat problematic as high levels of copper may limit the availability of suitable receival sites.

One alternative approach which would avoid the high initial costs associated with full remediation works may be to manage the public use of the lake in a way similar to that adopted at Lake Ainsworth, which also has ongoing problems with blue-green algae. Water samples from Lake Ainsworth are laboratory tested for blue green algae once a week during non peak times and two to three times per week during summer months and school holidays. If the results show a blue green algae count in excess of the prescribed safe threshold levels for recreational use, warning signs are erected to discourage public use of the lake. This occurs quite frequently at Lake Ainsworth even though an aeration device was installed several years ago in an effort to reduce the level and frequency of blue green algae blooms.

From an environmental perspective, it is fair to say that the main concern of the National Parks and Wildlife Service is that motorised craft are not permitted to use the lake. With regard to non-motorised recreational craft they are concerned that these activities could result in disturbances to the habitat of the threatened bird species at the lake, particularly the Comb-crested Jacana, which nests on lilies found in the southern end of the lake. Bearing this in mind, if non-motorised craft are to be allowed, their use should be confined to the northern end of the lake.

This proposed amendment also has implications with regard to the categorization and zoning of the land. The Local Government Act 1993 (LGA 1993) requires that all community land be categorised according to its usage and/or physical characteristics. The Lismore Lake area contains two categories of land. The lake itself and a 20m perimeter buffer is categorised as Natural Area – Wetland and the remaining open space land (including the swimming pool) is categorized as Park.

The land must be managed, developed and used in accordance with core objectives for the relevant category of land as prescribed in the LGA 1993. The core objectives for land categorised as Natural Area – Wetland are aimed at protecting the biodiversity and ecological diversity of wetlands with particular reference to the flora, fauna and habitat values of wetland.

The proposed amendments to allow non-motorised recreational craft, model boats and recreational fishing may compromise the core objectives as they have the potential to negatively impact the habitat values of the lake. As such, if these amendments are adopted, the lake and its perimeter buffer should be recategorised as Park, where the core objectives focus upon recreational outcomes.

The LGA 1993 section 40A(3) clarifies that a council must hold a further public hearing in respect of a proposed plan of management if the council decides to amend the plan after a public hearing has been held, and the amendment would alter the categorization of the land from the categorization that was considered in the initial public hearing.

The Lismore Lake area is currently zoned 1(r) Riverlands Zone. It is proposed in the draft plan to rezone the land to more appropriately reflect its current and intended future uses. The area categorized as Natural Area – Wetland (the lake itself and a perimeter buffer) is recommended to be rezoned to zone 7(b) Environmental Protection (Habitat) The proposed amendment is considered inconsistent with the objective of this zone, which is to encourage the retention of wildlife habitats and associated vegetation and wildlife corridors. The remaining land categorized as Park (open space areas and the swimming pool) is recommended to be rezoned to 6(a) Recreation Zone. If the amendment is adopted, it would be more appropriate for the entire Lismore Lake area to be rezoned to 6(a) Recreation Zone.

2 The swimming pool remain in use as part of the City's recreational water space.

The lake pool is a highly valued and well-used recreation facility. Its free entry also means it is readily accessible to low income groups.

An external contractor is currently used to clean the pool and amenities, operate the pool plant and undertake minor maintenance. The pool currently has an operational budget of \$77,000. As entry is free, the pool provides no revenue return.

Council's Contracts Officer has advised that there are problems with the pool shell and water flows within the pool, which would need rectification works. There is substantial ground movement which is causing cracking in the pool shell and damage to the concrete pavers. The pool shell could be repaired using either a "flexible membrane" or a fibreglass coating over the existing pool shell or replaced with new concrete shell. The design of the water flow causes difficulties in maintaining water quality. The majority of the treated water is returned to the pool via piping around the perimeter of the pool and due to the shallow depth of the water the chemicals used to treat the water are quickly dissipated by the sun. Indicative costings for a flexible membrane vary from \$100,000 - \$120,000.

