



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the TREGEAGLE COMMUNITY HALL on TUESDAY, OCTOBER 14, 2003, at 6.30pm and members of Council are requested to attend.

Councillors are requested to attend at 6.00 to meet with residents prior to the meeting.

Paul G. O'Sullivan
General Manager

October 7, 2003

COUNCIL BUSINESS AGENDA

October 14, 2003

PUBLIC ACCESS SESSION:

PAGE NO.

Darran Singh – Presentation re Financial Statements report

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary meeting 9/9/93
Extraordinary meeting 16/9/03

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

SUSPENSION OF STANDING ORDERS

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

REPORTS

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COMMITTEE RECOMMENDATIONS

DOCUMENTS FOR SIGNING AND SEALING

QUESTIONS WITHOUT NOTICE

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

58-66

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NOTICE OF MOTION

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

That Council:

- 1 Advise DIPNR that it wishes the North Lismore Plateau to be included in the Urban Settlement Strategy provided all constraints are resolved.
- 2 Write to the Minister for Planning expressing our deep concerns with DIPNR's response to our strategy and in particular:
 - (a) that the number of lots they are approving for release is not consistent with the current growth pattern in Lismore
 - (b) that their reliance on the area of land currently zoned as 2a does not take into account the constraints on that land, which will deliver far fewer blocks being released onto the market over the next 5 years, and
 - (c) does not take account of the type of land being released. According to all the real estate agents, the residential land currently on offer and proposed in the DIPNR decision does not offer either the variety or the type of land that potential home-owners are seeking. The same agents believe that the land on the North Lismore plateau adds a desirable and necessary choice for home-owners.
- 3 Advise the Minister that DIPNR's decision is acting as a significant constraint to urban development in Lismore, which has far-reaching economic disadvantages for our city.
- 4 Call on the Minister to intervene and seek a fairer outcome.

COUNCILLOR R M IRWIN

DATE September 17, 2003

STAFF COMMENT BY GROUP MANAGER-PLANNING & DEVELOPMENT:

See report in this business paper.

LISMORE CITY COUNCIL - Meeting held October 14, 2003

Subject/File No: FINANCIAL REPORTS - 2002/03
(S802)
Prepared By: Management Accountant, Guy Bezrouchko
Reason: Statutory Requirement
Objective: Adoption of the 2002/03 Financial Reports
Management Plan Activity: Financial Services

Background:

Council's 2002/03 Financial Reports have now been completed and audited, with the draft auditor's report received. In accordance with the provisions of the Local Government Act, 1993, (LGA) the following actions must be implemented by Council to allow the financial reports to be finalised:

- a) Adopt the Financial Reports and 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports;
- b) Fix a meeting date to present the financial reports to the public; and
- c) Advertise, for a minimum period of seven days prior to the meeting, that the financial reports and the auditor's report are available for public inspection.

In order to comply with these guidelines, Council will need to advertise that the financial reports are to be 'presented' to the public at the next meeting; i.e. November 4, 2003 and that they are available for public inspection up to the day after that meeting.

As Council will have to resolve to adopt the financial reports, a detailed report is presented now and Council's Auditor, Darran Singh, from Thomas Noble and Russell will speak during public access on these reports. This means that the report to the November 4, 2003 meeting will be basically a repeat of this report, but somewhat reduced. While this is considered an anomaly within the reporting requirements of the LGA, it allows the community to discuss any issues with the Council after reviewing the reports.

Information:

A draft copy of the 2002/03 financial reports has been included with the business paper. In respect to the actual content of the financial reports, it is normal practice for staff to provide a detailed analysis of the year's results, as part of the financial reports document. This analysis is included in the section of the reports titled "Financial Statements Review". As an additional critique of Councils' financial position the *Local Government Financial Health Check Indicators*, which has been developed in conjunction with the Local Government Managers Australia, have been included in this section and provides additional valuable information.

The section titled "Auditor's Report" also provides a guide from the auditor's perspective to the actual results.

1. Performance Indicators

The key financial performance indicators, as shown in Note 13 of the General Purpose Financial Reports and listed in the following table, remain at satisfactory levels and are relatively consistent compared to the past four financial years.

To clarify the meaning and implication, a simple definition of each indicator is listed below.

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2002/03 Financial Reports

- a) Current Ratio - The total cash or cash convertible assets available to meet liabilities within the next twelve months, or current period, expressed on a dollar for dollar basis. So, for 2002/03 Council has \$4.22 available for every \$1.00 owing.
- b) Unrestricted Current Ratio - This is the same as the current ratio except it excludes assets and liabilities, which relate to activities that are restricted to specific purposes by legislation. They include Water, Sewerage and Domestic Waste.
- c) Debt Service Ratio - The amount used to repay borrowings as a percentage of total operating revenues.
- d) Rate Coverage Ratio Percentage - This percentage is based on rates and annual charges revenues as a percentage of total operating revenues.
- e) Rates and Annual Charges Outstanding Percentage - This percentage is based on the amount outstanding as a percentage of the total amount to be collected for rates and annual charges for the current year & outstanding from previous years.

| Performance Indicator | 2002/03 | 2001/02 | 2000/01 | 1999/00 |
|---|---------|---------|---------|---------|
| Current Ratio | 4.22 | 4.14 | 3.78 | 3.18 |
| Unrestricted Current Ratio | 3.01 | 2.97 | 2.75 | 2.52 |
| Debt Service Ratio Percentage | 4.32 | 5.04 | 6.21 | 7.89 |
| Rate Coverage Ratio Percentage | 47.30 | 47.52 | 43.27 | 47.44 |
| Rates & Annual Charges Outstanding Percentage | 8.47 | 8.81 | 9.06 | 9.86 |

The Debt Service Ratio Percentage, after several years of improvement remains at a satisfactory level although it should be noted that this indicator will increase in the 2003/04 financial year, reversing the past downward trend due to the borrowing program in place for major capital works like the Memorial Baths redevelopment and the flood levee construction. An increase in costs required to repay debt may impact on Council's ability to deliver services in future years.

The level of outstanding rates and charges continues to trend in a positive direction and reflects the success of the ongoing efforts to collect all debts, in sometimes difficult circumstances.

In terms of liquidity, it should be pointed out that Council's cash funded internal reserves for General Fund amounts to \$13.9 million, an increase from 2001/02 of approximately \$1.1million. The majority of the increase relates to Community Facilities (increase \$305k) including \$175k in additional interest allocated to Swimming Pools, and Transport Infrastructure (increase \$825k) predominantly from the RTA ordered works program.

The majority of the reserves held relate to "big ticket" items such as property, quarries, parks, transport infrastructure, plant, waste, community facilities and information services. Reserves are typically held in these areas for two reasons;

- (i) incomplete works carried over from one financial year to the next; and
- (ii) future provision for planned major expenditure items. With Council considering a number of major developments over the next few years (i.e. aquatics, art gallery, roadworks, flood mitigation, etc) it is essential that these reserves be maintained to be used for the purpose for which they were generated.

As such, Council's liquidity position is strong as we have access to these funds should circumstances deteriorate.

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2002/03 Financial Reports

2) Statement of Financial Performance

The "Surplus/(Deficit) from All Activities" for 2002/03 is a \$6,497,000 increase or surplus.

One of the primary objectives for any council should be to try and maximise the surplus generated from ordinary activities. This surplus can then be applied to capital works and to pay off debt. The following table shows the Surplus/(Deficit) from Ordinary Activities Before Capital Amounts and excluding depreciation and net gains/(losses) on the disposal of assets for the last four years. This adjusted operating surplus gives an indication as to the level and trend of funds being used for capital purposes.

| | 2002/03 | 2001/02 | 2000/01 | 1999/00 |
|--|--------------|--------------|---------------|--------------|
| Item | (\$'000) | (\$'000) | (\$'000) | (\$'000) |
| Expenses from Ordinary Activities (excluding depreciation) | 34,438 | 33,019 | 29,521 | 29,085 |
| Revenues from Ordinary Activities | 44,406 | 41,102 | 41,483 | 37,578 |
| Less any Net Gain/(Loss) on Asset Disposals | 630 | (489) | 254 | (24) |
| Surplus/(Deficit) from Ordinary Activities | 9,338 | 8,572 | 11,708 | 8,517 |

For 2002/03 the surplus from ordinary activities has improved on the previous year by \$766k (8.9%). Revenue from ordinary activities has risen by \$3.3million (8.0%), with rates income and annual charges making up \$1.5million of the increase. Revenue from user charges increased by \$1.6million, despite revenue from water consumption decreasing (-\$706k) due to water restrictions imposed as a result of the drought. Revenue from RTA charges (State roads not controlled by Council) increased by \$1.3m (118%).

Expenses from ordinary activities increased by \$1.4million (4.2%). The increase predominantly in materials & contracts related to additional RTA works, a \$516k one-off insurance/legal related expense where Council was originally covered by HIH. Expenses incurred for employee costs actually decreased by \$92k (0.65%), as did borrowing costs, reducing by \$37k (7.1%). Other minor variances account for the remainder.

Council experienced a significant change in result with regard to gains / (losses) on the disposal of assets, amounting to a turnaround of \$1.1m from the previous year.

Gains from property sales were realised on McKenzie St (Old Neighbourhood Centre), 45 Wilson St (RSL Hall) and two rural quarries (Newby's & Bishop's Creek). Real estate sales, assisted by the high levels of activity experienced during the year, increased in both volume and margin.

Losses from the disposal of infrastructure assets improved by \$500k on the previous year, due to the write-off of the remediation costs at the old gas works site, previously capitalised in 2001/02.

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2002/03 Financial Reports

Council has been very diligent in reducing its loan debt with principal repayments on loans having decreased steadily over the past three years, as shown in the table below.

| | 2002/03 | 2001/02 | 2000/01 | 1999/00 |
|--|----------|----------|----------|----------|
| Item | (\$'000) | (\$'000) | (\$'000) | (\$'000) |
| Loan principal repayment from revenues | 1,555 | 1,412 | 1,774 | 1,955 |

2002/03 saw an increase of \$143,000 on principal repayments resultant from new borrowings taken up for planned capital expenditure. This figure will increase in the new financial year as more loans come on line.

Manager - Finance & Administration Comments

Incorporated in the body of the report.

Public Consultations

In accordance with the LGA, the financial reports are to be advertised for public comment.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Noted.

Conclusion

Council remains in a relatively sound financial position, however this can change quickly and it is imperative that Council ensures its operating costs are maintained within acceptable levels and all revenue is recognised and collected. This will allow the impact of uncontrolled costs or fluctuations to be mitigated.

Council is under increasing pressure to deliver more or improved services and facilities to the community and needs to be cognisant that if it wants to do so, then either additional revenue has to be generated, and/or existing services have to be reduced, delivered more efficiently, or discontinued.

Recommendation (COR14)

That Council -

- a) adopt the 2002/03 Financial Reports and 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports, with the Mayor and one other Councillor delegated to sign on behalf of Council.
- b) present the Financial Reports to the public at the November 4, 2003 Council meeting.
- c) advertise the presentation of the Financial Reports to the public from October 25, 2003 and invite both inspection and submission if desired.

Subject/File No: URBAN DEVELOPMENT STRATEGY
(S650)

Prepared By: Group Manager-Planning and Development

Reason:

1. To advise Council of DIPNR response to submission of Urban Development Strategy
2. To provide comment on the Notice of Motion concerning the Urban Development Strategy

Objective: Finalisation of Urban Development Strategy

Management Plan Activity: Strategic Planning

Background:

Following Council adoption at its Extraordinary Meeting on May 6, 2003, the Lismore Urban Development Strategy (UDS) was forwarded to the Department of Infrastructure, Planning and Natural Resources (DIPNR) for the Director-General's agreement.

In assessing the Strategy, DIPNR raised concerns that:-

- the projected growth rates adopted in the Strategy are too high*: and,
- the amount of land identified in the Strategy was in excess of the demonstrated demand, given the current stock of zoned residential land in Lismore

(*Officers had rightly used population projections supplied by DIPNR in compiling the UDS during 2001/02. Projections based on the 2001 Census were not available until early 2003 and these projections revised rates downwardly)

Officers subsequently provided DIPNR with updated statistics (to June 30, 2003) relating to four (4) indicators that might be considered to provide a reasonable indication of growth trends and demand for residential land.

Three of these indicators; new dwellings, subdivision approvals, and vacant land sales, showed that, although growth in the 5-year period to the end of 2002 was relatively static, in the subsequent six-month period to June 30, 2003, each indicator showed significant upturn.

The fourth indicator; vacant land prices, showed a modest increase in 2002, although prices plateaued in the 6 months to June 30, 2003.

The Group Manager-Planning and Development and the Strategic Planner also met with senior DIPNR staff on July 30, 2003 to discuss the supply/demand situation and to put a case for maintaining the amount of land identified in the submitted UDS, should the upturn evidenced in the last 6 months be sustained longer term.

The formal response from DIPNR to the UDR was received on 6 August, 2003, (**refer separate Attachment**) advising that agreement by the Director-General to the Strategy is conditional upon:

- The Strategy being limited to a 5-year timeframe, followed by a review
 - The Strategy being revised to take account of DIPNR's concerns regarding supply and demand by identifying only two areas for release within the 5-year timeframe; being Trinity Drive (approximate yield 280 lots) and Pineapple Road (approximately 25 lots)
 - Minor adjustments being made to maps contained within the UDS eg. delineation of the eastern boundary to further residential development
-

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Urban Development Strategy

DIPNR did however, suggest that Council consider delivering an 'ultimatum' to owners of residentially-zoned land unlikely to be developed in the near future. Such an 'ultimatum' might require development within a stated time period, which, if not met, could result in Council instigating a 'backzoning' of such land. As DIPNR states '*.....the apparent excess of residentially-zoned land could be reduced and opportunities made available elsewhere.*'

Considerations

In order to determine whether or not Council should head down the 'ultimatum' path as raised by DIPNR, officers have conducted an exercise to identify the amount of land available for development. Two different approaches have been taken and the exercise indicates the following:-

Method 1 – Based on area of residential 2(a)-zoned land^a + additional lots approved by DIPNR + 'Infill Sites' identified in Draft Urban Development Strategy

(^aas at June, 2002, Source: Draft Urban Development Strategy)

| | |
|--------|---|
| 285ha | 2(a) zoned land |
| - 80ha | land constrained by slope/other constraints + arbitrary 20% discount factor |
| ----- | |
| 205 ha | |

Apply dwelling density of 8 dwellings/ha (based on lot densities in existing subdivisions in the Goonellabah area)

| |
|--|
| 205ha x 8 dwellings/ha = 1640 dwellings |
| + 300 lots (approx. lot yield DIPNR-approved sites (Trinity Drive./Pineapple Road) |
| + 70 lots (approx. lot yield from 'Infill Sites' Draft Urban Development Strategy) |
| ----- |
| = 2010 dwellings/lots minus 190 lots taken up between June, 2002 & Oct. 2003 |
| ----- |
| = 1820 lots |

Method 2 – Based on DAs issued which are current (under construction or otherwise) + additional lots approved by DIPNR + 'Infill Sites' identified in Draft Urban Development Strategy

| | |
|-----------|---|
| 990 lots | DAs issued which are current (under construction or otherwise) |
| 300 lots | approximate lot yield DIPNR-approved sites (Trinity Drive/Pineapple Road) |
| 70 lots | approx. lot yield from 'Infill Sites' Draft Urban Development Strategy |
| ----- | |
| 1360 lots | |

Vacant land sales figures for the first 6 months of 2003 (supplied by Paul Deegan, Real Estate Institute of NSW) if projected out for a complete 12-month period would result in a total of 140 vacant lots for the 2003 calendar year.

