



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, FEBRUARY 10, 2004, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

February 3, 2004

COUNCIL BUSINESS AGENDA

February 10, 2004

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Subject/File No: DRAFT COMPREHENSIVE KOALA PLAN OF MANAGEMENT FOR THE SOUTH-EASTERN PORTION OF THE LISMORE LOCAL GOVERNMENT AREA (SP: S310)

Prepared By: Environmental Planner – Sandy Pimm

Reason: Council deferral of previous report

Objective: Council adoption of draft plan

Management Plan Activity: Planning Services

Background:

At the Council meeting of December 9, 2003 a report was tabled following public exhibition of the *draft Comprehensive Koala Plan of Management for the south-eastern portion of the Lismore Local Government Area*. The report examined issues raised during consultation and explained changes proposed in response to those issues. Council resolved at that time to defer a decision on adoption of the plan “to a special meeting in February 2004 to reconsider Items 2, 5 and 7 in the body of the report”.

These items and the implications of any further change are discussed below.

Item 2

Item 2 in the December report to Council proposed a change to the koala habitat mapping that would:

“Amend koala habitat mapping so that Primary Koala Habitat includes only vegetation associations containing at least 35% of these three tree species (Forest Red Gum, Tallowwood and Swamp Mahogany).”

The reason for the proposed change was to ensure the habitat mapping reflected a further change proposed to reduce the *Preferred Tree Species List* (those trees preferentially selected by koalas) from nine species of tree to the three most used. The implications of such a change are that three vegetation associations will be ‘downgraded’ from Primary to Secondary Koala Habitat. These associations have been mapped as Brush Box Open Forest to Woodland, Grey Ironbark Open Forest to Woodland and Flooded Gum Open Forest to Woodland. Statistically, this will result in Primary Koala Habitat occupying 2.8% of the study area (down from 3.9%) and Secondary Koala Habitat occupying 2.0% (up from 0.9%). A map showing the former and revised areas of all categories was included in the previous report. In the rural south-east the area reclassified to Secondary will have a lower priority for funding but will otherwise be unaffected. In the Lismore Vicinity, the reclassified areas may have higher development potential, however this will affect few properties.

At the December meeting of Council it was suggested that the 35% threshold used to define Primary Koala Habitat be increased to 70%, i.e. the definition of Primary Koala Habitat would become “*An area of land where at least 70% of the total number of trees present are Preferred Koala Food Tree species*”.

Problems in adopting such a definition of Primary Koala Habitat are:

1. Mapping has been undertaken using the current definition of 35%. It is therefore probable that vegetation mapping would have to be done again. The cost of mapping done in 2000 was \$17,000.
2. The 35% threshold has a scientific basis (Phillips 1995, Lunney et al. 1998) and there are a number of references to this threshold as it has been used for a number of Koala Plans of Management including Coffs Harbour and Port Stephens Comprehensive Plans. There is no reference in the scientific literature to a 70% threshold.

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Comments from Department of Environment and Conservation (DEC, formerly NPWS) on this matter are:

"..... the 35% threshold should be not a negotiable threshold. Whilst there may be some variations about the exact threshold (and also what constitutes the methods of determining this in the field e.g. what is a canopy species?, what vegetation map layer is used? etc), in the Lismore case where in particular Forest Red Gum is so heavily utilised it could be argued that the threshold should be lower or that the presence of any FRG determines Primary Habitat. The key issue with all this is that it really is a modelling process of determining the preferred tree species and then by using a threshold of tree dominance in any vegetation type, mapping/modelling the (likely) presence of Primary habitat. In Lismore on the basalt soils this is not such a hit and miss approach as it can be in other areas where soil profiles change over different landscapes and koala activity follows accordingly.

Item 5

Item 5 in the December Report to Council proposed to

"Make it clear in the Statement of Intention for the LEP amendment that the statement:

"the amending LEP will prohibit or restrict developments or activities involving clearing, subdivisions, or intensification of land use zonings within Primary Koala Habitat in accordance with the performance standards in the CKPoM, whilst seeking to protect Preferred Koala Food Trees wherever they occur" on page 8 of the draft Plan refers only to mapped Primary Koala Habitat, not the entire allotment containing Primary Koala Habitat.

The concern raised at the December meeting in relation to this item was with the word "prohibit". The use of the word "prohibit" in terms of no further subdivision or intensification of land use in mapped Primary habitat is not considered essential. In fact, in a specific case study (site) considered recently it would appear that a better result can be obtained by using the word "control" or "restrict" because the mapping has inaccuracies.

Comments from DEC on this item are:

"Yes, the word prohibit is probably not good as it does not allow any flexibility, particularly as site level investigation may revise the regional data/habitat mapping and some degree of verification/re-mapping at the site level and possibly even local scale trade-offs may be useful in some areas.

Item 7

Item 7 in the December Report to Council proposed to

"Provide an exemption from DA consent for removal of one Preferred Koala Food Tree per property per year (on average) for on-farm use (in the rural LEP zones of the Lismore Vicinity), provided:

- The tree(s) are not used by koalas according to an assessment of koala habitat utilisation carried out using the Guidelines for Koala Habitat Assessment.
- The tree(s) are replaced by the same number of trees and of one of the Preferred Koala Food Tree species.
- Council's assessing officer is notified prior to removal."

The number of Preferred Koala Food Trees that may be allowed to be cleared with approval per year per rural property in the Lismore Vicinity was suggested as one per year. In the absence of any other suggested figure, it is suggested that this threshold remain, but that it may be summed over a period of time. Thus, if no applications for removal are received for a five-year period, five trees could be approved in the fifth year, subject to the conditions as listed above.

Comment from DEC on this item are:

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“The number threshold for trees to be cleared per property was a very hotly debated subject in the Regional Vegetation Management Planning process. One per year would be considered pretty tight, but in the case of Forest Red Gums occurring as scattered trees and woodlands it may need to be this tight to prevent on-going cumulative loss. As it allows for non-preferred koala food trees or other native trees to be removed without approval, it is not unreasonable that the 1 koala feed tree threshold stay.

The use of accumulating the 1 per year is not a bad idea. This was used in the old Regional Vegetation Management Plans so the 1 per year could be summed over a 5 or 10 year period. Problems of course arise as to how this is managed? What we prepared for the veg plans exemption to help protect koala trees was an advisory note which detailed how a landowner could determine whether there was koala use of any tree proposed for use under the exemption. Where activity was determined then consent was required. This sounds good but relies totally on landowner self assessment, which can be problematic.

Manager - Finance & Administration Comments

N/A

Public Consultations

The draft Plan has been exhibited and submissions detailed in the previous report to Council. No consultation has occurred in relation to any changes in the foregoing Report to Council.

Other Group Comments

N/A

Author’s Response to Comments from Other Staff

N/A

Conclusion

A number of changes are proposed to the draft *Comprehensive Koala Plan of Management for the south-eastern portion of the Lismore Local Government Area*. All of these changes have been agreed upon by the Koala Management Plan Steering Committee, apart from further changes itemised in this report. It is suggested that further change can be made in removing the word “prohibit” from the Statement of Intention for the proposed LEP amendment, and in allowing trees to be summed over a five-year period in relation to clearing Preferred Koala Food Trees, without major detrimental impact to the integrity of the draft Plan. However, any change to increase the threshold of Preferred Koala Food Trees to define Primary Koala Habitat would have deleterious effects, and is not supported.

Recommendation (PLAN02)

1. That the definition of Primary Koala Habitat remain as ““An area of land where at least 35% of the total number of trees present are Preferred Koala Food Tree species”.
2. That the word “prohibit” be removed from Item 5 so that the Statement of Intention for the LEP amendment reads:

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“the amending LEP will restrict developments or activities involving clearing, subdivisions, or intensification of land use zonings within mapped Primary Koala Habitat in accordance with the performance standards in the CKPoM, whilst seeking to protect Preferred Koala Food Trees wherever they occur” on page 8 of the draft Plan.

3. That the proposed exemption from DA consent for removal of one Preferred Koala Food Tree per property per year (on average) for on-farm use (in the rural LEP zones of the Lismore Vicinity) be able to be summed to a maximum of five trees in a five-year period, provided:
 - The tree(s) are not used by koalas according to an assessment of koala habitat utilisation carried out using the Guidelines for Koala Habitat Assessment.
 - The tree(s) are replaced by the same number of trees and of one of the Preferred Koala Food Tree species.
 - Council's assessing officer is notified prior to removal

That Council:

1. Adopt the *Draft Comprehensive Koala Plan of Management for the South-eastern portion of the Lismore Local Government Area* as recommended by the Koala Management Plan Steering Committee with the changes as detailed in the Report to Council dated December 9, 2003 and in the foregoing report.
2. Resolve, pursuant to S.54 of the Environmental Planning & Assessment Act, to prepare a draft amending local environmental plan to give effect to the regulatory provisions of the Koala Plan of Management.
3. Advise the Department of Infrastructure, Planning & Natural Resources that no local environmental study should be required because the Comprehensive Koala Plan of Management covers all issues.
4. Prepare and exhibit the draft LEP amendment in accordance with the Best Practice Guideline of January 1997 titled “LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council”.
5. Endorse the preparation of development control plan provisions containing guidance for landowners and developers.
6. Resolve to disband the Koala Management Plan Steering Committee and forward a copy of the final Plan and a letter to members thanking them for their contribution.
7. Resolve that the membership of any Koala Advisory Committee formed to assist implementation of the Plan consist of:
 - A Councillor as Chairperson
 - A Council staff member as Servicing Officer
 - An urban ratepayer
 - A rural ratepayer
 - A representative of the Department of Environment and Conservation (formerly National Parks and Wildlife Service)
 - A representative of the Rural Lands Protection Board
 - A representative of the NSW Farmers Association
 - A representative of Friends of the Koala.

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References

Phillips, S. and Callaghan, J. (1995) *The Spot Assessment Technique for determining the Significance of Habitat Utilisation by Koalas*. pp 66-70 In Proceedings of a Conference on the Status of the Koala in 1995. Australian Koala Foundation, Brisbane.

Phillips, S. (1995) *An assessment of koalas and their habitat in the Goonengerry State Forest and adjoining freehold lands*. A report prepared for State Forests of NSW. AKF Brisbane.

Lunney, D., Phillips, S., Callaghan, J. & Coburn, D. (1998). *Determining the distribution of koala habitat across a shire as a basis for conservation: a case study from Port Stephens, NSW*. Pacific Conservation Biology 4: 186-196.

Subject/File No:	LISMORE LAKE PLAN OF MANAGEMENT (P27012)
Prepared By:	Recreation Planner, Alex Wilford
Reason:	The Draft Plan of Management for Lismore Lake has been exhibited and submissions invited
Objective:	Council adoption of the final Plan of Management for Lismore Lake
Management Plan Activity:	Community Services

The public exhibition and submission period for the Draft Plan of Management for Lismore Lake ended on December 5, 2003. The purpose of this report is to advise Council of the results of the exhibition and submission process and to provide an update of other related issues.

Background:

At the September 16, 2003 Extraordinary Council meeting it was 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 30m exclusion zone surrounding the southern section of the lake.
 - c) The land in the Draft Plan be recategorised to reflect 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.

The Draft Plan was subsequently amended to reflect the above points and placed on exhibition and public submissions were invited. This process was undertaken over a 6-week period until December 5, 2003.

During this period, a copy of the Draft Plan was made available for public examination at Council's Goonellabah Administration Centre, the CBD Centre in Magellan Street and on Council's website. Advertisements notifying the community of the Draft Plan exhibition and submission period were placed in the Northern Rivers Echo.

Key Elements of the Advertised Plan

Under the plan, the Lismore Lake precinct will be gradually improved and further developed to improve its recreation, scenic and environmental value to the community. Key elements of the plan include:

- The Lismore Lake precinct is to be renamed as "The Bob Gates Memorial Recreation Reserve", with the lake itself to be called "Lake Gates".
 - Motorised craft will not be permitted to use the lake.
-

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- Non-motorised recreational craft such as canoes, sailboats, sculling craft and model boats, etc. will be permitted to use the lake, although an approximate 30m exclusion zone will exist around key habitat areas in the southern part of the lake.
- Swimming in the lake will be discouraged at all times.
- Blue-green algae levels within the lake will be regularly monitored to determine whether the water is suitable for recreational use. The lake will be closed to public use whenever blue-green algae exceed prescribed safe levels.
- A Water Management Strategy will be developed, monitored and revised in consultation with relevant government departments, community groups and individuals to determine appropriate water levels and timing of pumping to best suit the native ecological communities at the lake. The existing tractor powered pump is to be replaced by a more efficient and cost-effective electric pump.
- The creation of one or more islands within the lake to provide further protection for birds is to be investigated.
- The recreational value of the area will be improved through the provision of a walking/cycle path that extends around the lake, improved picnic and barbecue facilities, bench seating, viewing platforms, bird observation hides and a children's playground.
- The swimming pool is to be retained as part of the city's recreational water space.
- Improved landscaping and additional shade tree planting is proposed throughout the area.
- Improved signage (directional, instructional and interpretative) is also proposed throughout the area.
- Vehicle access and parking is to be improved where required.
- For the protection of native fauna, dogs must remain on a leash.
- A lake management advisory committee is to be formed to advise council on the future management of the precinct.

Submissions to the Draft Plan

A total of 272 submissions were received in relation to the draft plan. Of these 32 were individually prepared and 240 submissions were part of a form letter petition. The main focus of all submissions was on Council's intention to allow non-motorised recreational craft to use the lake. With the exception of only one submission from the Lismore Rowing Club, all submissions opposed the amendment to allow non-motorised recreational craft to use the lake. A copy of all the individually prepared submissions and the form letter petition are separately attached.

The following table serves as a summary of the key issues raised and the associated comments/reasons given in the submissions. The number of submissions (individual or form letter petition) that refer to each issue is also indicated in the table.