The second alternative, which would provide a longer term option would be to remove the existing shell, relocate the pipework and install a new concrete shell. No costings have been obtained for these works, but it is estimated that these works could cost in excess of \$200,000.

In addition, refurbishment works to the pumping and filtration equipment will be required. The current sand filters are starting to show signs of aging with minor leaks appearing in the fibreglass shells. If the sand filters were upgraded/replaced it would be appropriate to renew the valves and pipe work and a major overhaul of the pumping equipment.

In light of the above information and the fact that Council is developing a new aquatic facility that incorporates a toddlers pool, the long term retention of the lake pool requires careful consideration. For this reason, the draft plan recommends the future of the lake pool be determined following a detailed review (from both economic and social perspectives) after the new aquatic facility is opened.

GENERAL MANAGER'S COMMENTS:

The amendment infers that the swimming pool continue in use indefinitely or at least for the life of the management plan. The practical constraints outlined above should be recognised. The majority view of the Council supports the continued operation of the pool but the terms of the original draft plan are not in conflict with that sentiment. It clearly states that the status quo will be retained until a Council review decides otherwise. This part of the amendment is unnecessary as it does not have any real effect.

Non-motorised model craft be allowed, confined to the northern end of the lake.

The implications associated with the use of non-motorised model craft are similar to those discussed earlier in relation to non-motorised recreational craft. As such, if these activities are to be allowed they should be limited to the northern end of the lake. As mentioned previously, this amendment also has implications in relation to the categorisation and zoning of land.

Recreational fishing be encouraged and managed on advice from sports fishing clubs.

In all the consultation that has been undertaken in relation to Lismore Lake during the past four years, the suggestion to allow recreational fishing has never been raised. This would suggest that little demand exists for this activity at the lake and/or that the needs of recreational fishers are being adequately serviced at other locations.

NPWS have expressed a number of concerns about allowing recreational fishing at the lake. Firstly, there is potential for fishing lines and hooks to cause damage and or disturbance to birds and their habitat. Secondly, stocking the lake with fish may result in an imbalance to the lake's ecosystem that currently supports two threatened bird species. If recreational fishing is also confined to the northern end of the lake away from the most important habitat areas, this may conflict with the use of recreational craft in this part of the lake. This amendment also has implications with regard to the categorization and zoning of land.

SUMMARY

Assuming the Council believes that the original draft Plan of Management requires amendment before going on exhibition, but bearing in mind the foregoing additional information which refers to the changes intended by the resolution of September 9, 2003, an alternative resolution has been drafted which allows for all plan amendments except approval for recreational fishing:

- 1 *Council endorse the Draft Plan of Management with the following amendments:*
 - a) *The precinct referred to as the Lismore Lake be named "The Bob Gates Memorial Recreation Reserve" with the lake itself called "Lake Gates".*
 - b) *Recreational non-motorised craft such as canoes, sailboats, sculling craft, model boats etc... be allowed, confined to the northern end of the lake.*
 - c) *The land in the Plan be recategorised to reflect the changes required by the foregoing amendments.*

- 2 *The Draft Plan be placed on exhibition and public submissions be invited in accordance with provisions of the Local Government Act 1993.*

(03-9360: P27012)

LISMORE CITY COUNCIL - Meeting held September 16, 2003

Subject/File No: SUBDIVISION AND SALE OF COUNCIL LAND IN BRISTOL CIRCUIT,
GOONELLABAH
LW:TMI:P27147

Prepared By: Manager Special Projects and Properties, Lindsay Walker

Reason: To inform Council of proposed subdivision and sale of land

Objective: To obtain Council's endorsement of recommendation

Management Plan Activity: Commercial Property Management

Background:

In 1992 Council entered into a joint venture agreement with Chevina Pty Ltd and Walker and Newton P/L for the subdivision and sale of its land at Bristol Circuit, Goonellabah. This agreement clearly set out the rights and responsibilities of both parties in respect of the development and sale of all lots created.

This agreement has been relied upon for the successful development of the preceding three stages of the Bristol Circuit development.