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Urban Development Strategy

When these vacant lot sales figures are applied to the number of lots generated by Methods 1 & 2 above, the resulting **calculations show that Lismore's current supply of residentially-zoned land, together with the areas approved for release by DIPNR and the potential yield from 'infill sites' identified in the Urban Development Strategy would provide for between 9.7 years (based on Method 2) and 13 years (based on Method 1) of land supply.** The results obtained via Method 2 are more relevant as they primarily incorporate the actual number of lots approved; the numbers in Method 1 being based more on the theoretical lot yield from a given land area.

Importantly, the exercise also revealed that only a small percentage of developable residentially-zoned land (representing approx. 110 of a total of 1100 potential lots) has yet to obtain subdivision consent, although preliminary discussions concerning subdivision of these land parcels have recently taken place with a reasonable expectation that DAs will soon be lodged. Given the intention to develop that these discussions signal, Council would gain little or no benefit from imposing an 'ultimatum' on the owners of such land.

Similarly, although areas of constrained residentially-zoned identified should be subject to rezoning/backzoning, this would not alter the minimum 9.7 years worth of land available for development.

Manager - Finance & Administration Comments

Not applicable

Public Consultations

The Urban Development Strategy involved an extensive community consultation process, including targeted consultation with key elements of the local development industry.

Notice of Motion

Responses are provided to the related Notice of Motion in this agenda, as follows:-

'That Council:-

1. *Advises DIPNR that it wishes the North Lismore Plateau to be included in the Urban Settlement Strategy provided all constraints are resolved.*
2. *Writes to the Minister for Planning expressing our deep concerns with DIPNR's response to our strategy and in particular:-*
 - (a) *that the number of lots they are approving for release is not consistent with the current growth pattern in Lismore*
 - (b) *that their reliance on the area of land currently zoned as 2a does not take into account the constraints on that land, which will deliver far fewer blocks being released onto the market over the next 5 years, and*
 - (c) *does not take account of the type of land being released. According to all the real estate agents, the residential land currently on offer and proposed in the DIPNR decision does not offer either the variety or the type of land that potential home-owners are seeking. The same agents believe that the land on the North Lismore plateau adds a desirable and necessary choice for home-owners.*
3. *Advises the Minister that DIPNR's decision is acting as a significant constraint to urban development in Lismore, which has far-reaching economic disadvantages for our city.*
4. *Calls on the Minister to intervene and seek a fairer outcome.'*

Response

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Urban Development Strategy

Councillors will recall that, in adopting the UDS at its Extraordinary Meeting on 6 May, 2003, the North Lismore plateau land was excluded *'on the understanding that Council will review the issue within 12 months.'*

This was done to enable officers to explore ways in which Council might control noise generated by the nearby Lismore Speedway, and hopefully remove what, at the time was understood to be the sole constraint to inclusion of the North Lismore plateau land in the UDS. This exercise has commenced with a report expected well prior to the 12 month period elapsing.

However, on the basis of current land supply and demand indicators, DIPNRs subsequent response to the UDR was for only 2 greenfields sites to be included. With regard to the North Lismore plateau, DIPNR advised that *'Rezoning of this land cannot be justified by demand.'*

The exercise undertaken for this report makes it difficult to arrive at a different conclusion than that formed by DIPNR ie. that further rezonings (other than for Trinity Drive/Pineapple Road locations) are not warranted at this time.

Likewise, the background work done for the UDS already identifies residentially-zoned land that is unlikely to be developed due to slope and other physical/environmental constraints. A move by Council to rezone such land, whilst appropriate, will not change the fact that at least 9.7-years supply of residential land is currently approved for development based on recent vacant land sales figures supplied by the Real Estate Institute of NSW.

Conclusion

The exercise undertaken for this report shows that a substantial amount of the developable residentially-zoned land in the urban area has already been the subject of DAs which are current, and of which a large number indicate that construction works have either commenced, are under construction, or have had Council release.

Furthermore, on the basis of available vacant land sale figures projected forward for a 12-month period, a minimum of 9.7 years supply of land is available for residential development. Even were land take-up rates to increase above the current projected figure, the 5-year horizon envisaged for the UDS gives Council the ability to revisit the land supply issue and identify further residential land opportunities as necessary.

Residentially-zoned land that is unlikely to be developed due to slope and other physical/environmental constraints should be scrutinised with landowners 'put on notice' that, should they not lodge a DA within a specified period (eg. 12 months?), their land may be subject to rezoning by Council. However, even were this to occur, Councillors should be mindful that this will not change the approximately 9.7 years of residential land supply which already exists.

Finally, it is considered that Council should take a new approach to the Trinity Drive & Pineapple Road locations supported for rezoning by DIPNR. This approach would not see rezoning of the land. Instead the land would be subject to an LEP amendment which would insert a site-specific 'schedule' requiring, amongst other things, development to have commenced by a certain date. If this does not occur, the development right would then lapse. The two-fold benefit of this approach is that:-

- It will assist in reducing the speculative element that has clearly been a feature of the residential property market in Lismore until the recent upturn in demand

- It would enable the creation of a 'reserve' list of land owners, who could be given a similar opportunity to develop their land, should those in possession of a development right pursuant to the LEP schedule approach outlined above not exercise that right within the time frame specified.

In fact, **the LEP schedule approach (as distinct from the rezoning approach) could be applied by Council to all future proposals for major residential land release.** If Council supports this, the written component of the UDS should make explicit the conditions, responsibilities and Council expectations which will apply to all prospective developers of major land releases.

Recommendation (PLA35)

1. That the report be noted
2. That officers prepare a detailed report to Council as to how the LEP schedule approach outlined in this report can be applied to all future major residential land releases
3. That residential development of the Trinity Drive and Pineapple Road sites identified in the Urban Development Strategy occur in accordance with the LEP schedule approach referred to in Recommendation 2 above

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Subject/File No: ANNUAL GENERAL AMENDMENT TO LISMORE LOCAL ENVIRONMENTAL PLAN (DRAFT AMENDMENT 14) (S858)

Prepared By: Manager-Planning Services – Helen Manning

Reason: To obtain Council's endorsement to the draft plan as altered following public exhibition

Objective: To maintain updated and relevant planning controls.

Management Plan Activity: Strategic Planning

Background:

At its meeting of February 11, 2003, Council considered a report initiating the 2003 annual general amendment to the Lismore Local Environmental Plan, and resolved that a draft amending LEP be commenced.

Draft Amendment No. 14 to Lismore LEP 2000 was subsequently prepared and publicly exhibited. In summary, the contents of the draft plan are:

- Updating and clarifying a number of definitions and clauses whose interpretation has proved problematical in development assessment;
- Improving provisions relating to 'temporary events/uses' so that only those uses with the potential for impact on the surrounding locality will require consent, others becoming permissible without consent as 'exempt development' (refer to report recommending corresponding alteration to DCP 39);
- Correct a number of misprints, duplications and anomalies;
- Remove outdated heritage protection provisions and insert new clauses approved by the NSW Heritage Office;
- Insert in Schedule 1 Heritage Items certain items recommended for inclusion as 'heritage landscape items'.

A copy of the 'plain english' explanation which was exhibited for public information is in the Attachment to the Business Paper.

Views of Government Authorities

The NSW Heritage Office supports the inclusion of updated heritage planning provisions and inclusion of additional heritage landscape areas, but require to see the draft plan again if it is amended following public exhibition.

PlanningNSW advised that no local environmental study was required.

National Parks & Wildlife Service was consulted regarding the inclusion of updated heritage model provisions and their effect upon archaeological remains, but did not respond.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The draft amending LEP was exhibited for 5 weeks between August 11 and September 15, 2003. In addition, owners of properties proposed as heritage landscapes were consulted prior to exhibition, as required by S62 of the Environmental Planning & Assessment Act.

Copies of submissions received are in the Attachment to this Business Paper and are summarised as follows:

Storage sheds: an objection was received to the proposal to make storage sheds permissible in Village Zones, based on past community opposition to proposals for such development in Nimbin. *Comment:* depending on the scale of the village and locality proposed for storage sheds, such use could be inappropriate unless in an area designated for industrial or light industrial uses. Accordingly, the draft LEP amendment should be altered to clarify that storage sheds in village zones are permissible as advertised development only in areas designated for light industry, and are prohibited elsewhere. A light industrial area would be designated in a development control plan.

South Gundurimba Cemetery: a submission on behalf of the owner Northern Rivers Funerals has suggested that the zoning of the Cemetery as Special Uses (Cemetery) would be more appropriate than its current 1(r) Riverland zoning. Inspection shows that the developed area of the Cemetery is above the 10 metre contour and flooding is unlikely, and that it is in use and undergoing refurbishment. In these circumstances the current zoning is an anomaly and a change to Special Uses (Cemetery) is recommended.

LEP Clause 28A(7): this current LEP clause requires public authorities to comply with provisions regarding development in acid sulfate soil areas. Unfortunately in the original drafting of this clause reference was made to the wrong clause number in SEPP 4 Development without Consent. Subclause (c) of this clause should be amended to refer to clause 11 of SEPP 4.

Strata Subdivision of Residential Buildings

The LEP currently requires a minimum lot size of 400m² in the 2(a) Residential Zone. While this is appropriate for the subdivision of land, it is impractical for the strata title subdivision of buildings such as dual occupancies and residential flat buildings.

In order to clarify provisions for strata title subdivision of existing buildings, it is proposed that a new subclause be added to the LEP's residential development section clarifying that the 400m² subdivision minimum does not apply to the strata title subdivision of existing buildings.

Increase of Minimum Lot Size in 1(c) Rural Residential Zone

The exhibited draft plan amendment sought to overcome issues arising in the re-subdivision of approved rural residential submissions, where applicants attempted to subdivide larger allotments which, in the original design, had been essential in raising the average area of all the lots in the subdivision to 5000m². Draft Amendment 14 sought to remove the averaging provision and require a minimum lot size of 5000m².

However, discussions within the Planning and Development Group indicate that this measure may not overcome the problem, and that it may cause some difficulties for staged subdivisions where road designs have been predicated on specific lot yields and configurations, but later stages are yet to receive consent. As a result it is considered that the provision should be deferred from this LEP amendment to permit further investigation to determine the scale of the problem and to consider other solutions.

Proposed heritage landscapes

It is considered that standard heritage protection clauses designed for the protection of buildings are not particularly appropriate for application to gardens. Gardens (and natural landscapes) are subject to change by the natural forces of the weather such as drought, flood and high wind regardless of provisions in a LEP; many of the gardens contain plants now recognised as environmental weeds; alterations to the gardens would require the submission of development applications by the owner which may be considered to be an unreasonable imposition; and Council has no expertise in heritage gardens with which to offer assistance to the owners. While grant funds may be available for works on heritage gardens/landscapes, other incentives applicable to buildings do not apply.

Signage on site or inclusion in heritage trails or tourism promotions (with owners' agreement) may be more effective in terms of heritage protection and promotion than inclusion in the LEP, which is not widely used by the general public. Little value is seen in imposing heritage provisions without the agreement of owners unless Council wishes to devote resources to the regulation of private garden alterations.

For these reasons objection by landowners to inclusion of their property is supported and two 'heritage landscape items' are recommended for deletion from the draft LEP amendment. Those items remaining within LEP Amendment 14 belong to owners who did not object.

Grounds of Rainbow Power Company, Nimbin: this site was proposed as a heritage item by the 1995 City Wide Heritage Study because it was one of the sites made available for the 1973 Aquarius Festival. The Rainbow Power Co. initially expressed some misgivings about heritage landscape listing, fearing that it might limit future options for the site; however following a meeting on site between the Director of the company, and the Manager-Planning Services, no formal objection has been received. The majority of the site is a cleared paddock, the Rainbow Power Co. building and landscaping having been added since 1973. Heritage landscape listing is expected to have little effect on the site itself.

Uniting Church, 1615-1615A Dunoon Rd., Dunoon: The Secretary of the Dunoon Uniting Church has advised that the trees identified in the City Wide Heritage Study are the last remaining from a planting on Arbour Day, August 1912, and deserve heritage status.

Nimbin Rocks: neither of the two landowners objects to the proposal.

Orchard and trees, Smith St. Clunes: These trees spread over several properties, which was not clearly identified in the City Wide Heritage Study. The occupant of one property supports heritage listing but the owner of the property containing the majority of trees has objected and has supplied letters of support for this objection from neighbours. Grounds of objection are:

- The majority of the trees are mangos, which are commercially grown and are neither native nor endangered.
- The mango trees were not planted in the 1890's, as stated in the Heritage Study, but date from about 1933.
- The mango trees require constant pruning to permit sunlight access to the house, gardens and effluent disposal area but occupiers of other properties containing the remainder of the remnant orchard have a different approach to the maintenance required by mango trees, with a resulting potential for neighbourhood disputes;

- Of the remaining trees, approval was issued earlier this year to remove a damaged Bunya Pine and the owners state they have no intention of removing any of the other trees and have spent considerable sums on their maintenance;
- The trees are already covered by a Vegetation Management Order (under DCP 17 Vegetation Management) and additional approval requirements for removal or alteration are unnecessary.

Comment: The subdivision of an orchard with trees remaining was probably done originally with the best of intentions, but it has resulted in a considerable maintenance problem for the current property owners. The requirement for approval under DCP 17 Vegetation Management is considered sufficient to ensure consideration of streetscape and public and private safety and accordingly it is recommended that this item be deleted from draft Amendment 14.

Former Dungarubba Public School: this is now a private residence, the owners of which have objected (by telephone) to the proposed heritage listing. Their grounds of objection are that they have already removed weed species from the garden but have no intention of removing the large hoop pine noted in the Heritage Study, that heritage listing may constrain proposals for minor alterations to the garden and fencing and that they already welcome former pupils of the school to visit the property.

Comment: This objection is supported in the interest of not requiring any further 'red tape' for minor development without external impacts.

Heritage Model Provisions: no submissions were received regarding the inclusion of these new clauses.

Other Group Comments

The proposals for controls relating to 'temporary events' were devised in consultation with the Economic Development & Tourism Section and the Environmental Health & Building Services Section. John Bancroft of the former Section has advised that he agrees with the events based aspects of this report and concurs with its recommendations.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Draft Amendment 14 to Lismore LEP represents the annual general update to the LEP; it addresses anomalies which have arisen in the development assessment system over the previous year and offers an opportunity to include updated heritage protection provisions.