Summary of Submissions

Key Issues Raised	Comments/Reasons Given	Number of submissions which refer to this issue	
		Individual submissions	Form Letter Petition (240)
Opposition to non-motorised watercraft using the lake.	These activities pose a risk / will negatively impact the (threatened) bird species at the lake. The proposed 30 metre exclusion zone will offer very little protection and will be difficult to enforce. The entire lake is considered key habitat.	31	1

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Key Issues Raised	Comments/Reasons Given	Number of submissions which refer to this issue	
		Individual submissions	Form Letter Petition (240)
Opposition to non-motorised watercraft using the lake (continued).	<p>Prefer the lake to be retained as a wetland area for birds and for scenic and passive recreation.</p> <p>The presence of blue green algae poses a health risk to people using the lake and will result in unnecessary costs to control/manage.</p> <p>These activities will benefit only a small minority of the community.</p>		
Support use of the lake by non-motorised craft.	<p>Lismore Rowing Club (LRC) relocated to its current site beside the lake to use the lake for training purposes.</p> <p>LRC suggests that the lake represents a safe and highly valuable place for teaching and training.</p> <p>LRC suggest that rowing will occur in clear water well away from reeds near the foreshore where birds breed and hence their activity will cause minimal to no disturbance of nature.</p>	1	
Previous petitions and submissions have requested Council to retain the lake as a wetland area for birds and not to allow boats to use the lake.	<p>Previous petitions and submissions should be considered and not ignored. Council has reversed its previous decision to ban boats at the lake.</p>	8	
Opposition to the proposed renaming of the lake precinct and/or providing other suggestions for renaming the precinct.	<p>Proposed that the precinct be renamed "The Bob Gates Memorial Wildlife Sanctuary".</p> <p>Propose that the precinct be renamed the "Lismore Lake Water-bird Sanctuary".</p> <p>The area is commonly known as "Lismore Lake".</p> <p>Suggest that a memorial tree planting with an appropriate plaque be considered instead.</p>	<p>1</p> <p>5</p> <p>2</p> <p>1</p>	1
Oppose retention of swimming pool.	<p>Suggested that the pool will be a financial drain on the Memorial Baths and it is considered dangerous for learners and non-swimmers.</p>	1	

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Key Issues Raised	Comments/Reasons Given	Number of submissions which refer to this issue	
		Individual submissions	Form Letter Petition (240)
Support the construction of island refuges, plantings and other works to improve the habitat value of the lake.	To protect and provide additional habitat for (threatened) birds.	10	1
Opposition to the land north of Wilsons River Steel being considered for future commercial use.	Suggested that this land be used as a recreational and/or environmental resource.	6	1
The lake offers tremendous tourism potential as a bird sanctuary.	Suggested that the lake could become a tourism drawcard for Lismore if it is retained as a bird sanctuary.	12	1
Rezone the lake precinct to 7(b) Environmental Protection Zone.	To protect the threatened bird species that inhabit the lake.	1	

Issues Associated with Blue Green Algae

The lake was closed to public use in February 1997 due to concerns associated with high levels of blue-green algae.

The presence of blue-green algae, known within the scientific community as Cyanobacteria, is quite widespread in Australian rivers, lakes, dams and estuaries. Algae are microscopic plants that thrive on a combination of nutrients, light, warmth and calm conditions. Blue-green algae can be found at various depths within a body of water. However when conditions are favourable a bloom is triggered and the algae will appear in abundance at the surface. Algal blooms often take on the appearance of bright green sawdust before forming a mat or scum on water surfaces, which is most noticeable when decomposition occurs.

Blue-green algae blooms are known to produce toxins that pose a risk to human health. These toxins can cause skin, eye and ear irritations, allergic reactions, gastroenteritis, liver damage and under certain conditions may promote the growth of tumours.

The NSW Water Directorate has produced protocols for the management of blue-green algae. The procedures set out to effectively manage blue-green algae outbreaks in water supplies and recreational water bodies with the main aim to protect public health.

Water is not suitable for recreational use when total blue-green algae counts exceed 15,000cells/mL. If the results of testing reveal that blue green algae levels are unsuitable for recreational use (greater than 15,000 cells/mL) signs are to be erected to notify visitors that the water body is closed due to high levels of blue-green algae. The blue green algae levels will continue to be monitored and the water body is to remain closed until blue-green algae counts drop below the safe level on two successive weekly sampling occasions. Signs can then be removed and the lake reopened for recreational use.

Richmond Water Laboratories have been conducting regular blue-green algae testing at the lake since the start of October 2003. The results of testing are presented in the following table.

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Date of Testing	Blue Green Algae Count (Cells/mL)	Suitable for Recreational Use	Unsuitable for Recreational Use
1 October 2003	0	✓	
10 October 2003	0	✓	
15 October 2003	0	✓	
29 October 2003	0	✓	
6 November 2003	567	✓	
12 November 2003	36,838		x
13 November 2003	44,236 *		x
20 November 2003	38,030 *		x
28 November 2003	4,961 *	✓	
3 December 2003	15,000 *		x
11 December 2003	5,305 *	✓	
19 December 2003	11,451 *	✓	
24 December 2003	15,995 *		x
16 January 2004	8,186 *	✓	
Average	12,897		

* Average of the results from four samples taken from different locations within the lake.

The results indicate substantial fluctuations in the levels of blue green algae recorded during this period, with the levels ranging from 0 cells/mL to 44,236 cells/mL, which is nearly three times the prescribed safe level for recreational waters.

The levels exceeded the prescribed safe level for recreational waters (15,000 cells/mL) on five occasions during the sixteen weeks of testing up until January 16, 2004. In effect, the lake would have remained closed since 12 November 2003 because it would not be reopened until blue-green algae counts drop below the safe level on two successive weekly sampling occasions.

Installation of New Electric Pump

The installation of a new electric pump for topping up of the Lake from Wilsons River has been identified as a priority. A license application for a new pumping system was lodged with the Department of Land and Water Conservation (now Department of Infrastructure, Planning and Natural Resources DIPNR) in September 2001 and is still being assessed. DIPNR has been through a major restructure and a revised assessment process has been put in place.

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Since that time, Council has been issued with temporary (12 month) permits to allow pumping to continue while assessment of the permanent license is finalised. DIPNR has indicated that the assessment of the permanent license will be progressed as soon as possible.

DIPNR has indicated that any permanent license is likely to be issued with conditions that restrict the volume of water that can be extracted depending on the flow levels of the river. Council's Design Services have conducted a bathymetric survey of the lake so that the volume of water required to top up the lake can be accurately estimated. This will be used by DIPNR during their assessment process.

In August 2002 the National Parks and Wildlife Service issued council with a certificate to allow pumping into the lake under section 95(2) of the Threatened Species Conservation Act 1995. That certificate has expired and an application for an extension is required. Assuming the plan is adopted as it now stands, NPWS will also consider the potential impacts of non-motorised recreation craft upon the threatened species when assessing the application. This certificate is not a mandatory requirement for pumping, but it does serve to protect council if the threatened species are harmed from these activities. However, it is important to note that such a licence does not serve to protect individuals who may harm the threatened species or their habitat as a result of participating in these activities.

The cost to install a suitable new pumping system is estimated to be approximately \$50,000. This includes the supply and installation of the pump, electrical supply to the eastern side of the lake and creation of an easement through the adjacent caravan park.

Council's Planning Department has indicated that a Development Application will be required if a new pump is to be installed at Lismore Lake.

Implementation and Budgetary Requirements

The Lake area is to be improved and further developed on a gradual basis over several years as funding and/or other necessary resources become available. A preliminary estimate of total capital expenditure is in the order of \$435,000. These works are programmed to be completed/commenced in the short (1-4 years), medium (1-4+ years) and long term. Funding and in-kind assistance will continue to be actively sought from a range of external sources.

Council has reserve funds of \$71,900 specifically set aside for Lismore Lake. A portion of these costs will go towards installation of a new electric pump (approx \$50,000) to replace the old tractor powered pump, which is considered one of the first priorities.

It is important to recognise that park maintenance requirements and costs will also increase as facilities are improved and usage levels rise. This point has been stressed on previous occasions by the former Manager Parks and Recreation.

Should Council proceed with plans to allow non-motorised craft to use the lake there will also be ongoing costs associated with the monitoring and management of blue-green algae. This will involve regular water sampling and laboratory testing and the possible erection and removal of signage. This is estimated to cost between \$5,000 and \$10,000 per year.

Manager - Finance & Administration Comments

Not required. Relevant comments were provided for the September 16, 2003 extraordinary Council meeting.

Public Consultations

The future of Lismore Lake has been the subject of considerable consultation with the community and stakeholders over several years. In the past few years many letters and several petitions have been received by Council regarding the future use of the lake.

A public meeting was held to discuss the draft plan on August 6, 2003 and some suggestions arising from that meeting have been incorporated into the draft plan. The exhibition and submission process has provided the opportunity for further public comment and feedback.

The key issue still remains to be whether boats (motorised or non-motorised) should be allowed on the lake. The outcome of all community consultation, comment and feedback indicates a strong community preference for the lake to be retained as a wetland area for birds and that no boats (motorised or non-motorised) be permitted to use the lake.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

The Lismore Lake Plan of Management recommends the gradual upgrade and further development of the precinct to improve its recreational, scenic and environmental value to the community.

The draft plan has been exhibited and public submissions invited. The results of this process indicate a community preference for the lake to be retained as a wetland area for birds and that no watercraft (motorised or non-motorised) be allowed to use the lake. This correlates with other petitions and community feedback previously received by Council in relation to the lake's future use and development.

Given the outcome of the exhibition and submission process and the ongoing issues associated with blue-green algae within the lake, Council may wish to reconsider their position to allow non-motorised recreational craft to use the lake. If this occurs, it is also suggested that the lake and a perimeter buffer be rezoned to Zone 7(b) Environmental Protection (Habitat Zone) as previously proposed. This will provide added environmental protection and more appropriately reflect the land's use.

This course of action is in line with the overwhelming majority of views expressed by the community over the last few years, overcomes potential human risks and management concerns associated with blue green algae and will allow for the recreational, scenic and environmental value of the precinct to be improved with the potential to become a tourism drawcard for Lismore.

If this preferred course of action is not acceptable to Council, as a compromise and to accommodate the training/teaching needs of the Lismore Rowing Club, it may consider allowing only the formal training/teaching of the Lismore Rowing Club to take place (within specified times and in areas away from key habitat) within the lake. This use would be subject to safe blue green algae levels within the lake and the Club would also be encouraged to apply to the National Parks and Wildlife Service for a license under the Threatened Species Conservation Act 1995 to undertake these activities. No other watercraft activity within the lake would be permitted.

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As per provisions of the Local Government Act 1993 any substantial amendments will require a new draft plan to be prepared and the public exhibition and submission process to be repeated.

Recommendation (COR05)

That –

1. The Draft Plan of Management for Lismore Lake be re-amended so that:
 - a) no water craft (motorised or non-motorised) are permitted to use the lake.
 - b) the lake and a perimeter buffer be rezoned to Zone 7(b) Environmental Protection (Habitat Zone).
2. The amended draft plan of management be placed on public exhibition and submissions be invited in accordance with provisions of the Local Government At 1993.

Subject/File No: LISMORE URBAN STRATEGY
(S650)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Council's resolution of October 14, 2003

Objective: To provide Council with an update on matters arising from its resolution of October 14, 2003

Management Plan Activity: Strategic Planning

Background:

At its meeting of October 14, 2003 Council resolved to:

1. *Advise DIPNR that it wishes the North Lismore Plateau to be included in the Urban Settlement Strategy.*
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 2(a) 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 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. *That officers prepare a detailed report to Council as to how the LEP schedule approach outlined in Mr. Bismire's report can be applied to all future major residential land releases, and that any residential development in the current Urban Settlement Strategy occur in accordance with this LEP schedule approach.*
5. *That the Management Plan for the Showgrounds site be prepared speedily.*

The purpose of this report is to provide Council with an update on each of the above five points of the October resolution:

1. Response from DIPNR

DIPNR was advised of Council's resolution and a response was received on November 20, 2003. The response notes that the Urban Strategy already anticipates that Council intends to review the North Lismore issue within 12 months of the Strategy's adoption. The letter further states that if the claims of local real estate agents can be substantiated, the land supply estimations in the Strategy can be revised. DIPNR also states that prior to North Lismore's inclusion in the Strategy, Council will need to demonstrate that the potential noise impacts of the speedway can be mitigated. A copy of DIPNR's response is attached separately.

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Note: Councillors need to be aware that Officers acted on Part 1 of the resolution on the assumption that Council intended to seek DIPNRs views on the re-inclusion of the North Lismore Plateau land **prior** to making a subsequent decision about whether or not to actually do so.

If however, it was Council's intention to reverse its decision of 6 May, 2003 which, inter alia, resolved to 'Exclude the North Lismore Plateau from the Lismore Urban Strategy on the understanding that Council will review the issue within 12 months', and then forward the Strategy as modified to DIPNR for their consideration, Council would now need to resolve along the following lines:-

'That the land identified on the North Lismore Plateau be re-included into the Draft Urban Strategy and referred to DIPNR for consideration and response.'

The issue of noise impact management is discussed under point 5 in this report. With respect to estimates of land supply and demand, the Urban Strategy contained data on key indicators of demand for urban land such as the annual number of new dwelling approvals in the urban area. These were provided up to the end of 2002. In July 2003, DIPNR was provided with an update of dwelling approvals to June 30, 2003 as well as statistics provided by Mr. Paul Deegan of the Real Estate Institute on annual sales of vacant urban land to June 30, 2003. Both sets of data indicated that while demand had remained relatively static for the five years ending 2002, the first half of 2003 saw a measurable increase in both approvals and land sales for the urban area. Figures for the second half of 2003 demonstrate that the upturn apparent in the first half of the year has been sustained:

Table 1: New Dwelling Approvals in the Urban Area

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Average
262	298	148	86	79	62	68	40	49	62	91	113

Table 2: Vacant Land Sales in the Urban Area

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Average
207	301	149	88	81	73	52	69	63	92	156	121

Tables 1 & 2 above show the correlation between vacant land sales and new dwelling approvals in the urban area and the stronger sales figures for 2003 may herald a rise in building approvals in 2004. According to Mr. Deegan, there has been a significant increase in the number of 'pre-sales' – ie. lots sold off the plan – in the latter half of 2003. As settlement is not finalized until the linen plan is released and registered, the effect of these pre-sales on actual sales figures will not become apparent until some time in 2004. The statistics for vacant land sales are reinforced by Council's data for subdivision approvals which also experienced a substantial jump in 2003 (see Table 3).

Table 3: No of new allotments approved (for whole of LGA)

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Average
397	639	371	358	117	182	44	141	82	69	247	240

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The Urban Strategy predicts residential land demand to the year 2011 using population projections (rather than building approvals or land sales) to estimate likely demand over the lifetime of the Strategy. The methodology is provided by DIPNR in the form of a spreadsheet analysis in its *Urban Settlement Strategies – Guidelines for the North Coast*. DIPNR also provides population projections for Lismore for use in the spreadsheet analysis. The calculations for estimated land demand is shown in Table 4 which is extracted from the Urban Strategy.