Over the past two years Chevina Pty Ltd sought to vary the agreement arguing that the cost implications were too punitive on them. Throughout this period Council refused to vary the terms of the agreement.

This agreement still stands and bestows the selling rights for all lots upon Lismore Real Estate (being the agent for Chevina Pty Ltd). The seven contracts which have been presented to Council by its Solicitors are between Council and private people and there is no suggestion in these contracts that they are in any way less than genuine.

Sale Prices

The current seven lot sales were all negotiated approximately one month ago when there was a considerable increase in interest in vacant land. The purchasers were introduced to the land before the roadwork commenced as it is recognised that the road batters, on steeper land, are frequently seen as a deterrent by prospective purchasers. In addition to the sloping nature of the site, it also has to overcome the perceived negative influence of the reservoir at the rear of the lots and the dip site near the pump station. Both of these features were mentioned by purchasers during the sale negotiations.

Notwithstanding the above, contracts have been prepared with genuine purchasers for the following prices:

Lot 27.....	\$95,000 incl GST.	Lot 31.....	\$95,000 incl GST.
Lot 28.....	\$71,500 incl GST.	Lot 32.....	\$99,500 incl GST.
Lot 29.....	\$79,500 incl GST.	Lot 33.....	\$92,500 incl GST.
Lot 30.....	\$87,500 incl GST.		

These contracts have been prepared in conformity with the joint venture agreement which provides for all lots to:

- a) be listed at prices which are agreed to by both parties.
- b) be multi listed by Lismore Real Estate.

There is no provision in the agreement for the lots to be auctioned.

Comparative Sales

To assist Councillors to be able to place the negotiated prices into context the following comparative sales information is provided.

Palmvale Drive (Northern Ridges), Goonellabah

This development has approximately 14 lots for sale with prices ranging from \$64,000 to \$125,000. The average price is \$90,200.00.

Sophie Street (Olley Subdivision), Goonellabah

The last stage of this development sold has as its lowest price \$45,000 and its highest of \$79,000. The average price is \$68,000. It should be noted that this subdivision although being reasonably level, has not traditionally achieved the sale prices of the Holmes development.

Rosella Gardens (Holmes Subdivision), Goonellabah

The last stage developed had maximum and minimum lot sales of \$150,000 and \$120,000 respectively with an average sale price of \$130,000. Council is also advised that in the next stage one exceptional lot was sold for \$175,000. It should be noted that this development has traditionally yielded the highest lot sale prices of any development south of the Highway, due to its flat sites, red soils, rural vistas and existing high quality homes.

Dudley Drive (extension of McIntosh Rd), Goonellabah

This subdivision is still being developed but many lots have been sold off the plan. The maximum and minimum lot prices achieved were \$145,000 and \$95,000 respectively. This subdivision has many level lots.

Ashgrove Drive (Northern Ridges), Goonellabah

The last lot sold in this subdivision was settled in May of this year for \$58,000.00

From the above information it can be seen that purchasers will continue to pay a premium for good level land with a pleasant aspect and outlook and an established pattern of quality homes.

Manager - Finance & Administration Comments

As the sale price is based on market value, the recommendations are supported.

Public Consultations

Not required.

Other Group Comments

Manager - Business and Enterprise

I concur with the recommendation.

Author's Response to Comments from Other Staff

Noted.

Conclusion

The prices offered are consistent with market values and are well in excess of sales in the previous stage. The contracts held by Council have been in its possession for several weeks and some prospective purchasers are becoming concerned that Council has not yet exchanged. To keep faith with all parties Council should determine this matter and not allow it to become protracted.

Recommendation (GM01)

1. The General Manager be authorised to conclude negotiations and proceed with the sale of Lots 27 to 33 inclusive in a subdivision of Lot 31 in Deposited Plan 1000619 and Lot 74 in Deposited Plan 876840 at Bristol Circuit, Goonellabah.
2. That the General Manager be authorised to apply the Common Seal of the Council to the Contracts for Sale of Lots 27 and 33 inclusive, together with the respective memo of transfer, plan of survey, Section 88(b) instrument and any or all other legal instruments necessary to effect said sale.