The draft plan, amended as outlined above, is in the Attachment to this Business Paper.

Recommendation (PLA31)

It is recommended that

1. Council agree to the following alterations to the exhibited draft Amendment No. 14 to Lismore LEP:
 - (a) Insert in clause 28A(7) of Lismore LEP reference to clause 11 of SEPP 4 Development

without Consent

- (b) Defer proposed alteration to the minimum subdivision area in the 1(c) zone for further consideration.
- (c) Alter clause 50.4 to require as advertised development in Village Zones storage sheds in light industrial areas;
- (d) Alter clause 50.5 to include storage sheds as prohibited development elsewhere in Village Zones;
- (e) Delete from Schedule 1 Heritage Items the following:

Former Dungarubba School Grounds
Orchard and trees, Smith Street, Clunes
- (f) Alter the definition of *the map* to include a map identifying the new zoning of the South Gundurimba Cemetery.

2. Request the Minister to make Amendment No. 14 to Lismore Local Environmental Plan.

Subject/File No: ALTERATION AND REPEAL OF DEVELOPMENT CONTROL PLANS 32 S563, S739

Prepared By: Manager, Planning Services – Helen Manning

Reason: Removal of outdated DCP required and updating of another.

Objective: To ensure Council's planning controls reflect current legislative requirements.

Management Plan Activity: Strategic Planning

Background:

Council's agreement is sought for the

- Repeal of Development Control Plan No. 32 – West Goonellabah; and
- Alteration of Development Control Plan No. 39 – Exempt Development.

DCP 32 – West Goonellabah.

This DCP was adopted in 1994 and applies to land on the east and west of Invercauld Road, and at the southern extremity of that road. The DCP has not been reviewed or updated since its commencement and has now been overtaken by legislative change and other events. Specific problems are:

- It contains development concepts and road layouts which conflict with koala habitat and which may not be achievable under SEPP 44 Koala Habitat.
- It does not reflect current zoning and development proposals for the SCU Business/Technology Park at Military Road
- It applies only in part to land zoned 1(a) General Rural which is identified in the Urban Development Strategy for development in the medium term. Development of this land will require a concept or DCP over the entire site.

A new DCP will be prepared to replace DCP 32 and others applying to land containing koala habitat and which is identified for further urban development. This new DCP will contain indicative locations for roads and open space, and stormwater management principles, and will aim to achieve a high standard of development while protecting koala habitat.

The method of repealing a DCP required by the Environmental Planning and Assessment Regulation is for Council to publish in a newspaper a notice of its intention to repeal and its reasons for doing so, followed fourteen days later by a notice of repeal.

DCP 39 Exempt Development

This DCP specifies certain types of development for which Council's consent is not required, subject to the proposal meeting certain standards. It came into effect in 2000 and was required as a consequence of the amendment of the Environmental Planning and Assessment Act which introduced the categories of 'exempt' and 'complying' development. Updating of the DCP is required in relation to:

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- Inclusion of the provisions of clauses 6 – 10 of SEPP 4 Development Without Consent, as it appears that alterations to SEPP 4 by the State Government have removed Lismore (and most other Councils) from the application of these very useful clauses (see explanation below);
- Including 'temporary events' meeting specified standards as exempt development, to ensure consistency with draft LEP amendment No. 14 by not requiring Council's consent for temporary events which are unlikely to have impacts on the locality.

The Regulation requires that a DCP may only be altered by the preparation of an amending DCP. Draft Amendment No. 1 to DCP 39 is included in the Attachment to the Business Paper for Council's consideration.

The parallel provisions to SEPP 4 Cl. 6 – 10 which are to be included in DCP 39 are as follows:

- Council's consent will not be required for subdivision for the purposes of widening a public road, boundary adjustments which do not create any additional allotments; rectifying encroachments; creating a public reserve; consolidating allotments; excising land intended to be used for a public purpose (eg drainage, rural fire brigade, other rescue services or public conveniences). (SEPP 4 cl.6)
- Shops and commercial premises may alter to different shops and commercial premises (other restricted premises) without Council's consent if the building in which they are located has consent for such uses (SEPP 4 cl. 7).
- Similarly, industry and light industry may be interchanged without consent if the building in which such uses are to be located has consent for such uses. (SEPP 4 cl. 8).
- Internal alterations to buildings, and repair or renovation to external fabric of buildings, do not require Council's consent unless the works enlarge or extend the building or if it is a heritage item (SEPP 4 Cl. 9)
- Ancillary or incidental works associated with development do not require separate consent (SEPP 4 Cl. 10).

Temporary events: draft LEP Amendment No. 14 includes the following definition:

temporary event means the temporary use of a building or place for any purpose that is open to the general public and which:

- a) involves the operation or use of a loudspeaker or sound amplifying device after 12 pm midnight, except within a building or place that is licensed as a place of public entertainment, or
- b) requires the erection of a temporary or permanent structure greater than 60 sq metres, or
- c) involves the provision of overnight camping or accommodation, or
- d) will in Council's opinion have a significant impact on traffic, parking or the management of waste.

DCP 39 Exempt Development is to include temporary events which do not require any of a) to d) above, with the result that development consent will be required only for events with the potential to impact on their locality and not for others with minimal effect.

Manager - Finance and Administration Comments

Not required

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Public Consultations

The consultation requirements for repeal of a DCP are described above. Amendment of DCP 39 will require preparation of an amending DCP, its public exhibition for 28 days and a report of submissions back to Council.

Other Group Comments

Events Co-Ordinator -John Bancroft:

"I agree with the Events based aspects of the report prepared by the Manager Planning Services and concur with its recommendations."

Author's Response to Comments from Other Staff

Not required.

Conclusion

The repeal and alterations proposed to these DCPs represents 'housekeeping' required to keep Council's planning controls updated and relevant.

Recommendation (PLA32)

It is recommended that Council:

1. Repeal DCP 32 West Goonellabah and
2. Prepare and exhibit the first amendment to DCP 39 Exempt Development.

DRAFT

AMENDMENT No. 1 TO DEVELOPMENT CONTROL PLAN No. 39

EXEMPT DEVELOPMENT

Citation

This plan may be cited as Amendment No. 1 to Development Control Plan No. 39 – Exempt Development. It constitutes an amendment to DCP No. 39 prepared and adopted in accordance with the provisions of the Environmental Planning AND Assessment Regulation 2000.

Aim

The aim of this amending development control plan is to introduce new provisions into DCP 39 so as to ensure consistency with other planning instruments.

Land to which this plan applies.

This plan applies to the whole of the City of Lismore.

Amendment of DCP 39 Exempt Development.

This plan amends DCP 39 Exempt Development in the following manner:

1. By inserting under the heading 1.6 Definitions the following:

“sufficient written notice” to Council, required for a change of use, must be given by the owner of the building, or the occupier of the building with the consent of the owner and contain a statement that it is so given by that owner. The notice must also contain a description of the building sufficient to identify the building and a statement of the particular purpose for which the building will be used after the notice has been given, and must be accompanied by the appropriate fee.

2. By including Environmental Weed Removal.

3. By inserting in alphabetical order the following matters:

| TYPE OF ACTIVITY | EXEMPTION CIRCUMSTANCES REQUIREMENTS | ADVISORY NOTE |
|--|---|----------------------|
| ALTERATION of a building or work. Excluding development of a heritage item, or in a conservation area or historical archaeological area or scenic protection area | Changes to the internal fabric or appearance of a building or work, whether or not involving structural alterations; or Changes to the external fabric or appearance of the building or work that involve repair or renovation, or painting, plastering or other decoration. | |

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| | | |
|--|---|--|
| <p>ANCILLARY OR INCIDENTAL DEVELOPMENT to a purpose for which land may be used.</p> <p>Excluding development of a heritage item, or in a conservation area or historical archaeological area or scenic protection area.</p> <p>Excluding land used for entrance, exit, parking, loading or manoeuvring of vehicles, or landscaping.</p> | <p>Parking, loading facilities, drainage, workers' amenities, pollution control, security or other similar purpose;</p> | |
| <p>COMMUNITY OR CULTURAL CENTRE, SOCIAL OR SPORTING CLUB.</p> <p>Excluding a club registered under the Registered Clubs Act, 1976)</p> | <p>Where a building is lawfully used, or has been lawfully constructed to be used, for the purposes of a social or sporting club, or a community or cultural centre, the building may be used for any other of those purposes upon sufficient written notice being given to the Council.</p> | <p>Consent conditions imposed on the previous use of the building and relating to the maintenance of landscaping, the parking of vehicles or space for loading and unloading of vehicles, will apply to the new use.</p> |
| <p>INDUSTRY AND LIGHT INDUSTRY</p> <p>Excluding light industry requiring more than 500m² floor space.</p> <p>Excluding a building which does not have rear service access or access to off-street loading facilities.</p> | <p>Where a building has been used, or has been lawfully constructed to be used, for the purpose of an industry other than a light industry, the building may be used for the purposes of a light industry upon sufficient written notice being given to the Council.</p> <p>Where a building has been used, or has been lawfully constructed to be used, for the purpose of a light industry of a particular kind, the building may be used for the purposes of another kind of light industry upon sufficient written notice being given to the Council.</p> | <p>The curtilage of the building shall not be used for storage or display purposes. The hours of operation shall not extend outside the hours of the previous industry or extend outside the hours between 6 am and 6 pm. Consent conditions imposed on the previous industry relating to the maintenance of landscaping, the parking of vehicles or space for loading and unloading of vehicles, will apply to the new light industry.</p> |
| <p>SHOPS AND COMMERCIAL PREMISES</p> <p>Excluding:</p> <p>a shop or commercial premises in which restricted publications (within the meaning of the Indecent Articles & Classified Publications Act 1975) are shown, exhibited, displayed, sold or otherwise made accessible to the public; or</p> <p>a business to which Section 10 of the above Act applies is conducted; or</p> <p>behaviour, but is not printed matter.</p> | <p>Where a building is lawfully used, or has been lawfully constructed to be used, for the purposes of a shop of a particular kind, the building may be used for the purposes of a shop of another kind upon sufficient written notice being given to the Council.</p> <p>Where a building is lawfully used, or has been lawfully constructed to be used, for the purposes of commercial premises of a particular kind, the building may be used for the purposes of commercial premises of another kind upon sufficient written notice being given to the Council.</p> | <p>The curtilage of the building shall not be used for storage or display purposes. The hours of operation shall not extend outside the hours of the previous shop or commercial premises. Consent conditions imposed on the previous shop or commercial premises relating to the maintenance of landscaping, the parking of vehicles or space for loading and unloading of vehicles, will apply to the new shop or commercial premises.</p> |

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| | | |
|---|---|--|
| <p>a business is conducted that is primarily concerned with sexual</p> | | <p>Advice from Council's Environmental Health Section is required prior to a food shop fitout. Registration as food premises is also required.</p> |
| <p>SUBDIVISION for the purposes of:</p> <p>Widening a public road</p> <p>Boundary adjustment</p> <p>Rectifying an encroachment on an allotment</p> <p>Creating a public reserve</p> <p>Consolidating allotments</p> <p>Excising an allotment for the public purposes of drainage, rural fire brigade or other rescue service, or public conveniences</p> | <p>No additional allotments are created</p> | <p>Subdivision Certificate must be obtained from Council for all forms of subdivision without consent.</p> |
| <p>TEMPORARY EVENTS/USES</p> | <p>The event or use does not:</p> <p>Involve the operation or use of a loudspeaker or sound amplifying device after 12 o'clock midnight, unless it is within a building or place that is licensed as a place of public entertainment;</p> <p>Require the erection of a temporary or permanent structure greater than 60m²</p> <p>Involve the provision of overnight camping or accommodation;</p> <p>Have, in Council's opinion as determined after the applicant has conferred with Council, a significant impact on traffic, parking or the management of waste;</p> <p>Be opened to the general public.</p> | <p>Approval under S68 of the Local Government Act must be obtained.</p> |
| <p>WEED REMOVAL</p> <p>Environmental Weeds as listed in DCP 17 Vegetation Management Order</p> <p>Noxious Weeds</p> | <ul style="list-style-type: none"> • Must be authorised under the Noxious Weeds Act 1993. • Must be carried out by means not detrimental to the native ecosystem. | |

Subject/File No: AMENDMENT TO LISMORE LOCAL ENVIRONMENTAL PLAN – SATINWOOD DRIVE, MCLEANS RIDGES P26720

Prepared By: Development Assessment Planner – Chris Soulsby

Reason: To seek a resolution to prepare an amending Local Environmental Plan

Objective: Council's Resolution

Management Plan Activity: Strategic Planning

Précis

Subject land: Lot 3 DP 876486, 58 Satinwood Drive, McLeans Ridges

Applicant: Newton Denny Chapelle Consulting Surveyors and Planners

Owner: SJ Whalley

Purpose: To amend Lismore City Local Environmental Plan 2000 to enable a dwelling to be erected on the subject land.

Locality: Refer to attached map

Background:

In July 1995 Council considered a Development Application for a rural residential subdivision under the provisions of Clause 15 of the Lismore City Local Environmental Plan 1992 as it then was. Staff recommended refusal of the application due to the constraints on the site. Council resolved:

"That Council defer consideration of DA 95/120 pending the submission of an amended application which reduces the number of lots and is designed to suit the topography of the site."

The amended application reduced the number of lots and incorporated the land that was unsuitable for development into a community lot. The method of title was later changed from community title to Torrens Title with the common lot to be jointly owned by all the residential lot owners in the development as tenants in common. Council approved the amended application in August 1995. That approval created Lot 16 (the community lot) and Condition 22 relevantly stated:

Lot 16 is to be used for the purposes of rainforest and cabinet timber regeneration only and does not have an entitlement for a dwelling house or further subdivision.

A copy of the original approved plan is attached.

The developer then amended the application by splitting the subdivision into two stages. Various other minor amendments were made to the consent that are not relevant to this report excepting that the numbering of the conditions changed (22 became 23). At the time that the first stage was completed and the Linen Plan released part of the community was created. It was acknowledged by the developer that there was no dwelling entitlement at this stage. Nothing was done at this time to give the owners of the residential lots being released a share of the community lot. Thus, Lot 16 was created, but was retained in the ownership of the developer.

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Amendment to Lismore LEP – Satinwood Drive, McLeans Ridges

A further amendment to the consent was then approved under delegated authority. In this amendment the developer abandoned Stage 2 consisting of 5 rural residential allotments. The developer proposed to incorporate all of the community lot partly into one of the rural residential lots and the remainder into the residue lot. For reasons not made clear on the file, staff at the time required the creation of Lot 3 as a separate entity whilst the remainder of Lot 16 was incorporated into a residential lot and the residue lot. Lot 3 (the subject land) did not have a dwelling entitlement and Condition 21 (formerly 23) gave effect to this.

21 *Lot 3 is to be used for the purposes of rainforest and cabinet timber regeneration only and does not have an entitlement for a dwelling house or further subdivision.*

Clause 15 that enabled this rural residential subdivision was subsequently deleted from the LEP.