Table 4: Urban Residential Land Demand

Year	Projected Pop.	Additional Persons	Occ. Rate (pers/dwell)	Gross Dwellings Required	Infill Uptake	Net Dwell. Required	Tot. Land Requirements	
							Annual (ha)	Running Total (ha)
2002	31754	276	2.75	100	12	88	11	11
2003	32030	276	2.75	100	12	88	11	22
2004	32306	276	2.75	100	12	88	11	33
2005	32582	276	2.75	100	12	88	11	44
2006	32858	276	2.75	100	12	88	11	55
2007	33154	296	2.74	108	12	96	12	67
2008	33450	296	2.74	108	12	96	12	79
2009	33746	296	2.74	108	12	96	12	91
2010	34042	296	2.74	108	12	96	12	103
2011	34338	296	2.74	108	12	96	12	115

The proportion of growth that has been allocated to the urban area equates to an increase of 276 persons per annum to 2006 and 296 persons per annum thereafter. Based upon occupancy rates and trends derived from the Census figures, this generates an estimated demand of 100 (rising to 108) new dwellings per annum over the next eight years or so.

The Housing Balance Sheet from the Urban Strategy is shown in Table 5. A 'pipeline' period of six years has been adopted. This allows for a maximum period from the initial rezoning stage to the eventual release of allotments onto the market and has the effect of bringing forward the projected expiry date of developable land by six years..

Table 5: Housing Balance Sheet for the Urban Area

Year	Existing 2(a) Land Stock (start) (ha)	Total Demand (ha)	Land Stock End (ha)	No. of Years Supply	Pipeline Residue (ha)	Pipeline Status
2002	279	11	268	14	200	Surplus
2003	268	11	257	13	188	Surplus
2004	257	11	246	12	176	Surplus
2005	246	11	235	10	164	Surplus
2006	235	11	224	9	152	Surplus
2007	224	12	212	8	140	Surplus
2008	212	12	200	7	128	Surplus
2009	200	12	188	6	116	Surplus
2010	188	12	176	5	104	Surplus
2011	176	12	164	4	92	Surplus

The supply and demand analysis indicates that there is a sufficient stock of land currently zoned 2(a) to satisfy projected demand within the life of this Strategy, even allowing that 30% of this land has been discounted due to physical constraints and other factors. However the Strategy argues that some release areas be made available for rezoning in the short term based upon indications that much of the existing undeveloped zoned land is not satisfying current market demand due to location and other physical features of the land. DIPNR has accepted this argument in part by agreeing to an additional release of approximately 40 ha (over 300 lots) over the next five years.

If the number of new dwelling approvals recorded in 2003 (Table 1) is sustained over the next eight years, there will still be sufficient land with the existing 2(a) land stock to satisfy that demand even without the additional release areas agreed to by DIPNR. If the future number of dwelling approvals increases beyond the 100 per year mark – and the vacant land sales for 2003 provide some cause for optimism – the land stock will be consumed at a quicker rate than that predicted in Table 3. Given that the additional 40 ha agreed to by DIPNR would extend the supply of land by a further 3 years (at the projected rate of 108 new dwellings per annum), it makes it difficult to argue the case to DIPNR that the current levels of demand as shown in the 2003 statistics warrant additional releases in the short term.

The Urban Strategy is not a static document and it recognizes that the relevant statistics need to be monitored on a regular basis. The building approval statistics could show a significant increase in the first half of 2004 flowing on from the substantial increase in land sales and subdivision approvals evidenced in 2003. If this proves to be the case, Council will have a stronger argument for additional land releases above that currently agreed to by DIPNR.

2.& 3. Response from the Minister

A letter to the Minister advising of Council's concerns as expressed in its resolution was sent on October 27, 2003. An acknowledgement letter was received from the Minister's office on November 26 indicating that a response would be provided shortly. When no response was received, a second letter to the Minister was sent on December 11, 2003 reiterating the concerns outlined in the earlier letter. A second acknowledgement letter was received on January 13, 2004 advising that a response will be provided shortly. Staff have vigorously pursued a response from the Minister with senior officers from DIPNR but at the time of writing this report, none had been received. If a response is received prior to the Council meeting, copies will be provided to Councillors.

4. LEP Schedule

DIPNR has suggested that Council consider the use of "sunset clauses" on future rezoning of land for urban purposes. This would help to avoid the situation where landowners seeking rezoning of land for purely speculative purposes fail to develop their land within a reasonable timeframe. This leads to a surplus stock of undeveloped 2(a) land and creates problems for Council when it seeks State Government approval to rezone more land for residential purposes. The way that a sunset clause works is that the landowner is given a limited time (say three years) after gazettal of the LEP to lodge a Development Application and have it approved. A failure to act within the specified period would mean that the landowner would forfeit their right to lodge a DA and this would provide an opportunity for other landowners whose land was listed next in the priority sequence.

Sunset clauses cannot be applied to land that is rezoned in the traditional sense i.e. to Residential 2(a). Consequently it could only be applied to existing 2(a) land if such land was back-zoned to 1(d) Investigation. The usual manner of applying a sunset clause is to include it as part of a schedule to the LEP. The schedule method has the effect of permitting certain additional development on land that would not otherwise be permissible under its current zoning. Such a schedule already exists in the Lismore LEP 2000 (Schedule 4). Schedule 4 comprises three columns.

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Column 1 describes the affected land, column 2 describes the nature of development that is permissible on that land and column 3 describes such conditions as may apply before development can proceed. A sunset clause can form part of the conditions listed in column 3. Upon expiry of the time set by the sunset clause the prescribed use would no longer be permissible on the land. However if a landowner has obtained development consent within the specified period, then he or she will be able to activate that consent at any time during the period that the consent remains valid.

Council has already adopted this methodology for rezoning rural residential land under the Lismore Rural Housing Strategy. For the reasons outlined above, a similar approach is supported for the greenfield sites identified in the Urban Strategy. It is recommended that the Lismore Urban Strategy be amended to make it clear that sunset clauses will apply to all major rezonings giving applicants three years from the date of the gazettal to have a master plan and subdivision application approved by Council.

5. Noise Management Plan

When Council adopted the Lismore Urban Strategy at its meeting of May 6, 2003, it resolved to exclude the North Lismore plateau from the Strategy on the understanding that Council would review the matter within 12 months. The 12 month period was to allow for further investigations into the preparation of a management plan aimed at addressing the potential conflicts between development in the area and the operation of the Lismore Speedway.

James Heddle Acoustical Consultants produced the original Lismore Speedway Noise Impact Assessment report for Council in June 2001 based on noise measurements taken over two separate Speedway events in early 2001. James Heddle has been engaged to undertake further work to produce a series of sound contour plans indicating the extent and impact of noise transmission from the Speedway. His brief also required him to compare the results with Noise Guidelines issued by the NSW Dept of Environment and Conservation and other relevant noise standards and to advise on any viable noise attenuation measures to achieve compliance with the relevant standards. GeoLINK has also been engaged to prepare a Noise Prevention Options report developed in consultation with James Heddle, Council and the Speedway management. The consultants have been working on these reports over the Christmas period and it is expected that the final reports will be submitted in the near future.

Manager - Finance & Administration Comments

Not required

Public Consultations

The Urban Strategy underwent extensive community consultation during the public exhibition period.

Other Group Comments

Not required

Author's Response to Comments from Other Staff

N/A

Recommendation (PLAN03)

- 1 That the information in the report be noted.
- 2 That the Lismore Urban Strategy be amended to provide that all rezoning of Greenfield sites be carried out by way of insertion in a Schedule to the LEP with the addition of a sunset clause requiring that a Master Plan and Development Application be lodged with and approved by Council within three (3) years of gazettal of the relevant LEP amendment that relates to the land.

Subject/File No: AIRPORT LANDING CHARGES (P25804)

Prepared By: Craig Kelly – Group Manager Business & Enterprise

Reason: Further report following Council resolution of October 2003

Objective: Determine future course of action regarding landing charges

Management Plan Activity: Airport

Background:

Council has considered this matter at its meetings held in July and October 2003. The Council resolved on October 14, 2003 that:

1. *The existing programme of discounting 100% of the head tax at Lismore Regional Airport for public transport passengers be continued to February 29, 2004, as a means of preserving the Lismore passenger market, air services and the economic benefit of these initiatives for the Lismore Community provided that REX maintains its discount and the number of flights into Lismore.*
2. *A review of the airport budget be undertaken to further refine any expected subsidy and potential funding sources.*
3. *Lismore City Council begin dialogue with stakeholders to determine a unified approach to market regeneration in the area, for the period beyond February 2004, which focuses on overall market growth.*
4. *A further report be brought back to Council by February 2004 which could include ways in which subsidised passengers can be reduced to a minimum.*
5. *The report contained within the business paper remain confidential. (216/03)*

Effect of the programme to date

In October 2003 it was reported that the initial impact of the programme was a sharp increase in passenger numbers from an average of approximately 110 per day to 160 per day. The average daily passenger numbers have increased slightly over the period from October to December, however the rapid growth rate of the initial period could not be sustained. This has had the effect of directing large numbers of travellers back to airline travel from Lismore and this was a primary objective.

Continued growth in passenger numbers is limited by a number of factors, but most significantly from Lismore's perspective it relates to capacity. In the October report reference was made to the limiting ceiling of 85% overall utilisation. Some peak demand flights (e.g. early Monday or late Friday) operate at well over 90% utilisation, however overall utilisation of nearly 85% represents a practical limit for potential passenger utilisation and therefore total numbers.

The initial period of the programme saw incremental increases in capacity to Lismore of 268 seats per week or an increase of about 20% capacity. As of February 9, 2004, Lismore will have a dedicated aircraft and only three sectors on weekends will be flown via Ballina. This will effectively give Lismore a further 30% increase in capacity and this will present greater opportunities for cheaper fares and increased seat availability and therefore increased passenger numbers.

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These developments, while welcome, will immediately decrease Lismore's utilisation, unless matched by an immediate increase in usage and will also potentially decrease the yield per seat for this market. REX will closely monitor developments regarding the service and its utilisation over the coming months.

Budget review

A review of the budget and the proposed capital works has seen all expenditure to date held within the acceptable limits. At this stage of the year it is expected that the budget projections will be achieved.

Discussions to date

Council has met with REX delegates on a number of occasions to discuss the best way forward. There is agreement between the two organisations that the retention of a \$99 fare for this region is an attractive proposition for the travelling public. Reasonable allocations of seats at \$99 and the other low-end fares (\$119 and \$123.75) will see the option of air travel comparable to alternate means of travelling to Sydney. The discontinuation of flight triangulation with Ballina increases the availability of these low-end fares particularly to the Lismore – Sydney market. The market profiles for Ballina saw a disproportionate number of these low cost flights booked for Ballina when compared to all other fares out of both ports.

Agreed objectives

To summarise, the agreed objectives are:

1. Preserve the existing market (achieved);
2. Preserve air services (achieved, with a further increase in capacity);
3. Retain low cost (\$99) fares (achieved);
4. Increase Lismore access to low fares (achieved through increased capacity);
5. Grow the market back to Hazelton / Ansett levels (not yet fully achieved).

Prior to the collapse of Ansett, Lismore was a market of 48,000 pax per annum. Casino was a further 8,000 – 10,000 pax per annum market. This combined air travel market should see a maximum Lismore market of approximately 60,000 pax per annum. Since that time, the loss of Ansett destabilised the market, Virgin operating from Coolangatta became a strong alternate brand and the Pacific Highway upgrade was completed. All of these impact on the overall market to the point where the maximum potential market for Lismore may now be 55,000 pax per annum. For the six months July to December 2003, the gross pax between Lismore and Sydney was 24,925.

The agreed view between REX and Council management is that the initiatives should be continued for a further twelve (12) months, to attempt to achieve the maximum potential market and that any adopted programme must be consistent across the Far North Coast.

Proposed programme

In the report of October 14, 2003 it was stated that REX had four classes of fares. These are:

- REX Flex – full fare class;
- REX Biz – short term purchases;
- REX Saver – discounted fares;
- REX Net – Internet only fares.

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The current programme is applied to the REX Saver and REX Net fares. The REX Saver class has a number of sub classes and the new programme is proposed to extend into this class. This change will have the effect of lifting the number of taxable fares from approximately 33% to a projected level of 50%.

The proposed programme is to address a number of short and long-term issues.

The programme would see Lismore City Council continue to waive its landing charge across the three lowest classes of fares – REXNET (Classes “O” and “N”) and REX SAVER (Class “T”). Across all other classes of fare Council would charge a landing charge of \$11 plus GST (currently \$10 plus GST). Council would put this programme in place until June 2005.

The programme is based on the following projections:

1. Lismore airport will retain a total passenger load of 50,000 pax per annum;
2. Of these 50% will travel in classes “O”, “N” and “T”;
3. The remaining 25,000 pax will contribute \$11 per head (+GST) to the airport. This will cover the estimated \$4,500 operating costs per week, but will exclude the debt servicing costs on the runway extension and the new terminal.

If these projections prove to be incorrect, Council would reserve the right to review the programme at December 2004 with a view to amending the programme details.

If it is not possible to implement this new programme from March 1, 2004 for whatever reason, the existing programme should continue on a month-by-month basis until the new programme can be implemented.

Projected financial implications

The projected financial implications of this programme for the financial year ended June 30, 2005 are:

Projected RPT income (25,000 pax @ \$11)	275,000
Projected other income	<u>122,000</u>
Total projected income	397,000
Projected operating costs (ex depreciation)	<u>377,000</u>
Operating surplus	20,000
Loan repayments	320,000
Cash flow shortfall	<u>300,000</u>

Manager - Finance & Administration Comments

The sustained increase in passenger numbers is a clear indication that the strategies adopted to achieve the agreed objectives are working. It is proposed that this initiative be extended to June 2005 to maximise the potential market.

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The current budget provides for a contribution of \$298,200 for the Lismore Regional Airport. A continuation of the subsidised scheme will see this amount increase to approximately \$368,000 for 2003/04. If this proposal is adopted, it is anticipated that Council's contribution will be reduced to \$320,400 in 2004/05 being equivalent to total loan repayments.

Regardless of the decisions Council, REX or passengers make, loan repayments of approximately \$320,000 per annum for the next ten years will need to be made by Council for the infrastructure at the Lismore Regional Airport. As we cannot avoid this commitment, the provision of an RPT service which benefits the community in general, at no additional cost to us, is preferable than no service at all.

Public Consultations

Discussions between REX and Council.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

The results of the programme to date include a six monthly passenger total of 24,925 compared to the budget set at March 2003 of 18,750 and capacity increases into Lismore firstly by 20% and as of February 9, 2004 by a further 30%. The Council has supported this through subsidisation of the airport and this represents an investment in market development. A further 12 months of this programme is expected to consolidate the gains made to date and firmly establish REX in the market. The expectation is that, by this time, the full cost of the airport including the cost of debt will be recovered from the users of the airport.