In May 2001, a development application was lodged by Aspect North, Consulting Surveyors and Planners, on behalf of the original developer to re-subdivide Lots 2 and 3 to give Lot 3 a dwelling entitlement. Planning NSW refused to grant concurrence to the SEPP 1 objection and Council's planning staff refused the application.

Lot 3 was then sold to the current owners. An application to modify the original subdivision approval was lodged by Newton Denny Chapelle, Consulting Surveyors and Planners, on behalf of the new owner. This modification was intended to give Lot 3 a dwelling entitlement by deletion of Condition 21. As the enabling clause from LEP 1992 no longer existed the current provisions of Lismore City Local Environmental Plan 2000 applied and the application could not be approved. The application was refused by planning staff under delegated authority.

It would appear that there is no mechanism available under the current planning instruments to enable a dwelling to be erected on this allotment.

The current application:

The applicant proposes to amend Schedule 4 of Lismore City Local Environmental Plan 2000 to list the erection of a dwelling on Lot 3 as a permissible use. Schedule 4 relates to clause 28 which is set out as follows:

28 Additional development on certain land

Despite any other provision of this plan, a person may, with development consent, carry out development on land specified in Column 1 of Schedule 4, if the development is specified in Column 2 of that Schedule opposite the land, subject to compliance with the development standards or other conditions (if any) specified in Column 3 of that Schedule opposite the land.

A resolution of Council in accordance with Section 54 of the Environmental Planning and Assessment Act 1979 is required to initiate the amendment process.

A copy of the application is provided in the attachments.

Council will not be utilising its delegations under section 65 or 69 of the Act with respect to this application as the application is beyond the scope of the delegations issued by the Director General of Planning NSW. Council will be required to receive a certificate from the Director regarding the exhibition of the draft plan.

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Amendment to Lismore LEP – Satinwood Drive, McLeans Ridges

Council will be consulting with the following government authorities on this application:

- Department of Infrastructure Planning and Natural Resources;
- NSW Agriculture

Section 34A consideration

The draft plan will not result in any impacts on critical habitat or threatened species, populations or ecological communities, or their habitats. Accordingly Council is not required to consult with the Director General of National Parks and Wildlife.

Manager - Finance & Administration Comments

Nil

Public Consultations

Not required at this stage.

Other Group Comments

No significant issues raised.

Conclusion

The circumstances of this case are unique. Through a series of past errors on the part of the original developer and Council, this lot has been created without an entitlement and a number of lots with entitlements were surrendered in a rural residential estate. Normally spot rezonings are not desirable as they result in adhoc development without any strategic basis. This development is outside of the area identified in the rural housing strategy and would not normally be considered for rezoning. However, the uniqueness of the circumstances of this case demonstrates that it will not set a precedent for future spot rezonings.

Recommendation (PIA34)

It is recommended that:

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

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Subject/File No: AMENDMENT TO LISMORE LOCAL ENVIRONMENTAL PLAN –
MINSHUL CRESCENT & DUNOON ROAD, TULLERA
P6722,P6727,P6723,P15430

Prepared By: Development Assessment Planner – Chris Soulsby

Reason: To seek a resolution to prepare an amending Local Environmental Plan

Objective: Council Resolution

Management Plan Activity: Strategic Planning

Précis

Subject land Lot 4 DP 580081 and Lots 1, 2 and 6 DP 258403
Minshul Crescent and Dunoon Road
Tullera (plan attached)

Applicant: Newton Denny Chapelle Consulting Surveyors and Planners

Owners: T & M Pilati
RO & HC Cooling
R & GJ Blok
JM Richardson

Purpose: To amend Lismore City Local Environmental Plan 2000 to enable rural residential development to occur on the subject land.

Background:

Council adopted the Rural Housing Strategy in February 2002. This strategy identified land that was suitable for closer rural settlement. The strategy has been approved of by Planning NSW. The land the subject of this application is identified in the strategy.

An extract from the Rural Housing Strategy is in the attachments illustrating the location of the subject land. A copy of the proposed lot layout is also attached.

The current application:

The applicant proposes to amend the Lismore City Local Environmental Plan 2000 to include an enabling clause and schedule for rural residential development and to list the development of this land for rural residential purposes as a permissible use in the said schedule. A resolution of Council in accordance with section 54 of the Environmental Planning and Assessment Act 1979 is required to initiate the amendment process. A copy of the application is provided in the attachments.

Council will be utilising its delegations under section 65 or 69 with respect to this application.

Council will be consulting with the following government authorities on this application:

- Department of Infrastructure Planning and Natural Resources;
- NSW Agriculture;
- RTA.

Section 34A consideration

The draft plan will not result in any impacts on critical habitat or threatened species, populations or ecological communities, or their habitats. Accordingly, Council is not required to consult with the Director General of National Parks and Wildlife.

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Amendment To Lismore Local Environmental Plan – Minshul Crescent & Dunoon Road, Tullera

Manager - Finance & Administration Comments

Nil

Public Consultations

Not required at this stage

Other Group Comments

No significant issues raised.

Conclusion

The proposal is in accordance with the intent of the Rural Housing Strategy and with the provisions of the North Coast Regional Environmental Plan.

Recommendation (PLA 33)

It is recommended that:

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

Subject/File No: NIMBIN WATER SUPPLY STUDY/COMMITTEE
S304

Prepared By: Anu Atukorala - Manager, Lismore Water
Janaka Weeraratne - Asset Manager, Lismore Water

Reason: Report on the recommendations of the Nimbin Water Supply Committee (NWSC)

Objective: To get Council's endorsement for the NWSC recommendations and to apply for funding to the Ministry of Energy and Utilities for construction funding

Management Plan Activity: Water Supply Services

Background:

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

1. Council commences community consultation using the Nimbin Water Supply Augmentation Strategy Report March 2000 prepared by Department of Public Works and Services (DPWS) 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 seek 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.

Report

Further to the above resolution, the NWSC has had twelve (12) committee meetings to discuss and finalise the options for improving the water supply to the Nimbin Village. At the NWSC meetings held on May 26, 2003 and August 25, 2003 (copies of minutes attached, Attachments A and B), the following was recommended to Council:

- 1) Reticulation Improvements (estimated cost - \$217,000);
- 2) Construction of 30 KI storage tank and associated works at the contact tank (estimated cost - \$100,000);
- 3) Investigate the suitability of a bore being installed to supply the swimming pool. The investigation costs would be about \$20,000 (funded from the current approved investigation phase);
- 4) Investigate and construct a system for aeration and mixing of water at the DE Williams dam (estimated cost is \$15,000);

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Nimbin Water Supply Study/Committee

- 5) Adopt the following demand management programme, in conjunction with Rous, for the Nimbin Village.
- a) Undertake a household tune-up programme with an intense advertising campaign at an estimated cost of \$4,000;
 - b) Undertake an "Every Drop Counts" school education programme at an estimated cost of \$500;
 - c) Provide 50% subsidy for water audits for commercial premises at an estimated cost of \$2,000;
 - d) Properties in the rural areas with high water usage to be investigated;
 - e) Undertake rainwater tank rebate scheme at an estimated cost of \$11,000;
 - f) Nimbin rural residents who wish to be permanently disconnected from the water supply be offered a subsidy of \$5,000 for installation of rainwater tanks and associated infrastructure. Subsidy to be limited to \$100,000 (20 residents).

Further details of Items 1 to 4 are given in Attachment C and details of the demand management programme are given in Attachment D. It is anticipated that 50% of the capital works will be funded by the Ministry of Energy and Utilities (MEU, formally DLWC) and there is sufficient funds allocated to cover the balance. With reference to the demand management programme, funds are available within the operations budget for items a) to e). Funds will have to be allocated for item f).

The NWSC should be commended in achieving this goal of developing affordable and reliable water supply options that would meet quality standards that are acceptable to the community.

Manager - Finance & Administration Comments

In summary, the Committee recommended options total an estimated \$469,500. Of this, \$17,500 in demand management initiatives will be funded from operating budgets and a further \$176,000 (50%) is anticipated from an MEU subsidy on total capital works (\$332,000) and the investigation into a bore supply for the pool (\$20,000). The balance requiring funding is \$276,000.

Council has allocated \$300,000 in the 2003/04 Budget for its share of the capital work costs for this project. This is sufficient to meet the balance required to implement all relevant Committee recommendations, however, this may need to be reviewed depending on the level of subsidy finally approved by MEU and the take up rate of permanent disconnections.

In relation to recommendation (2), Council's adopted Management Plan states that where water is available but not connected, an annual service availability charge of \$86.00 will apply. To overcome this anomaly, Council must resolve to not supply water to the residents, thus making them exempt from the charge.

Public Consultations

Public consultation is via the NWSC.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

The NWSC has determined the future works required for the improvement of the Nimbin water supply. On approval of subsidy for detailed design and construction from the Ministry of Energy and Utilities, the next stage will be the commencement of design works and the completion of construction works.

Recommendations (ENT08)

It is recommended that Council:

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

Subject/File No: WATER CONSERVATION MEASURES – (S301)

Prepared By: Paul O’ Sullivan – General Manager
Anu Atukorala – Manager Lismore Water

Reason: Implementation of on-going water conservation measures

Objective: To respond to current community sentiment regarding water conservation measures

Management Plan Activity: Water Supply

Background:

A recent survey conducted by the local ABC radio station indicates that there is overwhelming support within the community for implementation of on-going water conservation measures.

Details of the survey are as follows:

Question –

“Water authorities are considering permanent, enforced water saving strategies, including an odds and evens house number system, hoses to be fitted with a trigger nozzle and the banning of washing cars on hard surfaces. What do you think?”

| | |
|---|-----|
| <i>great idea, happy to comply</i> | 54% |
| <i>great idea, does not go far enough</i> | 18% |
| <i>Unsure</i> | 5% |
| <i>poor idea, is too strict</i> | 8% |
| <i>poor idea, user pays anyway!</i> | 15% |
| 142 votes counted | |

Lismore Water Customer Service staff have also been receiving inquiries as to what action Council intends taking to curb the wastage of water. This is most probably due to the fact that many customers changed their habits since the last drought and want Councils to take a leading role in supporting/enforcing such initiatives throughout the area.

With water restrictions being enforced in other areas including Sydney and Melbourne, permanent water conservation measures are being discussed at all levels of government.

Objective of permanent measures

The primary objective is to build on and reinforce the good habits the community developed during the last drought. Given that the impact of the drought is still fresh in the minds of the community, it is best if the measures are introduced sooner rather than later.

There are numerous benefits from such a proposal and a few are listed below:

- Extending the available supplies by not wasting water;
- Reducing the demand for town water to reduce the capacity/cost/environmental impacts of new water supply works; and
- Cultivating a culture of being socially responsible.

On-going Water Conservation Measures

Examples of permanent water conservation measures

Permanent measures need to be simple and easy to remember. They generally target the domestic customer and, as such, are unlikely to have an adverse impact on business customers.

Limiting the hours of watering

It is well documented that watering during the hottest period of the day is not beneficial, as a significant portion of water will evaporate. Lismore Water staff believe that the restricted period should be between 9.00am and 3.00pm, so that the elderly and shift workers would not be disadvantaged.

Alternative days for watering

It is accepted practice that daily watering of plants is unnecessary, hence many councils have introduced an odd and even numbered system for outdoors watering. Generally odd numbered houses can water on odd days and even numbered houses can water on even days. This is a simple measure which is readily enforceable.

Use of trigger nozzles

Use of a trigger nozzle connected to a hose results in water not being wasted, particularly in applications such as car washing.

No washing of vehicles on roads/hardstand areas

Councillors may be aware that under the POEO Act, it is illegal to wash vehicles on roads, as it results in contamination of the stormwater system. It can be easily promoted as a water conservation measure as well, resulting in the wash water being put to good use on the lawn.

No washing down of driveways/paths

Driveways/paths can be swept rather than using valuable water.

Enforcement

There is a general acceptance among water authorities that enforcement should be constructive, i.e.:

- Following up reports of breaches;
- Informing the public without issuing fines in most cases;
- Issuing fines for only the most severe cases of water misuse; and
- Making the public aware of fines from time to time.

What's happening in other Councils?

Barwon Water

Barwon Water in Victoria introduced a Water Conservation By-Law that came into effect from February 1, 2003. Notably, eighteen (18) months' community consultation into the future of the region's water supply preceded the by-law's introduction. The by-law is described as a "permanent measure to conserve water in the region, now and for future generations".

LISMORE CITY COUNCIL - Meeting held October 14, 2003

On-going Water Conservation Measures

The by-law requires:

WATERING GARDENS

- *No sprinklers or watering systems between 10.00am and 5.00pm.*
- *Hand-held hoses, watering cans and buckets at any time.*
- *Applies to all homes, private and public gardens and sports grounds.*
- *No restrictions on commercial market gardens and plant nurseries.*

CLEANING VEHICLES

- *Use only buckets or hoses fitted with a trigger nozzle.*
- *Applies to private and commercial use.*

CLEANING DRIVEWAYS AND PATHS

- *No hoses can be used, unless required as a result of an accident, fire, health hazard or other emergency.*

CONSTRUCTION INDUSTRY

- *Hoses must be fitted with a trigger control nozzle.*

Redcliffe City Council / Gold Coast City Council / Brisbane Water / Redlands Water / Cab Water

The above councils/water authorities have been having odd and even numbered day water restrictions (in various forms) for many years and have good community acceptance. Redcliffe and Brisbane have, in addition to the above, also limited the sprinkler operation hours.

The odd and even numbered water restrictions appear to be the most common permanent measure. The simplicity of the system is the most likely reason for its popularity and it is recommended that this system be implemented.

Rous Water

At its meeting on the August 20, 2003, Rous Council considered a report (refer Attachment A) on "Ongoing Water Conservation Measures" and resolved to review it with Councillors providing input. Discussions with staff indicate that Councillors felt that the measures proposed were too complex. A revised report is to be considered in October. Any recommendation made by Lismore Council is likely to provide additional support to initiatives promoted by Rous Water.

Resource Requirements

It is proposed that any advertising be undertaken in conjunction with Rous where possible. The Customer Service Team will be capable of handling any additional load generated with respect to customer inquiries.

Manager - Finance & Administration Comments

From a financial perspective, the demand management initiatives are supported as, for little cost, they may primarily result in the deferral of major capital works. If this is achieved, it provides the water authorities, both Lismore and Rous, a longer period to generate funds for this purpose.

For this to have a greatest impact, all local council's should be encouraged to introduce such initiatives.

On-going Water Conservation Measures

Public Consultations

It is recommended that the permanent measures be placed on public exhibition prior to being implemented.

General Manager's Comments

In my experience I have been exposed to opinions that an odds and evens outside garden watering policy is not effective, but with the very obvious public sentiment currently about, fuelled by the dry conditions and memories of last year I am yet to be convinced that a permanent regime of odds and evens has no merit. Effective water demand management is largely about behaviour change aided and encouraged through community education. The odds and evens system is simple to understand and also has the added advantage of attracting neighbourly peer pressure. This should not be viewed as a seasonal restriction, but rather a legitimate management technique aimed at sustaining the available water resources. I submit that the concept is equally relevant through the Autumn and Winter.