Recommendations (ENT01)

That:

1. The existing programme adopted by Council in October 2003 be continued on a month-by-month basis.
2. The programme adopted in October 2003 be replaced with a further programme to be implemented no later than July 1, 2004 that will waive the landing charge for regular public transport passengers until June 30, 2005 for REX fare classes "O", "N" and "T" and all other classes will be charged a head tax of \$11 plus GST.
3. Council will review the new programme in November / December 2004 to assess if the projections included in this report are achieved. If the projections are not substantially achieved or reasonable doubt exists that the projections will be achieved, Council reserves the right to agree to an alternate programme to recover the costs of operating the airport.

Subject/File No: POSSIBLE BOUNDARY ADJUSTMENT – NORTH WOODBURN
(03 – 13724, S34)

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

Reason: Update of discussions and Richmond Valley Council resolution

Objective: Council resolution not to proceed to a boundary adjustment at this stage.

Management Plan Activity: Councillors

Background:

A 1999 Boundaries Commission report recommended that Richmond Valley Council (RVC) further consider the possibility of a boundary adjustment with LCC in the vicinity of North Woodburn. This proposal was considered by Council at its meeting on June 10, 2003 whereby it was resolved to endorse the Mayor's participation in scoping discussions with RVC to further examine the case for a voluntary adjustment of the common boundary, in the vicinity of North Woodburn.

The mayors and staff of both Councils met on a number of occasions and agreed to put a number of proposals to a public meeting, which was subsequently held at Woodburn on October 1, 2003. This meeting was very well attended with approximately 75 persons in attendance (including Councillors and staff from both Council's). It was very clear from the meeting that the major issue from the resident's point of view was the need to sewer the village. Also concerns were raised in regard to drainage problems in the area. At the meeting RVC advised that the EPA had decided not to proceed with the planned wastewater effluent disposal option for Evans Head and that this would delay any possibility for connection by North Woodburn residents, for at least four years. Subsequent to the meeting there was a disappointing response from residents in returning the Feedback Sheet. Of those that were returned, the majority of respondents chose Option C, being the larger area boundary adjustment.

Following the public meeting, RVC resolved to progress the issue via further discussions with LCC. They considered that any boundary adjustment would need to address the issue of how improvements in the areas of sewer and drainage could be achieved and associated costs funded. Since that date, staff from both councils have been discussing options and negotiating with government agencies in an attempt to achieve a shorter-term solution, as it was acknowledged that the four years to sewer Bank Street as outlined at the meeting was unacceptable.

Discussions with staff from RVC indicate that an upgrade of the existing Sewerage Treatment Plant at Evans Head is now likely to occur within the next two years (as opposed to effluent disposal options). If this occurs, then it is likely that Bank Street residents will have access to this system. In anticipation of this occurring LCC has made an application for funding to update a previous study, thus ensuring works in the North Woodburn area could proceed at the same time as the Treatment Works upgrade occurs. As an interim measure and in conjunction with Rous Water, staff have developed a no cost demand management program, for the residents of Bank Street. In addition, arrangements are in place to relocate the open drain that currently flows through one of the vacant lots in Bank Street, to George Street.

A further meeting with the Mayors and key staff from both Councils was held in December which reinforced the cooperative approach to resolving the complex infrastructure problems at North Woodburn and in particular Bank Street. It was clear from that meeting that a boundary adjustment was not likely to be supported until those problems had been resolved. At its December 16, 2003 meeting RVC resolved to advise LCC that it does not propose pursuing a boundary adjustment proposal for North Woodburn at this time. Further that they will continue to work in co-operation with LCC with a view to improving the wastewater services available to the North Woodburn community.

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Possible Boundary Adjustment – North Woodburn

Manager - Finance & Administration Comments

Not required.

Public Consultations

Public meeting held on October 1, 2003. Residents have been provided with an update of subsequent actions taken since that meeting.

Other Group Comments

Manager-Lismore Water

Investigations revealed that the most cost effective method of sewerage for the 64 lots at North Woodburn is to treat the sewage at the Evans Head Treatment plant managed by Richmond Valley Council.

Lismore Water wrote to Richmond Valley Council (RVC) seeking their views. They have confirmed that they are happy to provide the service provided the following conditions are met:

1. That Lismore Water purchase the treatment capacity from RVC at a rate determined as per their S64 (developer charges) plan.
2. That Lismore Water funds the construction of the collection system (likely to be a low pressure pumping system).
3. RVC maintain the collection system and provide the service of treating the sewage at a cost of approximately \$500 per annum per lot (being the RVC sewerage user charge).

The Ministry of Energy and Utility (MEU) will be approached to provide a 50% subsidy for this project. If this level of subsidy is provided the capital cost per existing lot would be in the vicinity of \$7,500 per lot. The estimated total outlay is \$480,000 (\$7500 x 64 lots).

Manager Environmental Health & Building Services

The demand management program for residents of Bank Street, North Woodburn is due to be offered to residents in early February 2004. The program has been specifically designed for North Woodburn and is being co-operatively managed between LCC and Rous Water.

It is envisaged that a combined effort from all residents should generate a positive result in regards to wastewater management in the village.

Author's Response to Comments from Other Staff

Not required.

Conclusion

The main issue for the residents is the provision of wastewater services and this is not dependant on a boundary adjustment. As connection to the RVC system will not occur before the March local government elections, it was considered at the joint December meeting (mentioned above) that the councils should determine whether to pursue a boundary adjustment or to work co-operatively to provide a solution to the wastewater problems at North Woodburn in the longer term. In reaching this view, the issues raised by residents at the public meeting were considered. Although the feedback survey received following the meeting indicated a desire by some residents to have a boundary change, those results were considered to be based more on dissatisfaction with existing services.

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Possible Boundary Adjustment – North Woodburn

RVC have at their December meeting already resolved to advise Council that it does not propose to pursue a boundary adjustment at North Woodburn at this time and it would appear a pointless exercise for Council to pursue this matter any further at this stage. The ongoing discussions with RVC has seen an improved level of understanding of the issues facing the residents and they have resolved to continue to work in co-operation with us, with a view to improving the wastewater services to the North Woodburn community.

Recommendation (COR06)

- 1 That Council note Richmond Valley Council's decision not to pursue a boundary adjustment proposal for North Woodburn at this time.
- 2 That Council advise residents of North Woodburn that we do not intend to pursue a boundary adjustment with Richmond Valley Council at this time.
- 3 That Council acknowledge the steps taken to reduce the hydraulic load on North Woodburn household on site wastewater systems as well as the re-routing of street stormwater drains.
- 4 That staff continue to work co-operatively with Richmond Valley Council in order to obtain a solution to the wastewater problem in the vicinity of Bank Street, North Woodburn.

Subject/File No: ALTERATION TO DEVELOPMENT CONTROL PLAN NO. 39 – EXEMPT DEVELOPMENT (S739)

Prepared By: Manager, Planning Services – Helen Manning

Reason: To obtain Council's endorsement of draft DCP altered following public exhibition.

Objective: To increase the amount of minor development not requiring consent.

Management Plan Activity: Strategic Planning

Background:

At its meeting of October 14, 2003, Council resolved to alter Development Control Plan No. 39 and to place the amending draft DCP on public exhibition. The alteration aimed to permit, without the need for development consent:

- Certain works ancillary or incidental to development
- Change of use for community purposes, light industry and commercial development
- Minor forms of subdivision
- Some temporary events with minimal impact
- Weed removal

Manager - Finance & Administration Comments

Manager - Finance & Administration has no comment on this report.

Public Consultations

The draft amending DCP was publicly exhibited for one month from November 6 to December 5, 2003. No submissions were received from members of the public, however a number of suggestions for further alteration were received from staff and it is proposed to alter the amending DCP on the basis of those suggestions, which are:

1. Telecommunications Facilities: Currently there are eleven different forms of such facilities permissible under the DCP listed in alphabetical order, amongst other uses, so that providing advice on such facilities requires perusal of the whole DCP; instead it is intended to group all such facilities in one section under the heading 'Telecommunications Facilities'.
2. Ancillary or incidental development: the exhibited plan accidentally omitted some wording (in italics below). Under the column 'Type of Activity' excluded from Ancillary or Incidental Development should be

Land used for entrance, exit, parking, loading or manoeuvring of vehicles, or landscaping, if the development would prevent or restrict the use of that part of the land.

The effect would be that any such development would require an application for consent.

3. Subdivision – Boundary adjustments: concerns have been raised by Development Assessment Engineer Mike Perkins and by the Manager, Special Projects & Properties Lindsay Walker that the proposal to permit property boundary adjustments without consent could create difficulties, particularly in rural areas where previous proposals could have resulted in separation of effluent disposal areas from a dwelling, or creation of lots without public road access. On the basis of these concerns it is proposed to delete this provision from the draft amending DCP, the effect being that Council's consent will still be required for property boundary adjustments. Requirements for development applications for these proposals are minimal and therefore costs to applicants are low, and the site inspection carried out by assessment officers will identify issues such as those described above.
 4. Subdivision – Consolidating allotments: some concerns were raised that this proposal could result in one rural lot containing two dwellings, in contravention of restrictions on rural detached dual occupancies. This concern can be overcome by requiring that in rural zones lots resulting from consolidation should each contain only one dwelling and its associated infrastructure.
 5. Natural Therapies: currently practitioners of massage, naturopathy, homeopathy, and herbal medicine do not conform with the definition of 'medical centre' within the Lismore LEP. ('Medical centres' require development consent and attract parking requirements.) Many enquiries are received about setting up such businesses in private homes, and in order to facilitate these small businesses with some consistency it is proposed to introduce a definition of 'Natural Therapies Sole Practitioner' to be permissible without consent on the basis that:
 - (a) one car parking space is available for clients (in addition to the parking space/s for the residents)
 - (b) the business does not employ anyone other than the residents of the house;
 - (c) the business does not interfere with the amenity of the neighbourhood;
 - (d) the business does not entail the display of goods or advertising material (other than a notice on the dwelling to indicate the name and occupation of the resident);
 - (e) the business does not involve the sale of items other than those used in the natural therapy practiced; and
 - (f) acupuncture or other skin penetration activities are not carried out.

A development application must be lodged for any use involving skin penetration, as the Environmental Health and Building Services Section is obliged to regulate the structural requirements and fit outs of the premises and their operation, in order to comply with NSW Health Guidelines. Inclusion of this use in DCP 40 Complying Development will be considered when that DCP is reviewed.
 6. Park Furniture: a request was received to extend the area of shelters from 10m² to 20m² the effect being that picnic/park shelters of that size would not require consent.
 7. Playground equipment : the DCP currently allows Council to erect playground equipment on community land without development consent; this should be extended to Dept. Education erecting playground equipment in school grounds.
 8. Roadworks: DCP 39 currently allows without consent maintenance, reconstruction, *alteration* and repair of existing roads within the existing alignment. However these terms are not defined and concerns have been raised that *alteration* could be interpreted to cover works for which other legislation requires a Review of Environmental Factors (REF). Therefore to remove any inconsistency or confusion it is proposed to remove the word *alteration* from this section of the DCP.
-

Other Group Comments

The comments and requirements of other Groups are described above.

Manager - Economic Development and Tourism

Congratulations to Planning Services for pursuing the expansion of "exempt" development where appropriate. Careful consideration of what can be exempt and the necessary conditions are clearly important considerations with significant long-term implications. I strongly support the expansion of exempt development, where appropriate. The reduction of "red tape" will allow small scale development and business activity to proceed more easily. The particular definition for "Natural Therapies Sole Practitioner" seems like a great idea. Reducing the need to obtain development consent for community and other events, also has merit.

Author's Response to Comments from Other Staff

The draft amending DCP has been altered in response to the concerns of other staff.

Conclusion

The alterations proposed to DCP 39 will have the effect of reducing some 'red tape' by facilitating certain forms of minor development without requiring development consent.

A copy of draft DCP 39, as amended on the basis of the above suggestions, is within the Attachments to this Business Paper.

However, unfortunately the date of adoption of both DCP 39 and DCP 40 must be contained within the Local Environmental Plan before the altered DCP comes into effect. Therefore the LEP is required to be altered to insert the date of adoption of the amended DCP 39 and possibly DCP 40. Complying Development should 'acupuncture business' be included in that DCP. Accordingly, a Council resolution to alter the LEP is required under S54 of the Environmental Planning & Assessment Act.

Recommendation (PLAN01)

It is recommended that Council:

1. Adopt Amendment 1 to DCP 39 – Exempt Development, as amended following exhibition, to come into effect when the required alteration to the LEP is gazetted;
2. Resolve to alter Development Control Plan No. 40 Complying Development so as to include acupuncture treatment premises as complying development provided the business meets the requirements of the NSW Health Skin Penetration Guideline
3. Resolve, pursuant to S54 of the Environmental Planning and Assessment Act, to amend Lismore Local Environmental Plan 2000 to include the new dates of adoption of DCP 39 Exempt Development and DCP 40 Complying Development, and to agree that no local environmental study should be required for this minor administrative amendment.

Subject/File No: REVIEW OF DEVELOPMENT CONTROL PLANS 18 (OFF STREET CAR PARKING) AND 28 (SUBDIVISION) (S510, S547)

Prepared By: Manager, Planning Services – Helen Manning

Reason: To remove outdated provisions and insert current best practice

Objective: Continuous improvement of planning controls.

Management Plan Activity: Strategic Planning

Background:

Development Control Plan No. 18 Off Street Car Parking has been in effect since 1993, and has not been updated. The uses listed in the DCP, with associated parking requirements, are limited in number in comparison to land uses now permissible under the Local Environmental Plan. As a result, parking requirements for some uses are not specified in the DCP and applicants and assessment officers must refer to a range of other documents to determine the appropriate car parking arrangements. Customer service to applicants for development would be improved, and the quality of lodged applications (and therefore assessment times) improved, by adoption of updated requirements for car parking for a full range of developments.

Development Control Plan No. 28 – Subdivision was adopted in early 1999. An increase in the number of residential subdivision applications assessed over the past two years has indicated that some parts of DCP 28 require improvement. In addition, Council resolved at its meeting of December 9, 2003:

277/03 Formal notice having been given by Councillor Swientek it was RESOLVED that:

- 1. That Council review its current planning policies/requirements concerning road widths for new subdivisions to enhance Integrated Urban Water Management and Water Sensitive design, to reduce ongoing maintenance costs of wider roads and to help reduce speed of vehicular movements through suburban streets.*
- 2. That a report be brought to Council with recommendations to achieve the above objectives in early 2004.*

While road width requirements in the DCP can be reviewed, concerns have been raised in the past that some newly constructed roads are of insufficient width to allow the passage of garbage collection trucks. Requirements for road widths may therefore be a compromise between the need for safe passage for the public and services such as buses and garbage trucks, and the principles of Integrated Urban Water Management.

With regard to Integrated Urban Water Management and Water Sensitive Urban Design, a considerable amount of information, and various models for implementation, are currently under discussion with other authorities in the Richmond catchment with a view to the formulation of a regionally applicable development control plan. A regional DCP would have the advantage of providing standard provisions for the Councils of Lismore, Byron, Ballina and Richmond Valley, as well as Rous Water. From the viewpoint of the development industry, such standardisation may be preferable to each Council having different requirements.

Methodology Proposed

DCP 18 will be evaluated against current RTA requirements and in particular its document 'Guide to Traffic Generating Developments'. The advice of the City Works Group will be obtained in the formulation of any alterations.

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Review of Development Control Plans

DCP 28 is proposed to be reviewed with the assistance of a Project Team comprising representatives of all Council Groups/Sections involved in the subdivision process, as well as a representative of Lismore Unlimited. The review of DCP 28 is proposed to commence in late February, with completion within six months.

The Environmental Planning & Assessment Regulation requires that development control plans may be amended only by the preparation of another development control plan. Therefore amending DCPs will be prepared for the purposes of public exhibition and of effecting the desired changes. The draft amending DCP's will be reported to Council seeking endorsement for public exhibition.

Manager - Finance & Administration Comments

The above reviews are proposed to be carried out within existing budget allocations; no additional expenditure is envisaged. Manager - Finance & Administration Rino Santin has advised that he has no comment.

Public Consultations

Draft amending DCPs are required to be publicly exhibited for 28 days. In addition, consultants who regularly submit DAs will be contacted and asked to indicate concerns with both DCPs.

Other Group Comments

Manager Special Projects and Properties

Council frequently develops projects and proposals which are governed by both of these Development Control Plans. This review is timely as land use activities are proposed that were not foreseen at the time that the current documents were written.

City Works Group

Development Assessment Engineer Mike Perkins has advised that he wishes to be involved in preparation of both amendments.

Comment from Manager - Economic Development and Tourism

DCP 18 - Off Street Car Parking

I think that there is a clear case for DCP 18 to be reviewed and updated. I am concerned, however, that there be no further cost impost on development as a result. The DCP will apply to employment generating, commercial or industrial development. Increasing the costs of those developments will necessarily mean that less future jobs will be created. Following the substantial increases in Rous Water Section 64 Charges and our Section 94 Charges, any further cost impost would be devastating to future development.

Although the DCP applies across Lismore generally, I think that this review may offer the opportunity to look again at the definitions surrounding the Central Business District (CBD). There are a number of functional areas of Council that have varying definitions/charges /services that apply to the CBD. For example:

- *off-street parking*
- *Section 94 collections in lieu of off-street parking*
- *waste removal*
- *footpath dining*
- *security services*
- *rate collection (particularly the security element of the Special Business Rate)*
- *zoning 3(a) versus 3(f)*
- *cleaning services*

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Review of Development Control Plans

It would be beneficial if the policy/procedure documents for each of these Council activities had a common approach to and definition of the CBD. I am personally aware of a number of businesses/developments that have had significant issues arise because of where they are located in relation the various boundaries defined for individual services/policies for the CBD.

Thorough interaction and consultation with the business community would be advisable on this issue.

DCP 28 - Subdivision

This is a major policy document and I am sure that a review will be a significant task. It would be ideal if this policy could be common to all or at least a number of Councils in the region - although I understand that this may not be achievable due to the significant differences in current policies. I applaud the inclusion of Lismore Unlimited Opportunities in the review process.

Author's Response to Comments from Other Staff

The review of DCP 18 Off Street Carparking has not been initiated with the aim of raising revenue; instead it is proposed to update the list of land uses contained therein and specify parking requirements, thereby relieving the applicant of the need to consult a variety of sources, or prepare their own traffic/parking study, in order to determine the number of parking spaces required.

The concern about anomalies in the identification of the CBD is supported, and any reference to the CBD in the reviewed DCP 18 should be consistent with the area identified as the CBD in other documents.

Conclusion

Updating of DCPs 18 and 28 is required to ensure Council can provide current advice to development applicants, and that assessment of lodged applications meets all current legislative and community requirements.

Recommendation (PLAN04)

Council resolve to prepare amending development control plans aimed at updating DCP 18 Off Street Carparking and DCP 28 Subdivision.

Subject/File No: APPLICATION FOR CLOSURE OF PUBLIC ROAD – PART ORION STREET, LISMORE
(LW:TMI:R6051/2)

Prepared By: Manager Special Projects and Properties, Lindsay Walker

Reason: Request by Trinity College Lismore Limited seeking road closure to allow expansion of existing school.

Objective: To seek Council endorsement of recommendation.

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

Background:

A report was placed before Council in regard to this application in July 2003 (copy attached). Following representations from the Police Citizens Youth Club (PCYC) Council deferred the matter pending a satisfactory outcome to several unresolved issues.

Since that time, there have been a number of meetings between Council and the parties involved. Trinity College Lismore Limited has recognised the legitimacy of the concerns of the PCYC and modified their proposal accordingly.

The modified proposal is as outlined on the attached sketch and incorporates the following elements:

1. The full Orion Street frontage and width, for that part of the road which abuts the PCYC building will remain open as public road.
2. The former 'Ampol' service station site which is now owned by Trinity College Lismore Limited will be dedicated to Council for public car parking.
3. That part of Orion Street which supports the open stormwater drain will remain in Council ownership.
4. The remaining part of Orion Street will be closed and sold to Trinity College Lismore Limited.

Manager - Finance & Administration Comments

The recommendations are supported on the basis that all costs associated with the road closure will be borne by the applicant and the road will be appropriately valued. As for the purchase of the Ampol site, it is anticipated that the proceeds from the road closure will be used to fund this acquisition.

Public Consultations

Several meetings have been held between Council, Trinity College and PCYC.

Other Group Comments

Group Manager, City Works

This proposal meets the requirements of all three parties - Lismore City Council, Trinity College Lismore Limited and the PCYC.

Author's Response to Comments from Other Staff

Noted.

Conclusion

The amended proposal ensures that Trinity College Lismore Limited has land area available to it for the expansion of its services and facilities. It also ensures that sufficient public parking area is available to service both the school, the public and the PCYC.

Recommendation (GM03)

1. That the application for the closure of that part of Orion Street as identified in this report be endorsed by Council.
2. That all costs for the closure of part of Orion Street be borne by the applicant.
3. That Lot 1 in Section 33 of Deposited Plan 758615 (formerly the Ampol Service Station) be sold to Council for public car parking.
4. That valuations be obtained for both Lot 1 in Section 33 of Deposited Plan 758615 and the said area of Orion Street to be closed and that these valuations form the basis for negotiations in regard to the compensation that may be applicable in regard to the land transfers outlined in this report.
5. That carparking capacity, to a similar pavement standard to that which currently exists in Orion Street, or equivalent financial contribution, be provided on the *Ampol* site prior to its dedication to Council.
6. That the General Manager and Mayor be authorised to sign and seal any and all documents necessary to bring about this recommendation.

Subject/File No: APPLICATION FOR CLOSURE OF PUBLIC ROAD – UNFORMED LANE OFF FORBES LANE, LISMORE
(LW:TMI:P2493)

Prepared By: Manager Special Projects and Properties, Lindsay Walker

Reason: To facilitate redevelopment of land between Conway Street and Ballina Road.

Objective: To seek Council resolution.

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

Background:

Council is in receipt of an application from the owner of Lots 9 and 10 in Deposited Plan 2632 and Lot 2 in Deposited Plan 308314 for the closure of part of the unformed lane which runs easterly off Forbes Lane, Lismore.

This lane currently terminates at Hungry Jacks, but does not provide access to that restaurant. The Closure of the lane requested would allow the three lots to be redeveloped as one parcel, fronting both Ballina Road and Conway Street.

It is understood that part of this lane was closed previously to allow Hungry Jacks to develop and they have raised no objections to the current proposal.

Council has infrastructure in the lane and the proponent has agreed to protect this with appropriate easements and/or structures.

Manager - Finance & Administration Comments

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

Public Consultations

Not required.

Other Group Comments

Group Manager City Works - Bill Moorhouse

The Road Closure is acceptable to City Works on the basis that the three lots and the lane are consolidated into 1 lot.

Lismore Water

Lismore Water currently has a sewer main that runs on the unformed land that is proposed to be closed. Prior to the sale of this road, this sewer main will need to be protected by a four metre wide sewer easement.

Author's Response to Comments from Other Staff

Noted.

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Application for closure of public road – unformed lane off Forbes St, Lismore

Conclusion

The closure of this unformed lane is consistent with Council's previous lane closure and will allow three separate lots, fronting Conway Street and Ballina Road to be redeveloped as a single parcel.

The closure will have no impact on Council's existing infrastructure or services as the proponent will ensure their continuity and integrity.

Recommendation (GM02)

1. That the application to close the disused Council lane abutting Lots 9 and 10 in Deposited Plan 2632 and Lot 2 in 308314 (as shown in the attached sketch) be endorsed by Council and lodged with the Crown for adoption and gazettal as Council land.
2. Council sell the abovementioned closed road to the adjoining landowner at market price.
3. All costs associated with the road closure, as set out in this report be borne by the party who will purchase the closed road.
4. That the General Manager and Mayor be authorised to sign and affix the Council Seal to land transfer documents and plans of survey as may be necessary to expedite this resolution.



Subject/File No: APPLICATION TO CLOSE PART OF A COUNCIL PUBLIC ROAD –
FREDERICKS & CANIABA ROADS
(LW:TMI:P13508)

Prepared By: Manager Special Projects and Properties, Lindsay Walker

Reason: Area to be closed is surplus to Council needs.

Objective: To obtain a Council resolution to close part of a Public Road.

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

Background:

Following Council's recent resolution to allow Rous Water a qualified extension of time to complete the roundabout on the corner of Fredericks Road and Caniaba Road there has been an acceleration in the negotiations with affected landowners. As part of the negotiations with the landowner of Lot 1 in Deposited Plan 367348 it has been agreed that Council will close a small area, 145m², of Caniaba Road and transfer same to the adjoining landowner.

This small area has been fenced into the property for a long time. Council's Design Services section has examined the road alignment and concluded that the subject area will never be required for any future work in Caniaba Road.

Manager - Finance & Administration Comments

All costs associated with this road closure will be funded by Rous Water.

Public Consultations

Not required.

Other Group Comments

Group Manager – City Works

Pleased to see a solution to this problem.

Author's Response to Comments from Other Staff

Noted.

Conclusion

The negotiations for the dedication of the area required for roundabout construction have been accelerated as requested by Council. As part of these negotiations it was determined that it would be no loss to Council to transfer a small area of Public Road to the adjoining landowner.

The transfer of this road area will effectively save Council roadside slashing and facilitate the roundabout construction.

Recommendation (GM04)

1. That the application to close part of Caniaba Road, as shown in the adjoining sketch be endorsed by Council.
2. That all costs associated with the road closure be borne by Rous Water.
3. That the area of closed road, the subject of this report be transferred to the landowner of Lot 1 in Deposited Plan 367348.
4. That the General Manager and Mayor be authorised to sign and seal any and all documents necessary to bring about the recommendation.

Subject/File No: APPLICATION FOR THE REALIGNMENT OF A PORTION OF A CROWN ROAD PASSING THROUGH LOT 2 DP 747721, BRECKENRIDGE STREET WYRALLAH
(LW:TMI:P20250)

Prepared By: Manager Special Projects and Properties, Lindsay Walker

Reason: Request by applicants SC & P Garbutt, seeking to close and relocate an unused unformed portion of a Crown Road.

Objective: To seek Council's endorsement of the recommendation.

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

Background:

Council is in receipt of an application from SC & P Garbutt for the closure of a portion of an unnamed, unformed Crown Road that diagonally dissects their property, (Lot 2 DP 747721 known as 79 Breckenridge Street, Wyrallah) and the realignment of the road to run parallel with the boundary of Lot 3 DP 747721 as indicated on the attached plan.

This application requires Council's consent and endorsement before being lodged by the applicants, with the NSW Department of Infrastructure, Planning and Natural Resources. The area referred to in the application comprises a portion of a Crown public road that has never been constructed or used for property access.

Manager - Finance & Administration Comments

Not applicable.

Public Consultations

Not applicable.

Other Group Comments

City Works Group has indicated that they have no objections to the closure and realignment of the identified portion of the crown road.

Conclusion

The recommendation below would allow the applicant to approach the Lands Department with an application for the closure and realignment of the identified portion of the crown road.

Recommendation (GM01)

1. That the application to close and realign a portion of the unformed, unnamed crown road dissecting Lot 2 DP 747721 (as shown on the attached plan) be endorsed and the application be lodged the Lands Department for adoption and gazettal if approved.
2. All costs associated with the road closure and realignment be borne by the applicants.
3. That the General Manager be authorised to sign any documents necessary to bring about the action.

Subject/File No: REVIEW OF COUNCIL'S RATING STRUCTURE BY RATING STRATEGY WORKING PARTY (S384)

Prepared By: Rating Services Co-Ordinator - John Beacroft

Reason: To advise Council of outcomes of Working Party

Objective: To put in place a rating strategy

Management Plan Activity: Financial Services

Background:

In March 2003, in response to various representations in regard to rates and in particular the who pays what and why of it all, a series of public meetings were held seeking community comment in this regard.

As a result of those meetings, a report was prepared for Council's April 8, 2003 meeting where it was resolved, 76/03: -

' Resolved that the report be received and –

- 1 *No changes be made to the general fund rating structure for 2003/04, (subject to special rate variation increase and/or changes requested by the business communities of Nimbin and Lismore)*
- 2 *A working party be formed, at the commencement of the new Council's term, made up of representative members of Council and staff to discuss the complexities of the rating structure and report back any suggested changes.'*

The resolutions above, were predicated on the normal Council election cycle of September 2003 being continued, however following the State Government's postponement of the election of a new Council until to March 2004, a further report was submitted to Council's July 8, 2003 meeting where it was resolved, 157/03 & 158/03: -

Resolved that the report be received and –

- 1 *That a Working Party be formed consisting of three Councillors, Management and the Rating Services Co-Ordinator, to investigate the appropriateness of the current rating structure in relation to the Council's revenue raising requirements.*
- 2 *A report from the Working Party be presented to Council by February 2004.*

Resolved that Councillors Tomlinson, Chant and King be appointed to the Working Party.

The Working Party met on three occasions and a copy of the minutes of the working party are attached.

Of particular interest to the Working Party was a visit to the November 5, 2003 meeting by the Regional Valuer Mr Bill Heath, based in Grafton and representing the Valuer General's office who led a discussion on the way valuations were made.

Mr Heath's comments that when making valuations, the Valuer General takes into account '*... the whole ambit of issues, social, economic and the services provided...*' were noted as being an important issue.