Once established, an odds and evens system should result in a decrease in overall consumption because the starting point means that 50% of households are not watering gardens outside on day one. The essential education campaign could include a challenge to the community to prove that they do not need to water gardens twice as long to achieve the same results as unregulated watering. Even if some consumers decide that they will overwater every second day, it is improbable that every single household would take that attitude. Regardless, an irrational response of that nature is more than likely to be short-term.

To engage the community's interest, timing is often critical. Right now we have a golden opportunity to test these theories given that the local community has clearly signalled it is receptive to demand management measures which do not unduly impact their lifestyle preferences. In addition, it would be quite simple to measure the response to an odds and evens system during this spring/summer. As the odds and evens model has not been tested in this area previously, we are ignorant of facts which can so easily be obtained.

It is very relevant to note that Lismore Council's recent Customer Satisfaction Survey showed that 72% of the respondents expressed a positive view about local Water Conservation Education programs. I interpret that as meaning, in one sense, that they are comfortable with the message about water conservation and that they relate to the importance of that issue. In addition, other recent community feedback has identified that water conservation is a very high priority issue - they want this Council to demonstrate some responsiveness to their concern that there is growing pressure on our public drinking water resources.

The odds and evens outside watering policy is a simple proposition for everyone to understand and the right time to promote such a behavioural change is now. The prevailing climatic conditions have undoubtedly contributed to a public awareness of the need to treat our natural resources with respect and it would be contrary to prudent resource management if this Council declined to implement the simple but effective water demand management measures recommended in this report. These are measures which Council can readily communicate to its community and regulate in a manner to ensure they are effective.

It is not intended that the proposed odds and evens policy would be applied to business activities - it is specifically targetting outside household garden watering and related uses. As the principles are no different, I envisage a common approach would apply to customers of the Nimbin water system.

I endorse and strongly support the recommendations contained in this report.

LISMORE CITY COUNCIL - Meeting held October 14, 2003

On-going Water Conservation Measures

Other Group Comments

Nil.

Author's Response to Comments from Other Staff

Nil.

Conclusion

There are a number of ongoing water conservations measures being implemented in various parts of the country. They generally have little or no impact on the lifestyle, but develop good water conservation habits amongst the customers.

One of the most acceptable methods is to apply an odd an even numbered outdoor watering policy and it is recommended that Lismore and other councils adopt such a regime.

Recommendations (ENT10)

That consistent with Council's parallel commitment to sustainable natural resource management as well as the promotion of business and development opportunities in Lismore:

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

Subject/File No: ADDITIONAL COUNCIL PLANT - PAVEMENT REPAIR TRUCK.
(CS:T24005)

Prepared By: Fleet Manager - Col Starr

Reason: To inform Council of replacement / purchases of major plant items.

Objective: To seek Council's approval for the purchase of one (1) new 4x2 Road Pavement Repair Truck.

Management Plan Activity: 1.12 - Plant Operations

Background:

Tenders closed on August 26, 2003 for the supply of one (1) new 4x2 Road Pavement Repair Truck.

Lismore City Council is currently operating one 'road pavement repair truck' (Isuzu/Paveliner) of similar configuration (6x4) and there is now the need for another but smaller in size so that better utilisation within urban areas is possible.

The current truck has proven to be successful in operations and concept so the tender was let using similar specifications for the road repair body but with a smaller design truck.

An approximate lifespan will be between 5 to 8 years with LCC with the 5 years ownership being the preferred option due to the high maintenance and wear & tear of this type of machine.

When this truck and body combination has been operational for a short time, the users (Roadworks) have stated that the last existing 'Flocon' (V169) will be sent to auction, as it will be redundant due to the newer processes of road repairs.

The existing 'Road Pavement Repair Units' comprise of –

- **V169 – 1993 Isuzu FZR-750 fitted with Flocon Hotmix dispensing body.**
This particular unit was purchased when the Hotmix dispensing units were the better method of road pavement repairs, unfortunately they were very high in labour usage as all of the Hotmix was simply dispensed from the heated body storage unit to a small hopper at the rear of the truck and staff placed the Hotmix into the potholes with shovels. This truck is similar in concept to the truck, which was replaced by the Isuzu/Paveliner now in use.
This unit is based within the 'Roadworks' section, which is part of the 'City Works' Group of Lismore City Council and its replacement is funded from the Roadworks section of the Plant Fund 2003-4.
- **V167 – 2001 Isuzu FVZ1400 fitted with a Paveliner Single Operator Road Pavement Repair Body.**
This machine is similar to the machine called for in this tender with the exception of size only. The truck is a larger 6x4 type of truck while the body is larger in size of aggregate and emulsion capacities.
The operation of this truck, with the single operator and robotic arm, has proven to be a time and cost saver to LCC. The users (Roadworks) have stated that for future purchases this concept of operation will be preferred of the older manual handling operations.

This unit is based within the 'Roadworks' section, which is part of the 'City Works' Group of Lismore City Council.

LISMORE CITY COUNCIL - Meeting held October 14, 2003

Additional Council Plant – Pavement Repair Truck

There were a total of two (2) types of Road Pavement Repair Bodies units tendered on a combination of three (3) types of trucks for the bodies to be fitted to.

Consultation with the users of this unit (Roadworks – City Works Group) is reflected throughout the entire evaluation and recommendation of this tender process.

Reliability is critical for all of the operations within the Roadworks group and non-operation of machinery will be detrimental to the continued condition of some of Council's roads. The amount of labour to operate this type of machine is also important with the single operator type unit being beneficial and cost saving.

Back-up support is the other important factor to be considered, especially given that this operation is carried out throughout the year mostly regardless of weather conditions, and prolonged downtime due to lack of manufacturer or dealer support overloads the available time frame for repair of our roads.

Units Tendered

Listed below are the units offered for supply to LCC in this tender.

Full technical and tender evaluation details are also listed in the attachments marked as 'Attachment A & B – Tender T24005'

| Truck & Road Repair Unit | Supplier |
|--------------------------|--|
| 1. Isuzu - Jetpatcher | Jetpatcher Roadtech P/L of Brisbane Qld. |
| 2. Hino - Paveliner | Paveliner International P/L of Sydney NSW. |
| 3. Hino - Jetpatcher | Jetpatcher Roadtech P/L of Brisbane Qld. |
| 4. Mercedes - Paveliner | Southside Agencies P/L of Lismore NSW. |
| 5. Mercedes - Jetpatcher | Southside Agencies P/L of Lismore NSW. |

Most of the machines offered within these tenders meet specifications as laid down by LCC staff.

An evaluation panel comprising of Messrs Col Starr (Fleet Manager), Chris Allison (Contracts Officer), Darren Patch (Roadworks Engineer - Rural), Peter McEwan (Roadworks Engineer - Urban), Peter Brewer-Charles (Roadworks Supervisor - Rural), Harry Wilson (Roadworks Supervisor - Urban), & Alan Newton (Operator) assessed the tenders in part or in full, as per the criteria set out in the tender documents.

The evaluation criteria determines the suitability of all of the units offered in this tender for *capability, quality, safety, operational functionality and conformity to the minimum specifications given*. The results of these evaluations are shown in 'Attachment A'

Full truck and body technical evaluations are listed in 'Attachment B'

Key Points to Consider:

- Purchase best possible unit to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer of unit.
- Operator comfort with 'Ergonomic Design' and operating considerations (OH&S).
- Ability to keep the unit working with minimal maintenance and repair time.
- Safety within the worksite for the general public.

LISMORE CITY COUNCIL - Meeting held October 14, 2003

Additional Council Plant – Pavement Repair Truck

Principal Accountant's Comments

The roads section of the plant fund has sufficient funds in reserve to purchase this item and trade-in another vehicle at a later date. Price is not the sole consideration in acquiring this vehicle and the intention to purchase the most suitable all-round vehicle is supported.

Other Group Comments

Group Manager - City Works (Bill Moorhouse)

Bitumen patching of the road system is a task that will always have to be carried out on a regular basis. With increased pressure to perform the task quickly and safely, it is important to use the correct level of technology. Both these machines use compressed air to propel the stones and bitumen into the potholes, minimising the exposure of staff to the risks of traffic and inherent problems of staff shovelling large quantities of hotmix.

Staff have inspected both machines and believe that the independent engine and simplified boom system make the Jetpatcher more suitable for the proposed works. The Isuzu truck is well regarded in Council's operations.

I endorse the recommendation.

Conclusion

With changes in work practices within all of roadworks constructions and maintenance operations, extensive research was needed to ensure that the better machine to carry out the 'tasks required in the most efficient manner' was recommended for this purchase.

To date the LCC Roadworks operations have been very competitive and innovative, and by continuing to purchase the most effective and efficient units within reasonable price ranges, the available dollar will continue to go further with road repairs.

As all of the units tendered have been either tested on site in Lismore or tested on site at other locations, the evaluation by LCC staff was extensive and complete.

Staff Involvement:

Acceptance of any proposed machine purchase by operating staff is important as it enhances a long operating life. Keeping this fact in mind, LCC Roadworks staff and LCC Fleet & Workshop staff has inspected the available units. All of those staff and users who inspected the units available were convinced that the Isuzu truck fitted with the Jetpatcher Road Pavement Repair unit is the better purchase for the LCC application as required.

Author's response to comments from other staff:

Noted.

Recommendation (GM02)

That Council purchase one (1) only **4x2 Isuzu / Jetpatcher** unit as tendered (T24005) from **Jetpatcher Roadtech P/L of Brisbane** for the cost of **\$238,551.00** (includes GST).

LISMORE CITY COUNCIL - Meeting held October 14, 2003

| | |
|----------------------------------|---|
| Subject/File No: | Lismore Tennis Club (P859/03-9951) |
| Prepared By: | Recreation Officer – Paul Parry |
| Reason: | Request from Lismore Tennis Club for assistance to enable repair and resurfacing of three tennis courts to proceed. |
| Objective: | Council to act as guarantor on the bridging finance requirements. |
| Management Plan Activity: | Community Services |

Background:

Lismore Tennis Club (Club) has for many years leased and managed the Council owned tennis complex known as 'Elaine Blanch Tennis Courts'. At the meeting of September 9th 2003 Council renewed the Club's lease for a further ten (10) year period, thus giving a secure tenure up until 31st December 2013. The purpose in renewing the lease was to provide evidence that the Club has secure tenure over the property, a prerequisite for applying to Tennis Australia for a low interest unsecured loan.

The loan funds are to be used to repair and resurface three tennis courts that have been withdrawn from play because they are considered to be unsafe. With limited finance available for these works the Club has approached Tennis Australia for a loan of \$38,000. Completing the loan application has been an arduous and time-consuming process because Tennis NSW is required to endorse the application before submitting it to Tennis Australia. This process has now been completed and the application was lodged with Tennis Australia last week. However, Tennis NSW has also advised the Club that the processing of the loan by Tennis Australia could take as long as six (6) to eight (8) weeks.

Adding to the dilemma of the loan is the problem that the Club has accepted to host the National Ranking Tournament in mid December and desperately needs to use all courts at the complex, including those needing repair, to satisfactorily run this important event. A representative from Summerland Tennis, the local tennis court construction company who quoted on the project, has indicated that waiting six weeks for the loan approval would dramatically impact upon their ability to complete the repairs before the tournament in December.

The Club has looked at the possibility of obtaining bridging finance until the Tennis Australia loan was approved and were advised that a guarantor would be necessary for the loan to be sanctioned. Banks generally will not lend to incorporated sporting bodies unless there is some form of guarantee provided. Management Committees of sporting bodies are reluctant to ask their members to act as guarantors, which result in the committees looking towards government agencies for assistance and support.

A meeting was held with the President and Secretary/Treasurer of the Club to clarify the assistance required. They were able to provide a copy of the detailed application to Tennis Australia, which included useful financial and other qualitative information. The works are estimated to cost approximately \$40,000 with the Club having approximately \$26,000 available. The bridging finance to be sought from their bank is approximately \$15,000 and they request Council act as guarantor on these funds.

If the loan from Tennis Australia is approved, it will replenish their funds and allow other planned works to be brought forward.

LISMORE CITY COUNCIL - Meeting held October 14, 2003

Lismore Tennis Club

Consideration

Council has on many occasions resolved to assist and support other sporting organisations, for example Far North Coast Men's Hockey in the development of the hockey complex at WB Hepburn Park, Far North Coast Baseball Association in the development of their facility at Albert Park, by either advancing funds or acting in the capacity of guarantor for a bank loan.

In recent times, Council acted as guarantor for the Club on a \$ 30,000 loan over a three (3) year period. The loan was repaid.

The following points support the Club's request

1. The tennis courts are on land owned by Council and leased to the Club,
2. The Club's credit history is quite sound having recently repaid a \$30,000 loan, and
3. The Club's projected cash flow is more than sufficient to service a \$40,000 loan over a five year period.

Manager - Finance & Administration Comments

Based on the information provided, it is reasonable for Council to act as guarantor for the Lismore Tennis Club in this instance as the risk is low.

In regards to terms, I would suggest an amount of \$15,000 and maximum period of 3 years.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Lismore Tennis Club have requested Council act as guarantor for a bridging finance loan of \$15,000. This will allow for the repair and resurfacing of three tennis courts to occur in time for the National Ranking Tournament to be held in December 2003.

Based on the information submitted, this is a low risk proposition as the Club has sufficient financial capacity to repay this amount if the loan from Tennis Australia is not forthcoming.

Recommendation (COR15)

That Council accede to Lismore Tennis Club's request to acting as a guarantor for their bridging finance loan of up to \$15,000 for a maximum of three (3) years.

LISMORE CITY COUNCIL - Meeting held Tuesday 14th October, 2003

Subject/File No: SBS Radio Service
(S821/03:10100)

Prepared By: General Manager

Reason: Inform Council of opportunity to provide improved special radio services

Objective: To introduce multilingual radio broadcasting to Lismore

Management Plan Activity: Community Services

Background:

On 19th September, the Mayor and myself met with a deputation from SBS Radio comprising: -

Tuong Quang Luu – Head of SBS Radio
David Ingram - Manager National Radio Services
Oyla Booya - Sydney Station Manager

The purpose of their visit was to discuss a proposal which would result in the delivery of multilingual radio broadcasting to the Lismore community – a service currently available in all capital cities and selected regional locations. The opportunity arises from the assessment by SBS that this region has a widely diverse population, which through the ABS 2001 Census, identified that more than 30 languages other than English are spoken in 4% of households across the Lismore LGA.

The proposed service will be directly linked to the national SBS network which broadcasts across the continent in 68 languages. SBS Radio provides more than 650 hours of programming each week and this is a mix of Australian, international and homeland news, current affairs, interviews, community information, sport and music. SBS anticipate that they will broadcast on an FM frequency and the range of that reception will be dictated largely by the licence acquired from the Australian Broadcasting Authority (ABA).

The SBS representatives outlined an implementation plan which requires the support of Lismore City Council on behalf of its community. The plan refers to the establishment of a self-help transmitter to enable the service to function. In practice, the arrangement means that Lismore City Council assumes the role of applicant for the licence on the understanding that SBS provides the funding to install and commission a suitable transmitter. It is anticipated that the cost of supply and installation would not exceed \$25,000 and SBS will lend all necessary technical support.

Once operational, Council would be expected to meet the annual maintenance costs of the equipment. Based on experience, SBS estimates that commitment to be in the range of \$500 - \$1,000 per annum. It was indicated that a timeframe of between 9 and 12 months would elapse before broadcasting could commence.

This proposal is not entirely new territory for Council but it surely can only be seen as a positive initiative. It provides the wherewithal to support our multi-cultural community in a way which has proven a success in other areas. It is also an extension of the role which this Council has played in improving communication facilities for local residents be they television, telephone, Internet etc... Council's role in these developments has ranged from active financial support to lobbying government and service providers for improvements.

SBS Radio Services

Manager - Finance & Administration Comments

It would appear that the only ongoing cost to Council associated with this proposal is for maintenance and licensing estimated to be in the vicinity of \$500-\$1,000 per annum. If approved, this should be funded from within existing allocations.

From a longer term perspective, as with the TV Blackspots program, this facility will be Council's and we will have a future responsibility to replace the hardware when it needs to be replaced.

Public Consultations

N/A

Other Group Comments

Group Manager – Corporate and Community Services

The proposed SBS FM Radio Self Help retransmission service is not that dissimilar to the Television Black Spots program successfully implemented last year at Robinsons Lookout by Council. In fact the maintenance and licence costs are of a similar level to that currently allocated for the television transmitter.

I strongly support an application to establish such a service for our community.

Author's Response to Comments from Other Staff

It is true that responsibility for replacing the hardware in future will fall to the Council however I am advised that there is an expectation of between 10 and 15 years before that would be necessary. I suggest the local community could meet that cost with proper prior planning.

Conclusion

There are no unsurmountable hurdles to achieving a positive outcome with this proposal and I submit that Council is the most appropriate vehicle to sponsor the introduction of SBS Radio to Lismore.

Recommendation (GM01)

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

LISMORE CITY COUNCIL - Meeting held October 14, 2003

Subject/File No: 2002/2003 FINANCIAL RESERVES
(GB:S802)

Prepared By: Principal Accountant, Gary Boyd

Reason: In accordance with Council Policy 1.5.10

Objective: To inform Council of Financial Reserve balances at the end of financial year, June 30 2003.

Management Plan Activity: All

Background:

Council in adopting its Reserves Policy also resolved:

“That a separate report on reserves, including their need and appropriate level be brought to Council on an annual basis.”

This report has been written to inform Council of the level and intended use of reserves as at June 30, 2003. It should be read in-conjunction with the policy, which states the objective and funding level for each reserve.

All reserves held at June 30, 2003 are deemed to be at an appropriate level given that they are either within a suitable range of the policy funding level or are for a specific purpose, given the cash available at June 30, 2003.

The following commentary should be read in-conjunction with the reserve summary table, which is located before the conclusion in this report. This summary shows the opening balance at July 1, 2002, the movements for the year and the closing balance at June 30, 2003.

General Manager’s Group

Staff Development Reserve – Balance \$23,900

This reserve previously contained staff training funds held over from the last financial year, hence the name of the reserve. All staff development funds have been expended in the financial year recently ended.

The current balance of the reserve relates to \$15,900 in funds not spent for a joint market research initiative between Council and Southern Cross University, and \$8,000 in unspent funds that will be directed towards production of this years management plan and annual report.

Economic Development – Balance \$339,800

The Economic Incentives Fund had a balance at June 30 of \$152,700. At present approximately \$50,000 is transferred to this reserve annually. Policy 11.1.1 “Lismore Incentives for Investment” sets a maximum level for this fund at \$300,000.

Funds held in reserve for the Riverbank redevelopment at June 30 total \$165,300. These will be used for future stages of the project and to match grant funding.

There are several minor amounts reserved and carried over to the new financial year in the economic development and tourism departments for various projects not completed at June 30.

LISMORE CITY COUNCIL - Meeting held October 14, 2003

Financial Reserves 2003

Corporate and Community Services Group

Administrative Purposes – Balance \$158,800

This reserve contains several items, which are separately detailed in the reserves policy. Major items are \$79,500 in the Records Management Systems reserve used to file/store records that require archiving and \$69,900 in the election expenses reserve.

Information Services – Balance \$816,800

As per the Reserves Policy, funds are used for the future development and replacement of the corporate computer system, software and hardware. Reference should also be made to the IT Strategic Plan, which touches on future IT reserves and their expected level.

Employee Leave Entitlements – Balance \$932,347

Council's policy on the ELE reserve is to fund 30% of current leave entitlements. At June 30, the ELE reserve stands at 26% of total staff liabilities. For a Council of this size it is reasonable to have a reserve in the 20%-30% range and the ELE reserve at June 30 is at an acceptable level to fund current employee leave entitlement liabilities.

Community Services – Balance \$75,600

There have been requests to carry over funds unspent from last financial year. These primarily relate to youth activities, \$26,700, including funds received from an external source for use on youth week, \$10,000 held over for further research on the Art in the Heart development and \$10,000 reserved for use on the Social Plan that Council is required to produce this year.

Child Care – Balance \$36,200

The balance includes \$11,600 for Koala and \$24,600 for Gingerbread House. Funds in reserve are a result of surpluses made against budget, to be used in future years if the opposite result occurs or for replacement of equipment. Gingerbread House also includes an amount where their budgeted operating expenses have been reduced and replaced by an annual transfer to reserves. This is to fund the future repainting / building maintenance of the centre.

Regional Art Gallery – Balance \$102,700

These funds are to assist in the provision of a regional art gallery on an ongoing basis. This reserve is used for several separate purposes within the Art Gallery's operations and is actively managed throughout the course of the year.

Community Facilities – Balance \$1,287,400

Funds totalling \$947,400 are held for the Memorial Baths redevelopment. At June 30 additional interest income of \$174,000 was directed towards the swimming pool reserve, in anticipation of increased costs that are common with any major project. All other reserves receiving interest income have been allocated the amount they would usually receive.

There is \$340,000 in the Community Facilities Reserve. This reserve is used to assist in the development of community facilities. Priority is given to major facilities included in the Section 94 Community Facilities Plan, such as the Goonellabah Recreation Centre.

Planning and Development Group

Planning Studies – Balance \$170,800

Included under this reserve heading is \$88,000 for Section 94 Administration Charges. Funds have been accumulated through reserving 2.5% of all levies collected. These may be used to fund the administration of the Plan, for example reviews and modifications.

LISMORE CITY COUNCIL - Meeting held October 14, 2003

Financial Reserves 2003

In addition, there are a number of reserved amounts held over predominantly from previous years for projects or studies that were unable to be completed due to a number of internal and external factors. Some of these include \$5,900 for the Stormwater Management Plan, \$8,400 for the State of the Environment Report and \$12,700 for Estuary Management. Finally there is \$32,000 and \$8,200 Council holds as part of the Local and Regional Phosphorous Reduction campaigns respectively.

Remediation Programs – Balance \$97,000

The remediation of the former gasworks site should be finalised this financial year. The balance reflects previously committed funds unspent at June 30.

Waste Minimisation – Balance \$40,000

In relation to the annual Environmental Levy charge, \$40,000 has been reserved for a capital project, which is included in the 2003/04 budget.

City Works Group

Plant Operations – Balance \$473,500

The balance reflects the net operating surplus generated on only the workshop and motor vehicles section of the plant system. All other plant reserves are included under the respective headings of the department, which has control over these funds. These balances are contained in the relevant reserve categories contained in this report. The table below summarises all plant reserves, totalling \$3,543,000, which has increased by \$552,000 during the year.

| Program | Amount |
|-------------------------------|---------------|
| Bridges | 217,000 |
| Crematorium and Lawn Cemetery | 60,000 |
| Motor Vehicles | 243,000 |
| Parks and Recreation | 338,000 |
| Quarry | 37,000 |
| Roadworks | 1,889,000 |
| Waste | 529,000 |
| Workshop | 230,000 |

Managers responsible for the individual sections and the fleet manager have set the hire rates at reasonable and justifiable levels. The reason for the increase and level of plant reserves is that planned replacements have not eventuated. When this happens, reserves will reduce to more appropriate levels.

Budget/Plant Managers are now expected to effectively contribute to the management of the fleet in their control including all future replacement decisions. Funding for these replacements will come from the reserves shown above and annual operating surpluses.

Flood Mitigation – Balance \$379,000

This reserve is used for part funding of the Lismore flood levee and appropriate flood prone property acquisitions.

Parks and Reserves– Balance \$569,500

Major items in this reserve include the following. Plant reserves for the parks department, \$338,000, \$51,300 held for matching developer levies in the Open space part of the Section 94 Plan, \$25,000 held over for a contribution to Adam Gilchrist Park, \$15,000 for shade provision works, \$42,400 unspent from recurring capital expenses and \$71,900 for remediation of the Lismore Lake.

LISMORE CITY COUNCIL - Meeting held October 14, 2003

Financial Reserves 2003

Sporting Grounds – Balance \$43,100

Includes \$33,100 for Nesbitt Park and \$10,000 for Oakes Oval. Both of these reserves have a dedicated income source that is shown in annual budgets. Funds are for future development at these grounds.

Transportation Infrastructure – Balance \$3,913,000

A list of the major items contained under this reserve heading are included in the following table.

| Reserve Name and Description | Amount |
|--|---------------|
| DA Contributions to Works – Funds have been received from developers that are for Council to use on completing works associated with the development. These items fall outside the Section 94 legislation. | 91,600 |
| Drainage Construction – All planned construction work was not completed by June 30. Funds are carried over for use in the new budget year. | 46,100 |
| Contractors Reserve – Council bids for work and performs the work to RTA accepted standards. The excess income received over expenses has been reserved for future jobs where there may be a deficit or margins are decreased markedly due to competition. \$155,000 of this reserve is required for works that were completed early in the 2003/04 year. | 507,800 |
| Bridge Construction – All planned construction work was not undertaken due to the bridge crew working on various other projects. Funds have been reserved for use in the new budget year. | 32,600 |
| Road Construction – Similarly for the roads program, and as has been the case in previous years, funds predominantly for capital works were not spent by June, primarily because of the RTA providing funds late in the year for state and regional roadwork. Management decided to take up this opportunity of undertaking RTA jobs first and reserving Council funds that were already secured. | 945,000 |
| Safety Cameras – Funds raised by the CBD special rate and dedicated to the safety camera network were not spent at June 30. | 41,300 |
| Magellan Street – These funds have been used on legal proceedings between Council and the contractor who was engaged to complete works in Magellan Street several years ago. Funds remaining will most likely be transferred to road projects in 2003/04. | 25,000 |
| Car Parking – Kerb Side Dining – Funds collected in relation to kerbside dining have been reserved for future capital improvements | 9,400 |
| Lismore Carboot Market – Funds collected from the Carboot markets have been reserved for future works. | 36,300 |
| Plant Reserves – As mentioned earlier in this report, plant reserves are now situated under the departments who have control of the plant and, in turn the plant reserves. The total shown here includes plant reserves for bridges and roads. | 2,105,700 |

Business and Enterprise Group

Other Waste Management – Balance \$1,409,100

Funds reflect the surplus generated from the ongoing operation of the Wyrallah Road Waste Facility, including plant reserves. These funds will be used to ensure the long-term sustainability of a waste facility for Lismore.

Quarry Management – Balance \$2,294,300

The Quarry Reserve consists largely of operating surpluses made net of capital improvements for the Quarry. These funds are required to ensure that adequate funds are available to develop, enhance and restore Blakebrook Quarry and approved gravel quarries.

LISMORE CITY COUNCIL - Meeting held October 14, 2003

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In addition the loan of \$380,000 to Far North Coast Hockey has been drawn from Quarry reserves during 2002/03. This will be repaid with interest into Quarry reserves.

Lawn Cemetery / Crematorium – Balance \$233,900

Funds reflect the surplus generated from the ongoing operation, including plant operations of the Lismore Lawn Cemetery and Crematorium. These funds will be used to ensure the long-term sustainability of this facility for Lismore.

Airport – Balance \$80,300

Reserves have increased by \$30,200, predominantly due to savings from the deferral of pavement works that have now been undertaken in the 2003/04 financial year.

Property Management – Balance \$455,800

There is \$24,500 reserved for part funding of a lift in the building where the Richmond River Historical Society operate.

The residential real estate development reserve contains \$197,400, industrial real estate \$128,600 and shops and offices \$93,200 at June 30. These funds provide assistance in the maintenance, enhancement and development of Council owned properties and real estate ventures.

Water Supplies – Balance \$3,163,267

The balance reflects the net movement in the Water Fund to the end of June. The reserve is used to ensure adequate funds are available to operate, manage and maintain a high quality water supply service.

Wastewater Services – Balance \$4,033,948

Similarly for the Wastewater Fund, the balance reflects the net movement in the Fund to June. The reserve is used to ensure adequate funds are available to operate, manage and maintain a high quality wastewater service.

There has been a backlog of capital jobs not proceeding as budgeted in the Wastewater fund for several years. This has contributed to an increase in the level of reserves. Significant capital funding is planned over the medium term that should see the reserve amount decrease.

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable.