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Review of Council's Rating Structure

The Working Party also investigated many alternate rating structures and modelling of these proposals took place. All the models had differing effects on assessments but there was no particular reason for each of the various trials being undertaken. Most used differentials that had no reasonable explanations as suggested within the Act.

Generally, there was agreement within the Working Party on several matters:

- * Base amounts may be able to be used by Council to allocate the various common costs that Council incurs on behalf of each ratepayer regardless of the location of a property or an actual use of services.

Work done by staff for the Working Party in regard to those costs indicated that it was possible to allocate around 26% of the total rate income to be recovered from base amounts and comply with the transparency conditions of the Act in this regard.

- * That the difficulty in determining the basis for Council's current rating structure, together with a justification for the various current differentials, led to various options being modelled.

The results of all the modelling provided for plenty of debate but in the end it was agreed that none of the suggested changes had a robustness about them that would provide Council with valid reasons for a change to one of the proposals.

- * The resurgence of the property market in Lismore may provide some solutions within itself to the unevenness of the distribution of the rating income or it may even exacerbate it, time will tell.

Council will receive new valuations towards the end of October/November 2004 that will reflect values as at and around July 1, 2004. The impact of this is unpredictable and it could result in major changes of valuation relationships both within and outside each rating category.

The Working Party was in agreement that it would be inadvisable to make a major change to the current rating structure bearing in mind the unknown impact that the new valuations may have.

It was also agreed that change to the rating structure is probably inevitable but to undertake this exercise twice would create unnecessary concern amongst ratepayers.

- * The Working Party considered that due to the closeness of the elections and the minimal time between the election of the new Council and meeting the statutory requirements of the Management Plan, that there would be insufficient time for public consultation and debate on any suggested changes.

It was therefore agreed that the Working Party recommend to the 'new' Council a continuance of the current rating structure for 2004/05 and that a new Rating Strategy Working Party be formed after the election of the new Council which would revise the work already done and upon receipt of the new values, assess and make recommendations for the 2005/06 rating year.

Manager - Finance & Administration Comments

A transparent, robust and explainable rating structure is a reasonable expectation from a ratepayer's perspective. This expectation has been heighten in recent years with some ratepayers paying well in excess of the increase provided by rate pegging legislation due to significantly increased land valuations. As a result many councils have made or are considering changes to their rating structure.

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Review of Council's Rating Structure

To gain a better understanding on the options, the working party has reviewed the rating requirements of the Local Government Act 1993, sought advice from the State Valuation Office on the rating valuation methodology and considered a number of options including the introduction of base rates. If there was one clear outcome it was that one option would not satisfy all and that regardless of any changes adopted, some ratepayers would pay more and some would pay less than they currently pay.

I support the recommendation given the impact of new valuations from July 2004 needs to be considered and consultation is required with the new Council to provide guidance on the fundamental position for rating in general.

Public Consultations

No recent public consultation. Consultation in March 2003 with 5 public meetings and a Council Workshop in April 2003.

Other Group Comments

Not sought.

Author's Response to Comments from Other Staff

Not required.

Conclusion

The difficulty with change to the rating structure is that there will be people who may pay more and some may pay less.

This is not necessarily a bad thing, as by continuing a taxing system that has no reasonable explanation, all that is happening is a perpetuation of a system that has no *raison d'être*.

Council's rating structure has not evolved over the years, it has just been extended following the 1977 amalgamations.

The two business rates that are used for specific purposes (Nimbin and Lismore promotions and Lismore street security) and the Special Rate for the Lismore Flood Levee are good examples of the transparency that is required to meet the provisions of the Local Government Act.

The Rating Strategy Working Party was reluctant to recommend change to the current structure for two reasons :-

- * The March 2004 elections and the time frame available for a new Council to deal with any proposal
- * The revaluation of Council's area from July 1, 2004

However the Working Party believes that it should be reformed by the new Council to deal with the effects of the new values and the changing demographics of the area.

Recommendation (COR03)

That

- 1 The information and comments from the Rating Strategy Working Party be noted.

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Review of Council's Rating Structure

- 2 No change be made to the 2004/05 rating structure due to the likelihood of fairly substantial change in valuations to be implemented from July 1, 2005 and the impact of changing the rating structure potentially twice within two years would have on ratepayers.
- 3 The 'incoming ' Council reform the Rating Strategy Working Party in October 2004 to review the impact of the new valuations and to look at implementing a new rating structure that reflects either of the two rating methods available within the Local Government Act with the need for it to be transparent, robust and explainable to ratepayers.

Subject/File No: NIMBIN BUSINESS RATE – ALTERATION TO AREA COVERED BY RATE (S854)

Prepared By: Rating Services Co-ordinator – John Beacroft

Reason: Council Resolution: 134/03

Objective: To provide Council with information to facilitate a decision

Management Plan Activity: Financial Services

Background:

Council, when it considered a report to the June 17, 2003 Extraordinary Council Meeting in relation to the adoption of the draft management plan resolved in regard to establishing a separate Business Rate for Nimbin to:

134/03 Resolved 1

- 2 That the rate be trialed for a 12 month period*
- 3 That business opinion be gauged at the end of the 12 month trial period*
- 4 That during the 12 month trial period the Council identify the mechanism for bringing on board businesses outside of but close to the village boundaries.*

This report specifically relates to Point 4, above.

Part of the process of a Council making a business rate is set out in Section 529 2(d) of the Local Government Act 1993 (LGA). This section allows a Council to make a subcategory of rates for a business on the following basis:-

'business - according to a centre of activity. Note. In relation to the category 'business', a centre of activity might comprise a business centre, an industrial estate or some other concentration of like activities.

The intent of Council's resolution was to investigate the inclusion of two back packer accommodation properties located on the western side of Nimbin as well as the Bush Factory within the area being rated for the Nimbin Business Rate.

One approach would be to draw a new map of the Nimbin Village, which includes the additional properties and for Council to resolve that all land that is being used for business purposes within this '*...centre of activity...*' will be rated at the Nimbin Business Rate.

A map showing the existing village boundary and the proposed new village boundary is attached.

Redrawing the business boundary does create a problem however, if the same area is used to rate the Nimbin Village for residential purposes. Under the current rating structure, the village boundary has been used for defining both the residential area and the business rate '*...centre of activity..*'. By extending the village boundary to capture the three business properties for the Nimbin Business Rate, two properties, currently rated at the Residential Rural Rate, would be rated at Residential Urban/Village; a much higher rate in the dollar.

As the intended consequence of the resolution was to capture only the three additional business properties, it is therefore suggested that the 'old' Nimbin Village boundary be used for the application of the Residential Urban/Village Rate, whilst the suggested 'new' boundary for the Nimbin Business Rate be adopted.

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Nimbin Business Rate – Alteration to area covered by rate

All this is, of course, subject to the continuation of the Nimbin Business Rate as Resolution 134/03 indicates that the rate was for a twelve month trial period and business opinion in regard to its continuation be gauged at the end of the 12 months trial period.

To allow Council to gain a feel for what impact the proposed change would have, in regard to including the extra properties within the Nimbin Business Rate area the following information is supplied :-

- For the two backpacker properties, which are currently rated at Residential Rural, the change based on 2003/04 rates would be from a general fund rate of \$971 to \$1,908, or an extra \$937 each.
- The Bush Factory's rates would not change as it is a strata title with each unit paying the minimum rate. The impact of changing the rating category to the Nimbin Business Rate is insufficient to change this situation.
- If the two additional properties were included within the area rated as Nimbin Business, based on the 2003/04 rates, it would also mean a reduction in the rates paid by other Nimbin Business properties, to return the extra \$10,000, of 4.4 %.

Manager - Finance & Administration Comments

The option to create two separate boundary's for the Nimbin Village is supported as it is reasonable to define a centre of activity (for business purposes) and centre of population (for residential purposes) separately, under the Local Government Act 1993 and Council's current differential rating structure.

This would achieve the objective to include these businesses in the Nimbin Business Rate.

Public Consultations

To be undertaken as part of the review of the Nimbin Business Rate with the affected properties to be specifically advised of the change in rating category and impact on their general rates

Other Group Comments

Not sought

Author's Response to Comments from Other Staff

N/a

Conclusion

This report has been presented in response to a Council resolution and the actions required may or may not be required dependent upon the continuation of the Nimbin Business Rate and the recommendation, if adopted, allows for either outcome.

This report therefore allows for some certainty in relation to who would be paying the Nimbin Business Rate if it does continue.

Recommendation (COR01)

- 1 That should Council continue the Nimbin Business Rate for 2004/05 and subsequent rating years, the map attached to this report indicating the Nimbin business 'centre of activity' be used to determine those properties liable to pay the Nimbin Business Rate.
- 2 That regardless of any decision to continue the Nimbin Business Rate the map attached to this report that relates to Nimbin as a 'centre of population' continue to be the basis for the levying of the Residential Urban/Village rate.

Subject/File No: ALTERATION OF BOUNDARY – CLUNES VILLAGE
(S384)

Prepared By: Rating Services Co-ordinator - John Beacroft

Reason: To overcome an inconsistency relating to the boundaries of Clunes.

Objective: To bring the defined boundaries of Clunes into line with the perception of what constitutes the Village of Clunes

Management Plan Activity: Financial Services

Background:

A ratepayer living in Ewandale Close, Clunes advised Council recently that he was of the opinion that his property was not within the described area for the Village of Clunes and as such he was being rated incorrectly.

Upon investigation this was the case and an appropriate adjustment for the number of years this error has occurred has been made for **all** property owners located within the area incorrectly rated by changing the rating category of the properties from the Residential Urban/Village rate to the Residential Rural rate.

In my letter to the affected ratepayers which explained what had happened and set out the amount of the refund, I also indicated that whilst the technical side of Council's description of the area rated was incorrect, it was intended that the properties would be rated at the Village rate and a report would be prepared for Council to correct the previous description.

Upon investigation of the area and by comparison with those properties located within the near vicinity, it seems that the inclusion of Ewandale Close within the Village boundary may well be justified and equally the inclusion of those properties located within the recent residential subdivision of Flatley Drive located on the eastern side of the Village (see map).

The Flatley Drive properties are located about the same distance from the Village boundary as the Ewandale Close properties and are of similar size. However, I am reluctant to recommend a change in the boundary to include Flatley Drive at this stage, as Council's Rating Strategy Working Party have a report to this meeting which may impact on the way Council rates. To make a change for next year and perhaps another the year after does not seem to be a reasonable approach.

Manager - Finance & Administration Comments

It has always been Council's intention to rate the Ewandale Close area as 'Residential Urban/Village' because it has been considered part of Clunes village. To achieve this, the actual village property boundary description used for rating purposes must be amended. This is supported.

As for Flatley Drive properties, there is a good argument that they should be rated the same as other Clunes properties. Currently, they are rated as Residential Rural and if they were to be rated as Residential Urban/Village, the rates on these properties would increase by approximately 38% in 2004/05. Given the rate structure is recommended to be reviewed by the next council and may change, the suggestion to not change the rating category on these properties at this time is also supported.

LISMORE CITY COUNCIL - Meeting held February 10, 2004

Alteration of Boundary – Clunes Village

Public Consultations

Letter advised affected ratepayers that this report was going to be submitted at the time of Council's adjustment to their rates.

Other Group Comments

Not sought.

Author's Response to Comments from Other Staff

Not required.

Conclusion

An administrative oversight in the actual boundary description for the village of Clunes used for rating purposes has resulted in Ewandale Close area properties being illegally rated as Residential Urban/Village.

As it was Council's intention to rate these properties as Residential Urban/Village at the time, an amendment to the Clunes village boundaries for rating purposes is proposed which will achieve this from July 2004.

The option to include Flatley Drive properties into the Clunes village for rating purposes is not recommended as Council is reviewing the rates structure and to make a change next year and perhaps another the year after does not seem to be a reasonable approach.

Recommendation (COR04)

That the area of the Clunes village for rating purposes from July 2004 be extended to include the Ewandale Close area as shown on the attached map.

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Subject/File No: RATES WRITE OFF
P10974

Prepared By: Rating Services Co-ordinator – John Beacroft

Reason: Statutory requirement

Objective: To write off rates that are not recoverable

Management Plan Activity: Financial Services

Background:

The Local Government Act 1993 (LGA) in the Local Government (Rates and Charges) Regulations 1999 at Section 14 provides for the writing off of rates.

This report is prepared, subject to those provisions and in relation to two properties located at Bexhill and previously leased from the Crown and the State Rail Authority by Bexhill Bricks Pty Ltd.

Both these leases have been cancelled in the past two years and there are no provisions for outstanding rates to be paid by the lessor (the State Government) when a lease is forfeited or cancelled. I am aware that there is currently a campaign being organised by the NSW Rating Professionals to make a case for the payment of outstanding rates by the State Government when a lessee cancels or forfeits a lease and as part of the information gathering campaign, the details of this matter has been submitted. The co-ordinator of the campaign has advised that there are significant amounts unpaid throughout the State, particularly in regard to marine leases and mining leases however at this stage there is no sign of any resolution.

Numerous attempts, whilst the leases were current, to recover the outstanding rates were not successful and indeed were met with all manner of offers to pay which were not kept.

The difficulty that arose, in attempting to recover this debt, as opposed to other rate assessments is that the property was not owned by the Company and the assessment was being made on a Proprietary Limited company.

In normal circumstances it does not matter who owns the property because Council, unlike most creditors, has the protection of the debt belonging to the land and the ability under the LGA to recover the outstanding rates by selling the property once the debt exceeded five years.

In this case, a decision that was required to be made was whether the issuing of a Statement of Liquidated Claim (SLC) at a reasonably large cost, although the cost is recoverable from the debtor, would, on balance, be an effective debt recovery solution, bearing in mind the insecure financial position of the Company.

In the end, an SLC was not pursued as the remedies available following the issuing of an SLC, such a Writ of Execution or a winding up of the Company were not deemed to be cost effective and there were no guarantees that the cost of the legal actions would be recovered.

The lease was eventually cancelled and a letter has been received from the Company's accountants, copy attached, indicating the Company has no assets and is in the process of deregistration. It is not intended to test this advice as Council's only remedy, as indicated above, would be to pursue the bankruptcy of the Company and the costs incurred are significant with little likelihood of any return.

This case and the circumstances surrounding it are unlikely to ever occur again.

LISMORE CITY COUNCIL - Meeting held February 10, 2004

Rates Write-off

It is indeed unfortunate that Council has no protection in recovery of the outstanding debt, after all the lessor has had the benefit of collecting the rent from the property.

The amount to be written off, including rates, interest and charges is \$20,931.42, at the date of this report.

Manager - Finance & Administration Comments

This situation has been ongoing for sometime and a number of attempts to recover the debt have proved unsuccessfully. Given the company's financial situation, based on the advice received and several other indicators, the write off is supported reluctantly.

In regards to Council's potential exposure to bad debts from other Crown and State Rail Authority leases, there are only a handful of these with the rates set mainly at the minimum, being \$411.60 for 2003/04. As such, it is highly unlikely that this situation will be duplicated

Public Consultations

Not required.

Other Group Comments

Not sought

Author's Response to Comments from Other Staff

Noted

Conclusion

This report represents a loss to Council and a failure in the manner in which Councils are protected when Crown land is leased.

It is unlikely that the set of circumstances surrounding this matter will ever be repeated however the cost to Council in this case is significant.

Recommendation (COR02)

That in accordance with the provisions of the Local Government (Rates and Charges) Regulation 1999, Section 14, Part 4 (b), that the outstanding rates and charges on assessment number 10768 shown in the name of Bexhill Bricks Pty Ltd in the amount of \$19,099.05 and Assessment 10974 shown in the name of Bexhill Bricks Pty Ltd in the amount of \$1,832.37 be written off.

LISMORE CITY COUNCIL - Meeting held February 10, 2004

Subject/File No: PURCHASE OF COUNCIL PLANT – ADDITIONAL GARBAGE TRUCK (CS:T24020)

Prepared By: Fleet Manager - Col Starr

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

Objective: To seek Council's approval for the purchase of one (1) new 6x4 Garbage Collection Truck.

Management Plan Activity: 1.12 - Plant Operations

Background:

Tenders closed on December 2nd 2003 for the supply of one (1) additional new 6x4, Garbage Collection Truck.

Lismore City Council is currently operating four (4) Garbage collection trucks, one of which operates two shifts daily. The anticipated replacement interval for these vehicles is between five (5) to six (6) years depending on the condition of the vehicles and revenue generated for replacement.

The existing Garbage Collection Trucks comprise of –

- **V170** – **2000 Freightliner FL80 fitted with 22m³ MacDonald Johnston Side Loader Compaction body.**
This truck and collection/compactor body is identical to the other collection trucks owned by LCC, all of which have proven to be successful in kerbside waste collection operations to date. These units are based within the 'Northern Rivers Waste' section which is part of the 'Business & Enterprise' Group of Council.
- **V171** – **1998 Freightliner FL80 fitted with 22m³ MacDonald Johnston Side Loader Compaction body.**
This truck and collection/compactor body is identical to the other collection trucks owned by LCC, all of which have proven to be successful in kerbside waste collection operations to date.
- **V172** – **1999 Freightliner FL80 fitted with 22m³ MacDonald Johnston Side Loader Compaction body.**
This truck and collection/compactor body is identical to the other collection trucks owned by LCC, all of which have proven to be successful in kerbside waste collection operations to date.
- **V191** – **2003 Freightliner FL80 fitted with 22m³ MacDonald Johnston Side Loader Compaction body.**
This particular unit is the newest garbage collection truck in Councils fleet.
This truck and collection/compactor body is identical to the other collection trucks owned by LCC, all of which have proven to be successful in kerbside waste collection operations to date.

There were a total of six (6) truck and collection/compaction combination units (3 trucks with the options of two bodies per truck) tendered; one (1) collection/compaction body 'supply only' tender.

Consultation with the users of this waste collection truck (Northern Rivers Waste – B&E Group) resulted in the unit required to be similar in size and capacity to the current compactors being used, i.e. Fleet Nos. 170, 171, 172 and 191.

LISMORE CITY COUNCIL - Meeting held 11 February, 2004

Purchase Of Council Plant – Additional (6x4 Garbage Collection Truck)

Reliability is critical for all of the waste collection trucks due to their collection runs being completed each day without fail.

Back-up support is another important factor to be considered, especially given that there are currently 4 trucks operating 5 shifts daily, another reason for this tender to supply the fifth truck to provide 1 truck per collection run / shift which will lift the standard of collection times each day and allow for extensions of existing collection runs.

Prolonged downtime due to lack of manufacturer or dealer support overloads the available time frame for the kerbside waste collections.

Truck & Collection/Compactor 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 T24020'

Truck & Garbage Collection Unit		Supplier
1.	Hino / Superior Pak	Gold Coast Trucks of Nerang Qld
2.	Hino / MacDonald Johnston	Gold Coast Trucks of Nerang Qld
3.	Freightliner / Superior Pak	Southside Agencies of Lismore NSW
4.	Freightliner / MacDonald Johnston	Southside Agencies of Lismore NSW
5.	Iveco ACCO / Superior Pak	Black Truck Sales of Rocklea QLD
6.	Iveco ACCO / MacDonald Johnston	Black Truck Sales of Rocklea QLD
Garbage Collection Unit Only		Supplier
7.	MacDonald Johnston	MacDonald Johnston of Brendale QLD

All of the three truck tenderers offered both the Superior Pak Raptor compactor/collection body and the MacDonald Johnston compactor/collection body.

An evaluation panel comprising of Messrs Col Starr (Fleet Manager), Chris Allison (Contracts Officer), Kieran Wade (Northern Rivers Waste Manager) and Garry Stevens (Supervisor, Northern Rivers Waste) 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 Collection / Compactor body evaluations are listed in 'Attachment B'

Key Points to Consider:

- Purchase best possible combination of truck and collection/compactor unit to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer of both units.
- Operator comfort with 'Ergonomic Design' and operating considerations (OH&S).
- Ability to keep truck/compactor working with minimal maintenance and repair time.
- Compatibility and uniformity with the remainder of the 'waste collection' fleet.

Manager-Finance & Administration Comments

There are sufficient plant replacement reserves available to fund the acquisition of this vehicle.

Other Group Comments

LISMORE CITY COUNCIL - Meeting held 11 February, 2004

Purchase Of Council Plant – Additional (6x4 Garbage Collection Truck)

Group Manager – Business & Enterprise

I agree with the recommendation in the report.

Conclusion

The Kerbside waste collection trucks are an important link in the Lismore City Council 'Business & Enterprise' (Northern Rivers Waste) functions. To date the LCC operation has been very competitive, and by continuing to purchase the most effective and efficient units within reasonable price ranges, our day labour will continue to offer Lismore City customers better value for the dollar spent.

The current combinations of Freightliner trucks and MacDonald Johnston bodies are successful for our needs and have high operator praise for ease of use, lower and easier entry to cabin than Cab Over Engine units, bin lifter close to cabin for operator visibility, lower profile of both cabin and compactor body (Tree contacts) and compatibility ensuring that all operators are at maximum efficiency with any of the units they need to operate.

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, Northern Rivers Waste and LCC Fleet & Workshop staff have inspected the available trucks and collection/compactor units. All of those staff and users who inspected the trucks and collection units available were convinced that the Freightliner FL80 with the MacDonald Johnston unit is the better purchase for the LCC application as required.

Author's Response to Comments from Other Staff:

Noted

Recommendation (GM01)

That Council purchase one (1) only **Freightliner FL80** truck with the **MacDonald Johnston** Collection / Compactor unit as tendered (T24020) from **Southside Agencies of Lismore** for the cost of **\$283,979.00** *(includes GST)*

LISMORE CITY COUNCIL - Meeting held February 10, 2004

Subject/File No: DECEMBER 2003 QUARTERLY BUDGET REVIEW
(RS: S854)

Prepared By: Manager – Finance & Administration, Rino Santin

Reason: Clause 7, Local Government (Financial Management) Regulations 1993

Objective: To gain Council's approval to amend the 2003/04 budget to reflect actual or anticipated results.

Management Plan Activity: N/A

Background

The Local Government Act 1993 (LGA) requires the annual budget to be reviewed on a quarterly basis and any significant variances to be reported to Council. This report satisfies the LGA's requirements.

The rationale for this review is to ensure that the 2003/04 Budget reflects the actual and anticipated results, as it will be compared to the proposed budget during the 2004/05 Management Plan process.

General Fund

The 2003/04 Management Plan provided for a balanced budget. The September review reported an accumulated annual deficit of \$157,900. This review details a surplus of \$189,000 with the accumulated annual surplus at December 31, 2003 being \$31,100.

For Councillors benefit, the detail of this movement is as follows.

Budget Balance Movements for Quarter	Amount \$
Opening Balance at October 1	(157,900)
Less - Anticipated level of private sponsorship on Community Link not to be achieved.	(1,600)
Add - Growth in the rate base greater than originally estimated and therefore increased rate income.	67,200
Add - Sundry general revenues (commissions, photocopying, etc) more than anticipated.	3,000
Less – Sales of mapping revenues from GIS less than anticipated.	(3,000)
Less - Provision of financial assistance, in conjunction with Northern Rivers Health, for medical services in Nimbin for a twelve month period.	(10,400)
Less - Expenses for Sister City celebrations in November greater than anticipated and a monument, discussed for some time, was erected at an approximate cost of \$13,000.	(15,700)
Add - Building and planning service revenues continue to increase due to the heightened activity in the development industry. To maintain service levels, part of the additional revenue has been used to employ part time/relief staff or pay overtime. Also, the P&D office is being modified to cater for increased staff numbers and the better utilisation of existing space.	91,000
Add - Subdivisions fees have increased due to heightened activity in the development industry. Part of these funds have been applied to the provision of a motor vehicle in the Survey & Design section.	7,400

LISMORE CITY COUNCIL - Meeting held February 10, 2004

December 2003 Quarterly Budget Review Statement

Budget Balance Movements for Quarter	Amount \$
Add - Council's request for the State to provide additional staffing resources at the Lismore Fire Station have been denied for 2003/04. As such, the funding provided in anticipation of this outcome can be reallocated for other purposes.	101,100
Less – Revenue from car parking is less than anticipated due to there being no paid parking in the Rowing Club Carpark because of the Lismore Levee and the Rangers not targeting the Rowing Club/Kirklands Riviera/Molesworth Street areas, historically sources of significant income, due to disruption.	(50,000)
Closing Balance at 31 December	31,100

For Council's information, listed below are the details of the activities with significant variances. Please refer to the attachment for individual programs for details of all budget movements.

Economic Development & Tourism

Works on the riverbank redevelopment are to escalate with the objective to finalise footpaths, lighting, tree planting, etc in the Heritage Park area. A total of \$255,300 is to be expended which comprises \$200,300 from reserves and \$55,000 in grant funds from NSW Waterways to improve boating facilities.

At the Lismore Visitor Information Centre, a decision has been made not to produce a Holiday Guide. As such, the expected revenues and expenses have been reduced by \$22,100 each. Also, the sales of souvenirs continue to increase by an estimated \$15,000. Rather than make a return to operations at this time, it is to be reinvested into stock to meet the Easter demand.

Information Services

To maintain adequate protection of Council's computer network, upgraded virus protection software was acquired and installed in November. The three year license cost \$12,000 and is funded from reserves.

Health and Building

In addition to the increased revenue forecasts mentioned earlier, several other items require mention. They include:-

- a) Water Sensitive Urban Design Conference - This conference was coordinated by staff and registrations exceeded costs by approximately \$4,400. This has been transferred to reserve to fund 'eco-technology training' consistent with the overall theme of this conference.
- b) Stormwater Management Plan – This project was carried forward from previous years. The cost is \$34,900, which is funded from grants and reserves.

Parks

The \$30,000 allocation for risk management initiatives included in the budget for playgrounds has been transferred from capital to operating expenditure. This is in keeping with the works undertaken being maintenance in nature. Also, a contribution from the Nimbin community was included in the budget to assist in the funding of works required in Allsopp Park. As little progress on this has been achieved, the requirement for a contribution is to be deleted and the scope of the works have been reduced by \$18,000.

Rural Fire Service

The NSW Rural Fire Service has advised the level of subsidy applicable to RFS operation for 2003/04. The practice is to amend our budget to reflect this advice. The main change relates to the amount of funding provided for the replacement of fire tankers. The impact, \$26,100, has a nil overall effect on the budget as both the capital cost and subsidy received are both reduced.

LISMORE CITY COUNCIL - Meeting held February 10, 2004

December 2003 Quarterly Budget Review Statement

Enforcement

Funding for Council's contribution towards the extension of street lighting on Oliver Avenue has been transferred from reserves. The amount of \$25,800, has been forwarded to Country Energy.

Plant Operations

Council receives the Diesel Fuel Rebate Grant for on road vehicles. This income is attributable to plant operations. Historically, this has been recognised as plant hire income. To improve transparency, this income is now separately identified.

Urban Roads

Funding has been received for improvements to bus bays and shelters. The \$54,300 is to improve facilities at a number of locations.

Lismore Regional Airport

These changes reflect the final impact on the budget of the revised management contract with Ambidji Frontec as adopted by Council at its July meeting. Both revenues and expenditure have increased by \$54,300 so there is no overall impact on the budget.

Change in Net Assets

The 2003/04 Management Plan showed a surplus in the "Change in Net Assets" of \$1,622,000. The September review decreased this \$194,000 to \$1,427,000. This review increase this position by \$165,000 to \$1,592,000.

It should be noted that this amount reflects the estimated increase in net assets held under the Council's control for this year. It does not reflect in any way the Council's cash or liquidity position.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable.

Conclusion

Council's budget has moved from a deficit to a surplus position of \$31,100. The significant improvement relates to increased revenues in building and planning services, rates and the decreased contribution required for fire services at the Lismore Fire Station.

Generally, it would appear that actual results for expenditure allocations are in accordance with budget expectations.

Recommendation (COR07)

1. Council adopt the December 2003 Budget Review Statement for General, Water and Sewerage Funds.
2. This information be submitted to Council's Auditor.

Subject/File No: MANAGEMENT PLAN REVIEW 2003-2006–DECEMBER QUARTER 2003

Prepared By: General Manager

Reason: Requirement of the Act

Objective: Information and Annotation of Councillors

Management Plan Activity: General Manager

Background:

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

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

Recommendation:

That the report be received and its contents noted.

Management Plan

GROUP: GENERAL MANAGERS'
Management Plan Review
Period ending December 2003

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

Communications and Community Relations

- Communications Strategy – Implementation of 2001 strategy fully delivered this quarter.
- Published *Community Link December* to residents.
- Published Annual Report to residents in October
- Published Annual Report/Statutory Return to Minister.
- Liaison with the SCU on 10th anniversary promotion.

- **Strategic planning –**
 - Selection of consultant;
 - Held five community focus groups and compiled issues paper.
 - Official public launch of 'Community directions – Strategic planning process'.

- **Internet** - Published Summer iteration of website.

- **Community Relations -**
 - Published results of Community Satisfaction survey in *Community Link* and briefed senior management, staff and Councillors.
 - North Coast National participation – blue ribbon for Council's effort.