LISMORE CITY COUNCIL - Meeting held October 14, 2003

Financial Reserves 2003

| LISMORE CITY COUNCIL | | | | | | |
|---|-------------------|------------------|----------------|-------------------|-------------------|--------------------|
| RESTRICTED ASSETS - MOVEMENTS TO JUNE 30, 2003 | | | | | | |
| Reserve | Balance 1/7/02 | Transfers To | Interest | Sub-Total | Transfers From | Balance 30/6/03 |
| General Manager's Group | | | | | | |
| Staff Development | 111,000 | 63,900 | 0 | 174,900 | 151,000 | 23,900 |
| Economic Development | 110,600 | 229,900 | 4,300 | 344,800 | 5,000 | 339,800 |
| Sub Total | 221,600 | 293,800 | 4,300 | 519,700 | 156,000 | 363,700 |
| Corporate & Community Services | | | | | | |
| Administrative Purposes | 119,500 | 222,900 | 4,100 | 346,500 | 187,700 | 158,800 |
| Information Services | 617,400 | 208,000 | 24,700 | 850,100 | 33,300 | 816,800 |
| Employee Leave Entitlements | 694,900 | 211,047 | 26,400 | 932,347 | 0 | 932,347 |
| Community Services | 54,500 | 42,200 | 0 | 96,700 | 21,100 | 75,600 |
| Child Care | 44,200 | 4,600 | 1,400 | 50,200 | 14,000 | 36,200 |
| Library Services | 6,500 | 0 | 0 | 6,500 | 6,500 | 0 |
| Art Gallery | 114,100 | 14,700 | 3,800 | 132,600 | 29,900 | 102,700 |
| Community Facilities | 982,700 | 135,400 | 211,600 | 1,329,700 | 42,300 | 1,287,400 |
| Sub Total | 2,633,800 | 838,847 | 272,000 | 3,744,647 | 334,800 | 3,409,847 |
| Planning & Development Services | | | | | | |
| Planning Studies | 166,100 | 35,000 | 2,800 | 203,900 | 33,100 | 170,800 |
| Remediation Programs | 114,000 | 0 | 0 | 114,000 | 17,000 | 97,000 |
| Waste Minimisation | 144,700 | 40,000 | 0 | 184,700 | 144,700 | 40,000 |
| Sub Total | 424,800 | 75,000 | 2,800 | 502,600 | 194,800 | 307,800 |
| City Works | | | | | | |
| Plant Operations | 451,300 | 107,800 | 0 | 559,100 | 85,600 | 473,500 |
| Flood Mitigation | 683,800 | 314,900 | 18,300 | 1,017,000 | 638,000 | 379,000 |
| Parks & Reserves | 440,500 | 229,800 | 4,500 | 674,800 | 105,300 | 569,500 |
| Sporting Grounds | 55,900 | 3,000 | 1,800 | 60,700 | 17,600 | 43,100 |
| Transportation Infrastructure | 3,311,600 | 2,424,400 | 5,000 | 5,741,000 | 1,828,000 | 3,913,000 |
| Sub Total | 4,943,100 | 3,079,900 | 29,600 | 8,052,600 | 2,674,500 | 5,378,100 |
| Business & Enterprise | | | | | | |
| Domestic Waste Management | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Waste Management | 1,347,000 | 538,100 | 28,500 | 1,913,600 | 504,500 | 1,409,100 |
| Quarry Management | 2,891,600 | 342,500 | 82,600 | 3,316,700 | 1,022,400 | 2,294,300 |
| Lawn Cemetery / Crematorium | 158,600 | 139,300 | 4,900 | 302,800 | 68,900 | 233,900 |
| Aerodrome | 50,100 | 28,000 | 2,200 | 80,300 | 0 | 80,300 |
| Property Management | 336,400 | 420,600 | 12,100 | 769,100 | 313,300 | 455,800 |
| Water Supplies | 3,703,746 | 0 | 0 | 3,703,746 | 540,479 | 3,163,267 |
| Sewerage Supplies | 3,375,424 | 658,524 | 0 | 4,033,948 | 0 | 4,033,948 |
| Sub Total | 11,862,870 | 2,127,024 | 130,300 | 14,120,194 | 2,449,579 | 11,670,615 |
| Total Reserves | 20,086,170 | 6,414,571 | 439,000 | 26,939,741 | 5,809,679 | 21,130,061 |

Conclusion

Council's cash reserves are healthy and are a result of a number of prudent financial strategies that Council and management have adopted over a number of years. These strategies are usually reviewed or enhanced annually through the budget process. In addition, all of Council's designated businesses now have business plans in place. Other programs have forward plans in place, for example the IT Strategic Plan and the Child Care Centres Five Year Plans. These plans provide a useful tool for forecasting the expected level of reserves required and highlight the ongoing need to plan for the future.

Recommendation (COR12)

That the report be received and noted.

Subject/File No: DISCLOSURE OF PECUNIARY INTEREST RETURNS 2002/2003

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Request by Department of Local Government

Objective: To meet the guideline requirements.

Management Plan Activity: Administrative Services

Background:

In 1997 the Department of Local Government issued a set of guidelines on the administrative processes associated with the completion of Pecuniary Interest Returns.

The new procedures did not change the intent of the Act but were designed to regulate uniformly throughout NSW how it was applied. The result was a minor increase in associated administration, including the need for completed Pecuniary Interest Returns to be tabled at a Council meeting.

In accordance with the procedure, tabled are Returns for Councillors and designated staff.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not requested.

Author's Response to Comments from Other Staff

Not applicable.

Recommendation (COR13)

That the report be received and noted.

Subject/File No: STREET SIGNS – RISK MANAGEMENT POLICY
(GW/LM: S9,S866)

Prepared By: Administrative Services Manager, Graeme Wilson

Reason: Advice from Council's insurance brokers.

Objective: To develop a policy to protect Council and prioritise works program.

Management Plan Activity:

Background:

Council is fully aware of the impact and implications of public liability insurance and the actions it has been taking to mitigate such effects.

One of the areas which staff have addressed is the issue of street signs. This includes signs such as regulatory ("give way" and "stop" signs), warning and directional signs (street name signs).

The impetus for this issue came from a number of areas including: complaints from the public over missing signs; visual amenity issues and public liability concerns. As a result, Council has collected data on signs within its urban area, with rural areas and villages to be targeted in the next inspection round. As a result the urban sign audit identified almost 700 signs requiring repair or replacement.

A works program has been initiated based on a general priority of regulatory signs, CBD signs and warning/direction signs.

To complete this process a detailed procedure is being developed which will cover issues surrounding data collection (method/frequency) and prioritisation of works programs. Council's insurance brokers advise that a broad all encompassing policy should be adopted to strengthen its position in any litigation. This policy is attached.

Manager - Finance & Administration Comments

This risk management initiative is supported as there is not only potential to reduce public liability claim costs, but more tangible benefits associated with addressing complaints and visual amenity issues.

From a financial perspective, a budget submission will be prepared for Council to consider the allocation of resources to "conduct inspections, assessments and works for the implementation of the policy and procedures". Obviously, there is capacity within the current budget to undertake part or all of this process, but this will be determined by City Works for the 2004/05 Budget.

Public Consultations

Not required.

Other Group Comments

Comments from Asset Management Engineer have been included in the report.

Author's Response to Comments from Other Staff

Noted

Conclusion

The policy adoption is the formal part of a process where the emphasis is on the identification and replacement of street signs.

Recommendation (COR11)

That Policy No. 1.4.16 be adopted.



POLICY MANUAL

| | |
|-----------------------------|---|
| POLICY NO: 1.4.16 | STREET SIGNS – RISK MANAGEMENT |
| FUNCTION: | Administration |
| ACTIVITY: | Corporate & Community Services |
| OBJECTIVE: | The assessment of risk and prioritisation of maintenance works within budget allocations determined by Council. |
| SECTION RESPONSIBLE: | Corporate & Community Services |
| AUTHORISED: 14/8/03 | REVIEWED: |

1 Introduction

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

In order to reduce the inconvenience incurred by the public and to reduce possible claims, Council has sought to identify damaged and missing signs.

2 Inspection Regime

Council will carry out inspections of its sign network in accordance with a procedure authorised by the General Manager. The frequency of inspections will be determined by Council resources.

3 Evaluation on Control

The procedure will detail the method used to evaluate the risk and recommend the appropriate treatment for the identified risk.

4 Budget

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

5 Monitoring and Review

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

LISMORE CITY COUNCIL - Meeting held October 14, 2003

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD SEPTEMBER 17, 2003
AT 10.00 AM. (WMacD:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Ken Gallen, Mervyn King and John Hampton, Ms Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Mr Mike Baldwin (*Roads & Traffic Authority*), Snr Const Brian Buckley (*Lismore Police*), together with Messrs Paul O'Sullivan (*General Manager*) and Bill MacDonald (*Co-Ordinator – Traffic & Law Enforcement*).

In attendance: Mr Peter Joyce (Lismore Taxis) for Item No. 11 and Ms Jenny Deans for Item No. 19.

Apologies: Apologies for non-attendance on behalf of Councillor John Chant, Mrs Wendy Johnson (*Road Safety Officer*) and Messrs Thomas George, MP, and John Daley were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – August 20, 2003

Members were advised that the Minutes of the meeting held on August 20, 2003 were adopted by Council at its meeting of September 9, 2003.

Disclosure of Interest: Nil

Business Arising:

1. **New Ballina Road, Lismore Heights – Parking Restrictions**

(Item No. 15 from Minutes of August 20, 2003)

Mr MacDonald advised that he had again spoken with Mr Geraghty of the Lismore Heights General Store when it had been agreed that revised parking restrictions should only include Monday to Saturday.

TAC137/03 **RECOMMENDED** that the existing parking signs be altered to read the times, 8.30am to 7.00pm, Monday to Saturday. (R6408)

Correspondence:

2. **Ms M Gallen;** expressing concern for the speed of traffic on Kellas Street and suggesting that speed bumps be installed.

It was noted that the new University carpark at the bottom of the access road was yet to be completed and, to date, traffic volumes were relatively low. It was suggested that the issue be further assessed once the road was greater utilised. In the meantime, the Police representative noted Ms Gallen's concerns and undertook to include the area in normal patrol areas as resources permitted.

TAC138/03 **RECOMMENDED** that the writer be advised that speed bumps were not considered warranted at this stage. However, Lismore Police would include the area as part of their normal patrols as resources permitted.

(03-8669:R7121,R7126)

3. **B Harrison;** drawing attention to the intersection of Cullen and Stony Chute Roads, Nimbin, and the need for a "Give Way" or "Stop" sign to be erected on Cullen Road.

A "Give Way" sign was not considered warranted. However, it was suggested that an advanced warning "T-Junction" sign on Cullen Road would assist motorists unfamiliar with the road that an intersection was approaching.

TAC139/03 **RECOMMENDED** that a "T-Junction" sign be installed on Cullen Road.

(03-8742:R2105,R2184)

4. **Southern Cross University, Darrel Chapman Fun Run;** seeking permission to conduct its annual Fun Run on Sunday, October 19, 2003.
Mr MacDonald advised that he had informed the Organisers of the need for a traffic management plan to be drawn up indicating signage and intersection controls. It was noted that the Fun Run had been held for a number of years along the same route without incident.
- TAC140/03** **RECOMMENDED** that approval be granted for the Fun Run subject to Lismore Police consent also being obtained and submission of an appropriate traffic management plan. (03-8809:S336)
5. **Lismore Motorcycles;** seeking permission to conduct the annual North Coast Children's Motorcycle Toy Run on Saturday, December 6, 2003, congregating at the Crowther Carpark and travelling to Ballina.
- TAC141/03** **RECOMMENDED** that approval be granted for Crowther Carpark to be used for the Fun Run as outlined in the letter. (03-8900:S336)
6. **Eastwell Holdings Pty Limited;** requesting that Tatham Road and Tomki Tatham Road be gazetted for access by trucks containing 4.6m stock crates.
The Chairperson raised concern that the width and condition of the road was unsuitable for use by larger vehicles long term. The road would deteriorate over time and there were no funds for major upgrading.
- TAC142/03** **RECOMMENDED** that consent to use Tatham Road and Tomki Tatham Road be denied. (03-9102,R4909,R4906)
7. **Nimbin Community Development Association;** requesting that traffic calming measures be installed on Sibley Street at the approaches to the marked pedestrian crossing leading to Peace Park.
Mr MacDonald advised that a meeting had been held on-site with Ms Draper and the following recommendations had been agreed upon.
- TAC143/03** **RECOMMENDED** that –
- 'zig zag' lines be painted on the approaches to the pedestrian crossing
 - four 'pedestrian legs' symbol signs be replaced at the pedestrian crossing
 - the existing 'children' symbol sign be replaced on the northern side of the crossing and include a 'crossing ahead' plate underneath the sign.
- (03-9129:S352,R1703)
8. **Bunnings Building Supplies Pty Limited;** seeking permission to conduct a fundraising event, "The Diabetic Walk", on Sunday, October 19, 2003.
It was noted that the event did not involve walking on or the crossing of any roads and the route was considered to be appropriate for the event as outlined.
- TAC144/03** **RECOMMENDED** that approval be granted for the event to proceed as proposed. (03-9298:P27012)
9. **North Coast National A & I Society;** forwarding copy of the proposed traffic regulations for the North Coast National to be held on October 15-18, 2003.
The Committee noted the proposed traffic regulations around the perimeter of the Showground and that they were the same as in previous years. The Society had also undertaken to advertise the parking restrictions.
- TAC145/03** **RECOMMENDED** that approval be granted for the traffic regulations as outlined. (03-9293"S352)
-

10. **Eltham Public School P & C Association;** seeking a variation in the School Zone times for Eltham Public School.
Mr Baldwin advised that the times associated with School Zones were standard across the State and any variation was generally not possible. Ms Mitchell confirmed that Caniaba Public School had recently appealed a similar decision and the Authority's view was upheld, that the operating times of the School Zones should remain standard.
- TAC146/03** **RECOMMENDED** that the writer be advised accordingly. (03-9479:S352,P14175)

11. **Lismore Taxis Co-Operative Ltd;** objecting to the proposal to install traffic calming devices at Little Keen Street.
Mr Joyce was present for this item and stated that North Coast Radiology had also voiced to him its disapproval for the proposal and had indicated that a letter would also be forthcoming from that business. Mr Joyce stated that in all the years the Co-Operative had been located at Little Keen Street, he had been unaware of any speeding problem.
As a result of these representations, it was suggested that a classifier be placed on the road to ascertain actual vehicle speeds.
- TAC147/03** **RECOMMENDED** that any proposed options be further canvassed with residents and businesses of Little Keen Street with the results being referred back to the Committee for further consideration. (03-9713:R7317)

General Business:

12. **Terania Street, North Lismore – Marked Pedestrian Crossing**
The Committee considered the removal of the pedestrian crossing on Terania Street, near Tweed Street, due to its limited use. Concern had been raised that the crossing in its current location and bearing in mind its limited use, was unsafe. The Committee was advised that the crossing would have been initially installed to cater for School and Church pedestrian traffic. Both of these facilities had closed some time ago.
- TAC148/03** **RECOMMENDED** that the marked pedestrian crossing on Terania Street, North Lismore, be removed. (R6232)

13. **Brewster Street, Lismore – Marked Pedestrian Crossing**
G Miller of Trinity Catholic College had requested consideration be given to installing a marked pedestrian crossing on Brewster Street, between Bus Bay 21 and McDonald's Restaurant.
Members noted that a pedestrian refuge already existed on Brewster Street, in front of McDonalds Restaurant. If another crossing point was to be provided further north it would mean pedestrians crossing two roads, including Laurel Avenue, instead of only Brewster Street. The current facility was well used and considered to be more appropriate than a marked pedestrian crossing as there was a shared responsibility for both motorists and pedestrians to take due care when crossing.
- TAC149/03** **RECOMMENDED** that the writer be advised the current facility was considered the most appropriate for the reasons set out above. (S673,R6007)

14. **Cowlong Road – Speed Limit**
S Sycamore had requested that a reduced speed limit be applied to Cowlong Road.
Mr Baldwin tabled accident data for the period from 1996 to September 2002 relevant to Cowlong Road. There had been only one accident recorded. It was noted that the road environment was predominately rural and as such the appropriate speed limit was in accordance with the State limit. Reasons for any reduction in speed limit would not be obvious to the motorist and compliance would be low.
- TAC150/03** **RECOMMENDED** that the writer be advised that the current speed limit was considered appropriate. (R4501)
15. **Disabled Parking Bays – Lismore CBD**
The Committee considered a proposal to increase the number of parking bays within the CBD area. Mr MacDonald advised that he had discussed this issue with Mr Daley and it was agreed that at this stage two additional disabled parking bays be installed, one at Molesworth Street and one at Woodlark Street. Bearing in mind the high demand for on-street parking, this was considered adequate. It was suggested that Keen Street be reassessed as part of any redevelopment plan.
- TAC151/03** **RECOMMENDED** that two additional disabled parking bays be installed in the CBD, one on the eastern side of Molesworth Street, between Woodlark and Magellan Streets, on the departure side of the mid-block crossing; and one on the northern side of Woodlark Street, between Keen and Molesworth Streets, on the departure side of the mid-block crossing. (S353)
16. **Intersection of Keen and Zadoc Streets – “Give Way” Signs**
The Police Representative raised concern for the ongoing incidence of accidents occurring at the above intersection. As a result of an on-site inspection, some minor upgrading was proposed.
- TAC152/03** **RECOMMENDED** that the two central “Give Way” signs on Keen Street be mounted on a fluorescent orange backboard and that a concrete tear-drop island be installed on the centre of the road that holds the “Give Way” sign on the northern leg of Keen Street. (R7313,R7330)
17. **Intersection of Brunswick and Carolina Streets – Turning Lane**
A complaint had been received from residents of Carolina Street regarding the recent installation of guard railing along the side of Brunswick Street and the fact that this had significantly reduced the road shoulder width available for motorists to manoeuvre around vehicles propped to turn right into Carolina Street. There had been a recent rear-end accident and a number of close calls since the guard rail installation.
- TAC153/03** **RECOMMENDED** that this matter be referred to Council’s Manager - Design Services with a view to ascertaining if there was sufficient sealed road width to allow for the provision of a right-turn lane by adjusting existing line-marking. (R6009,R6018)

18. **Intersection of Wyrallah Road / Dibbs Street / Harmony Avenue – Future Roundabout**

A complaint had been received regarding the fact that motorists exiting Harmony Avenue were confused as to who had right-of-way at the above intersection. Snr Const Buckley pointed out that when such circumstances prevailed, the 'Give Way to the Right' rule came into play - in which case traffic from Dibbs Street would have priority over Harmony Avenue. There was little that could be done short-term given the current configuration but it was suggested that longer term, a roundabout may fit into the existing pavement area.

TAC154/03 **RECOMMENDED** that this matter be referred to Council's Manager - Design Services for investigation with a view to preparing a plan and estimate for a roundabout at the intersection of Wyrallah Road, Dibbs Street and Harmony Avenue. (R5201,R6020,R7448)

19. **Intersection of Conway and Carrington Streets – Proposed Closure**

Ms Jenny Deans was present for this item and was invited to outline her concerns. Ms Deans was concerned that business had dropped in recent times and it was her belief that this was at least in part due to the modifications carried out at the above intersection.

A plan was tabled at the meeting showing the centre median along Conway Street, the proposed new Bus Zones and the two new pedestrian crossings. It was suggested that a survey could be carried out in order to ascertain whether or not any additional parking was available by introducing 45° angle parking on one side of the street.

TAC155/03 **RECOMMENDED** that this matter be referred to Council's Manager - Design Services to arrange a survey of Carrington Street, for the two sections between Magellan and Conway Streets, and between Conway and Bounty Streets, with a plan being prepared of any proposed changes. (R7303,R7307)

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

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

1. Sale of Lot 147 in Deposited Plan 1052836, being 38 Centenary Drive, Goonellabah.

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

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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

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

Recommendation:

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

Item 1: Airport Landing Charges

Grounds for Closure -

Section 10D(2): a) Section 10A (2)(d)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, SEPTEMBER 9, 2003 AT 6.05PM.

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

188/03 **Apologies/**
Leave of
Absence: An apology for non-attendance on behalf of Councillor Roberts was received and accepted and leave of absence granted.
Leave of absence was approved for Councillor Chant from September 15-October 17 and for Councillor Irwin from September 20-25.
(Councillors Irwin/Swientek)

189/03 **Minutes:** The Minutes of the Ordinary Meeting held on August 12, 2003, 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:-

Shane Hulbert re Matter of Urgency – Lismore Fire Station

On behalf of the NSW Fire Brigades Employees' Union Mr Hulbert spoke of the benefits to the city of full-time staffing and the need for rapid response. He explained that most of the volunteers were too far from the station to respond quickly and with the growth in the downtown area, full time staffing was essential. He also drew attention to the lack of State funding and expressed appreciation for Council's increased funding.
(S103)

MAYORAL MINUTES:

DA03/455 – Partial Demolition of Existing Aged Care Facility and Development of New Facilities at 65 Rous Road, Goonellabah

190/03 **RESOLVED** that the minute be received and Council issue delegation to the General Manager to approve Development Application No. 2003/455 for the partial redevelopment of the existing aged care facility located at 65 Rous Road, subject to the concurrence of the Development Assessment Panel.
(Councillors King/Hampton) (D03/455)

Independent Pricing and Regulatory Tribunal – Country Rail System

191/03 **RESOLVED** that the minute be received and that this Council condemns any notion of downgrading any rail services to the region and -
1 That the Lismore City Council note the following:
a) that the country rail system has been allowed to fall into a state of physical disrepair including an unsatisfactory condition of some trains, rail lines and bridges;

- b) the enormous historical importance rail systems have to Lismore and its surrounding communities, and the important contribution rail continues to make to the regional economy;
 - c) the significant potential to expand the rail system to alleviate growing transport and amenity problems caused by the over-reliance on road transport, particularly the Pacific and Newell Highways;
 - d) the potential for a revitalised rail system to contribute to a growth in tourism and tourism-related employment in the region.
- 2 That Council endorse the EDU's approach to the rail issue.
- 3 That the Mayor write to the Minister requesting an extension for the deadline for submissions to the Parry Inquiry through to 15th November 2003.
- 4 That Council, through the EDU, put together a submission to the Inquiry that
- a) opposes closure of the Casino-Murwillumbah line;
 - b) advocates the connection of the line to the Queensland system;
 - c) urges the State Government to investigate ways to increase the patronage of CountryLink services in our region;
 - d) urges the State Government to redress the funding imbalance that sees urban passengers subsidised to a greater extent than regional passengers.
- 5 That Council, through the EDU and NOROC, muster community support for this submission.
- 6 That a further report be brought to Council following the Tweed Heads meeting.
(Councillors King/Crowther) (S133)

NOTICE OF MOTION:

Shading – Redevelopment of Memorial Baths

Formal notice having been given by Councillor Tomlinson it was MOVED that in the interests of the health of our children and other pool users, appropriate shading over the spectators, concourse and marshalling areas, the smaller pool and at least half the large pool be made a mandatory component of the tender specifications for the redevelopment of the Memorial Baths.

(Councillors Tomlinson/Irwin)

AN AMENDMENT WAS MOVED that in the interests of the health of our children and other pool users, the redevelopment of the Lismore Memorial Baths site conform to Council's adopted Community Sun Protection Strategy.

(Councillors Hampton/Suffolk)

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

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

192/03 **RESOLVED** that in the interests of the health of our children and other pool users, the redevelopment of the Lismore Memorial Baths site conform to Council's adopted Community Sun Protection Strategy.

(Councillors Hampton/Suffolk)

Voting Against: Councillors Irwin, Tomlinson, Gallen and Swientek.
(03-8839: P6768)

REPORTS:

Lismore Lake Draft Plan of Management

A MOTION WAS MOVED that the report be received and –

- 1 Council endorse the amended Draft Plan of Management for Lismore Lake.
- 2 The swimming pool remain in use as part of the City's recreational water space.
- 3 The Draft Plan be placed on exhibition and public submissions be invited in accordance with provisions of the Local Government Act 1993.

(Councillors Irwin/Swientek)

AN AMENDMENT WAS MOVED 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.

(Councillors Crowther/Baxter)

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

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

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

- 1 Council endorse the amended Draft Plan of Management for Lismore Lake subject to:
 - a) An appropriate name be formulated to recognise the name of the former mayor, Councillor Bob Gates .
 - b) The swimming pool remain in use as part of the City's recreational water space.
- 2 The Draft Plan be placed on exhibition and public submissions be invited in accordance with provisions of the Local Government Act 1993.

(Councillor Gallen)

The foreshadowed amendment LAPSED for want of a seconder.

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.

(Councillors Crowther/Baxter)

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

Dissenting Vote:

Councillor Gallen

(P27012)

Subdivision and Sale of Council Land in Bristol Circuit, Goonellabah

194/03 **RESOLVED** that Council re-examine the pricing of the lots and a further report be presented to Council.

(Councillors Swientek/Chant)

(P27147)

Application for Closure of Council Public Road at Wyrallah

195/03 **RESOLVED** that the report be received and -

1 That the application to close part of the unformed road through Lot 1 in Deposited Plan 124941 (as shown in the attached plan) be endorsed by Council .

2 All costs associated with the road closure and dedication as set out in this report be borne by the applicant.

3 That the General Manager and Mayor be authorised to sign and affix the Council seal to the plan of survey and transfer as required.

(Councillors Irwin/Hampton)

(P13583)

Tender – Provision for 100mm Diameter Water Main Replacement – Various Locations

196/03 **RESOLVED** that the report be received and –

1 The contract for the 100mm diameter water main replacement at various locations is awarded to Camglade Pty Ltd at the rates submitted. (The estimated price of the works is \$519,750.00 plus GST.)

2 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

(Councillors Hampton/Crowther)

(T24001)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 20/8/03

197/03 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted.

(Councillors Gallen/Baxter) (S352)

DOCUMENTS FOR SIGNING AND SEALING:

198/03 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Licence Agreement – Council & Northern Region SLSA Helicopter Rescue Service Pty Ltd

Licence to install and maintain at the Wyreema Avenue reservoir site the licensee's equipment for 2 years from 1/7/03 to 30/6/05. (03-7549: P4031)

Section 88B Instrument – Richmond Tweed Regional Library

Easement for drainage of sewage on proposed plan of subdivision, Lancaster Drive for Regional Library headquarters.
(D02/366)

Lease Agreement – Lismore Tennis Club Inc.

Renewal of the existing agreement (cnr. Ballina & Brewster Streets), Lot 10, DP 812156, for a period of 10 years from 1/1/2004 to 31/12/2013.
(Councillors Hampton/Irwin)

MATTER OF URGENCY:

Staffing of Lismore Fire Brigade

199/03 **RESOLVED** that this matter be admitted to the business paper as a matter of urgency.
(Councillors Irwin/Tomlinson)

200/03 **RESOLVED -**

- 1 That Lismore City Council object strongly to the failure of the State Government to honour its promise to provide full-time staffing of the Lismore Fire Brigade.
- 2 That we write immediately to the Premier and advise him of our position, pointing out that we have made a significant commitment by allocating scarce financial resources to assist the State Government in their responsibility to provide protection for our community.
- 3 That we request an immediate reversal of the decision not to provide the necessary funds to Lismore this year.

(Councillors Irwin/Gallen) (S103)

This concluded the business and the meeting terminated at 8.05 pm.

CONFIRMED this 14TH day of OCTOBER, 2003 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, SEPTEMBER 16, 2003 AT 6.00PM.

Present: Mayor, Councillor King; Councillors Baxter, Crowther, Hampton, Irwin, Suffolk, Swientek (from 6.04pm) and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Business & Enterprise; Manager-Community Services, Manager-Communications & Community Relations, Recreation Planner, Manager-Special Projects & Properties, Administrative Services Manager and Team Leader-Administrative Support.

201/03 **Apologies/**
Leave of
Absence: Apologies for non-attendance on behalf of Councillors Gallen and Roberts were received and accepted and leave of absence granted.
Leave of absence had been approved for Councillor Chant on September 9.
(Councillors Irwin/Swientek)

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 Barry Garland re Rescission Motion

Mr Garland supported the retention of the lake as a passive recreation area, without people conducting activities on the lake. He urged the preservation of the lake as a natural wetland. He also raised the issue of water quality and costs to remediate.
(P27012)

Mr John Power, President, Lismore Rowing Club re Rescission Motion

Mr Power detailed the move from the Laurie Allan Centre to the Lismore Lake and its use over a 10 year period. He claimed no conflict with their activities and bird life. He stressed the safety benefit of using the lake as a training venue, particularly with respect to juniors. He sought a return to use of the lake by the Rowing Club.
(P27012)

RESCISSION MOTION:

Lismore Lake Draft Plan of Management

202/03 Formal notice having been given by Councillors Irwin, Gallen and Tomlinson it was **RESOLVED** that Council's decision in regard to the Lismore Lake Plan of Management be rescinded.

(Councillors Irwin/Tomlinson)

Voting Against: Councillor Swientek.

A FORESHADOWED MOTION WAS MOVED that-

- 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) The swimming pool remain in use at the moment as part of the City's recreational water space.
- 2 The Draft Plan be placed on exhibition and public submissions be invited in accordance with provisions of the Local Government Act 1993.
(Councillors Irwin/Tomlinson)

AN AMENDMENT WAS MOVED that -

- 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, with an approximate 30 metre exclusion zone surrounding the southern section of the lake .
 - c) The land in the Draft Plan be recategorised to reflect the changes required by the foregoing amendments and be zoned 6 (a) recreation.
 - d) That the area north of Williams River Steel be investigated for proposed commercial use.
 - e) The swimming pool remain in use at the moment as part of the City's recreational water space.
- 2 A lake management advisory committee be formed to advise Council on the future management of the lake and its precinct.
- 3 The Draft Plan be placed on exhibition and public submissions be invited in accordance with provisions of the Local Government Act 1993.
(Councillors Crowther/Suffolk)

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

Voting Against: Councillors Irwin and Tomlinson.

Dissenting Vote:

Councillor Irwin.

203/03

RESOLVED that –

- 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, with an approximate 30 metre exclusion zone surrounding the southern section of the lake .
 - c) The land in the Draft Plan be recategorised to reflect the changes required by the foregoing amendments and be zoned 6 (a) recreation.
 - d) That the area north of Williams River Steel be investigated for proposed commercial use.
 - e) The swimming pool remain in use at the moment as part of the City's recreational water space.
- 2 A lake management advisory committee be formed to advise Council on the future management of the lake and its precinct.
- 3 The Draft Plan be placed on exhibition and public submissions be invited in accordance with provisions of the Local Government Act 1993.

(Councillors Crowther/Suffolk)

Voting Against: Councillor Tomlinson.

(03-9360: P27012)

REPORT

Subdivision and Sale Of Council Land in Bristol Circuit, Goonellabah

204/03

RESOLVED that the report be received and -

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.

(Councillors Irwin/Hampton)

Voting Against: Councillor Swientek.

(P27147)

This concluded the business and the meeting terminated at 7.14 pm.

CONFIRMED this 14TH day of OCTOBER 2003 at which meeting the signature herein was subscribed.

MAYOR