- **Issue management** - maintained daily pro-active media schedule, including maintenance of positive media profile on issues and exceptionally high media coverage of events (greater than 98%)
 - 'public affairs committee' meeting held to discuss council public reputation and manage improvement.

- **Internal -**
 - Organised public speaking training for middle managers.
 - Planning for internal communications survey.

- **Customer Service -**
 - Abraxa Review into customer service fully implemented this quarter.
 - Customer Service Committee monthly meetings, including training day for 40 staff in 'advanced customer service'.
 - 'Innovation challenge' held amongst customer service teams.

- **Flood management**
 - agreement with SES on procedure for setting up a call centre on road closure information during floods.
 - participated in SES Swim test for handling floods (planning day).
 - organisation for Flood Safe Week 2004.

- **Crisis management** – finalised crisis communication plan for senior management, briefed senior staff and readied the plan in case its needed.

Management Plan

Special Projects and Properties

- Land and Building register – the review of council properties is complete and the draft register has been issued to all relevant Council officers. It should be noted that Councils grazing leases are also being incorporated into this system.
- Spinks Park Redevelopment – the proposed redevelopment of Spinks Park was assessed by key stakeholders and in concert with levee construction its anticipated completion is March 2004. This work will include new paths, garden beds, drinking fountain and open space areas.
- CBD Centre – Councils presence in the CBD is established.
- Art in the Heart site – the contract for the consultant preparing the master plan has been engaged. It is anticipated that the plan will be brought to Council at the May meeting.
- Rezoning of selected public land – the land to be proposed for reclassification has been identified and maps prepared.

Human Resources

- Regional cooperation initiatives with Richmond Tweed Councils progressed - Aurion Human Resources Information System (HRIS) Project
- Two presentations to General Managers' - Sub Regional Group on the above project
- Human Resources Officer - Industrial Relations representing Northern Rivers Councils in the LGSA 2004 Local Government State Award Working Party Council's Health Services (Injury Management; Employee Assistance; Pre-employment Screening) providers confirmed following tender process
- Progressed and facilitated the Review of Parks & Recreation
- Re-formed Sick Leave Working Party
- Reviewed Performance Management system (Chandler & MacLeod) at Hurstville Council and scheduled presentations for staff on the product/system
- Followed through on a number of issues arising in the safety area and further consultation required on the Safety Management Plan
- Positive response and return rate for 2003 round of staff skills assessments 1 Aug-30 Nov
- Planned organisation-wide cultural health (employee opinion) survey

Workshop , Fleet Management and Sign Shop

- Delivery of one of the two Mowing type Tractors (Parks & Recreation - Fleet No's 277) and in service.
- Order placed for the purchase of one 4x4 Volvo L90 Loader (Roadworks - Fleet No. 250), one Reduced Swing Caterpillar Excavator (Roadworks - Fleet No. 246), existing excavator (V247) transferred to Northern Rivers Quarry.
- Tenders closed for the purchase of additional 6x4 Garbage collection truck for NR Waste.
- Purchase & delivery to LCC Workshop of replacement and additional plant items which include
 - Holden Rodeo 4x4 D/Cab utility (Roadworks)
 - 7'x4' Galvanised box trailer (Crematorium)
- Replacement of vandal damaged signs.
- Replacement of road signs damaged from Motor Vehicle Accidents.

Management Plan Review – General Manager:

Period ending December 30, 2003

Economic Development / Tourism

Management Plan

- The EDU was heavily involved in lobbying for the continuation of existing rail services and the extension of our line to meet the Gold Coast service. A detailed submission was made to the Parry Inquiry. Prior to Christmas, Minister Costa announced a "moratorium on change" for a period of 12 months. Negotiations with staff from Ministry of Transport and Department of Infrastructure, Planning and Natural Resources are continuing.
- The EDU organised the activities associated with the 40th anniversary celebrations of the sister city relationship between Lismore and Yamato Takada. Everything went very successfully.
- Lismore was successful in picking up 5 awards at the Northern Rivers Tourism Awards including awards for the Visitor Centre and Tourism marketing function
- Under the Tourism Marketing function, a Bus and Coach Guide has been developed and distributed to 300 tour organisers around the country and a brochure aimed at encouraging day trips has been developed for distribution through 200 coastal motels
- The Events Office put forward a range of bids for various events including: Ulysses Motorcycle Club, Northern Star Careers and Jobs Expo, LUO's Herb Festival and Business Awards, Baseball Tournaments. Success has been achieved in attracting the Careers Expo and Rating Professional Conference.
- The tourism marketing function has been working closely with Nimbin's Community Economic Development Officer to organise the Nimbin Marketing Campaign - brochure, TV ad and public relations campaign will result in the first quarter of 2004

Management Plan

GROUP: CORPORATE & COMMUNITY SERVICES

Management Plan Review

Period ending December 2003

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

Community Services

- *Kadina Park* – stage 2 works commenced in October and will include completion of the shared walking/cycle path, erection of a shade structure over the existing playground, a new playground for toddlers and young children and additional picnic and BBQ facilities.
- *Elders Memorial Park* – the second stage of redevelopment was completed in December and included additional picnic and BBQ facilities, a mini basketball court, a small sheltered amphitheatre and a memorial garden in honour of Aboriginal elder Faye Smith.
- *Community Safety/Crime Prevention* – more than 50 local women and toddlers attended a very successful Women's Dreamtime Celebration at Kadina Park in October to mark *Reclaim the Night and Week Without Violence*. They participated in a visioning exercise that will be utilised to inform the development of the Community & Social Plan, the Community Safety Plan as well as mothers and carers activities to be run during 2004.
- *Youth Activities and Services* – Council's Youth Development Officer Annie McWilliam was elected to the Board of Management of the Youth Action Policy Association, which is the peak youth policy forum for NSW. A project team comprising representatives from FACS, Community Connections, DEST, Reconnect and Lismore Police has been convened to develop an interim youth space in Council's Cultural Precinct. They are currently working to access funding to refurbish C Block.

Information Services

- *Computer Network* – install new anti-virus software, replace approx. one third of personal computer fleet, consultant appointed to review current voice and data communications infrastructure, rationalise resources, in particular printers, scanners, copiers, fax machines.
- *Resource Sharing* – Aurion HR system running on a server hosted by Tweed Council to be implemented for use by a number of Northern Rivers council's.
- *Geographic Information System* – 2003 aerial maps of urban area's made available, fire prone land maps completed for the NSW Rural Fire Service, continue to update other mapping layers to improve the needs of users.

Finance & Administration

- *Rating & Revenue* – the annual Rating Professionals Conference that will be held in Lismore in March 2004 with up to 200 attendees, is being co-ordinated by Rates and Events staff. The Rating Strategy Working Party finalised their consideration of a number of options/structures, with a report recommending a future course of action, to be considered at this meeting.
 - *Risk Management* – policy on "Signs as Remote Supervisors" adopted by Council, audit of roads and footpaths data by Statewide confirmed that recent risk management initiatives for footpaths and playgrounds are having a positive effect on reducing our liability exposure, Events Risk Management Plan being prepared.
 - *North Woodburn* – a well-attended public meeting at Woodburn in October clearly indicated sewer and drainage problems were major concerns to local residents. Subsequent meetings and a decision of Richmond Valley Council to not continue with a boundary adjustment proposal at this stage resulted in a similar recommendation to Council at this meeting.
 - *Finance* – financial information for the Section 94 Plan has been reconciled and where applicable carried forward to the new plan that was adopted by Council in December, consultants *Expense Reduction Analysis* reviewed expenditure in the areas of electricity supply, telecommunications and casual labour hire. Investigations revealed that Council is well served with current arrangements for the first two items, resulting in the decision to further investigate through a formal process if savings and efficiencies can be achieved in casual labour hire arrangements.
-

GROUP: PLANNING AND DEVELOPMENT

Management Plan Review

Period ending December 2003

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

Planning Services

Implement adopted strategies

Urban Development Strategy: Awaiting review by the Minister & DIPNR.

Amendment 15: Rezoning of land at Trinity Drive in accordance with UDS: requires formulation of S94 Plan.

Floodplain Risk Management Plan: draft LEP altering flood-related planning controls sent to Minister for making. DCP provisions to replace DCP 7 adopted by Council at November Special Meeting.

Rural Housing Strategy:

Further information being sought for Stoney Chute Rd and Eltham proposals. Minshul Cres. report considered at October Council meeting and endorsed for public exhibition and S.62 consultations. Internal referrals comments received for Wyrallah proposal.

Improved integration of TCM & ESD in planning controls

Koala Plan of Management: draft KPoM public exhibition completed, approx. 230 submissions received, majority in support but many making suggestions for alterations. At December Council meeting, Council resolved to defer consideration until February 2004.

Review & update planning instruments:-

Amendment 12: Review of land zoned 6(a) Recreation: LEP maps being prepared.

Amendment 14 Annual General update: Council's October meeting adopted draft LEP altered on basis of submissions received; amended draft instrument referred to Parliamentary Counsel and Heritage Office. Verbal agreement from both offices.

Monitoring of Development Applications: Average processing time/application for quarter 40.1 days (standard – 40 days).

Average processing time/application for 2003-39.75 days.

Total DAs received for 2003-264 (cf. 2002-186, 2001-187).

Number of public enquiries – Oct, 669; Nov, 517; Dec, 410. Number of public enquiries for 2003 – 6156.

Quarterly Residential Subdivision statistics – 10 DAs lodged proposing creation of 33 lots. 52 lots released.

Management Plan Review – Planning and Development: Period ending December 30, 2003

Environmental Health

Actions Planned – Strategies and Programs

- **Audit of Commercial Premises:** Routine inspection of commercial premises continues with 77 inspections undertaken during quarter.
- **State of The Environment Report (SoE):** Focus Group workshops for Councillors and community undertaken. Strategy for comprehensive report has been devised.
- **Clean up Australia Day:** Clean up Australia Day is scheduled for March 2004.
- **Stormwater Management Strategy:** SEA project for region concluded in December 2003.
- **Urban Drainage & Bushland Reserve Remediation and Education Project** continued to be implemented by Vanessa Tallon. Browns Creek drain between Brewster Street and Diadem Street has been upgraded with comprehensive planting scheme to mimic natural environment. Project concluded in December.
- **Water Sensitive Urban Design (WSUD):** Eco-technology Working Group (with Robyn Fitzroy representing Council) successfully organised WSUD seminar at Invercauld House in November with attendance by over 160 participants. Work, including initial regional meetings, has begun on development of regional WSUD DCP to be developed in first half of 2004.
- **Emergency Management Plan:** Quarterly meetings have been undertaken for both Rescue Committee and Emergency Management Committees. Next meeting due in February 2004.
- **Sun Protection:** Investigation of appropriate shade shelter at Riverview Park or Nimbin Skatepark is to commence this financial year.
- **On-site Sewage Management:** Results of program reviewed with 4 persistently non-compliant site owners identified for legal action. Notification resulted in satisfactory response from 3 of these people.
- **Contaminated Lands Policy** continues to be updated as properties are either confirmed as contaminated or not contaminated. Risk assessment of properties on database to be investigated in first quarter 2004.

Waste Minimisation Strategies

- **Actions Planned – Strategies and Programs:-**
- **Implement media plans for contamination management in the recycling and organics stream:** Media releases included: Lismore Show Bottles to Benches Competition Winner; Ambassador Award Ceremony; Bin Runner Program (significant national media attention including JJJ radio, ABC Stateline filming and interview, ABC Drivetime and morning show, ABC Newcastle live interview, Prime TV filming and local radio, Star and Echo coverage); Bunnings plastic bag levy release, Resource Reporter Newsletter #2 on Informer, Web, Councillors and Staff; Monthly contamination advertising in Echo; Easyguides for recycling and composting on Web. Nappies to landfill, presentation to Waste Management Assoc. Qld. in Brisbane. Smart Shopping road show including display in Lismore shopping centres during December; contract renewed for bus shelter advertising; leaflets drafted and distributed with information packs to pharmacists on 'Sharpsafe' program; recycling and reuse directory updated on web; best practice environmental education case studies (x2) accepted by Dept. Env. & Conservation to be featured in upcoming DEC report.
- **Develop and implement the schools waste education program 'Resources On Tour':** School tour program implemented in November, with 270 students and 20 teachers on tour during 4-week program. School subsidies paid and feedback sheets collated. Project summary released for latest round of tour program; trailer load of 'comcast' delivered to tour competition winning school; assistance to Woodlawn College and Dunoon School under 'Sustainable Schools Program'.

Management Plan Review – Planning and Development: Period ending December 30, 2003

- **Provide a Waste Audit Service for Schools** LCC's school audit kits remain on loan to Sustainable Schools Program.
- **Provide a report each year on the composition of waste, diversion rates and contamination status in Lismore:** Quarterly waste statistics report (July – September) released and posted on web. Bin-Runners 'blitz' on inspection of organics bins took place in October.
- **Implement Cleaner Production initiatives under the IWS 3-year action plan: Rainbow Region Business Waste Project** – Process tour of Lismore Base Hospital (LBH), audit of waste from all wards. Two feedback/update meetings with LBH management team. Draft of LBH staff survey form approved by LBH management team. Initial project scope meeting with SCU Environmental Management team, preparatory to SCU audit.
- **Organics Service:** 347 rejection 'slips' issued (comprising 1st, 2nd, 3rd 'notices' & service withdrawal) and 35 home visits conducted during quarter.

Building Services

- **Monitoring of Development Applications:** Average processing time/application 20 days for the quarter (standard-25 days). Total DAs received for 2003-804 (cf. 2002-760, 2001-577).
- **Swimming Pool Survey:** Although performance target is not currently being met (12 inspections/quarter), some outstanding pool notices and re-inspections have been undertaken by new Compliance Officer. Effective program for inspections to be implemented in first quarter, 2004.
- **Fire Safety Measure Program:** audit of all outstanding fire orders undertaken to determine current status. Progress on orders has commenced, with some reaching completion.
- **Inspections of Caravan Parks, Places of Public Entertainment, Public Halls, Boarding Houses:** Consultant who undertook and completed inspections of Public Halls and caravan parks in September quarter has been re-engaged to commence inspection of Places of Public Entertainment and 'essential services' premises in first quarter, 2004.

Management Plan

GROUP: BUSINESS AND ENTERPRISE
Management Plan Review
Period ending December 2003

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

Northern Rivers Waste

- Richmond Valley Council advised council that it was not successful in its bid for the waste collection service contract. The contract was awarded to an internal bid.
- Council staff participated in the review workshop of the North East Waste Forum.
- Council continued with the construction of the leachate holding pond and treatment system. Trials were undertaken and evaluated: a vertical reed bed filter system was selected. Awaiting licence approval from DIPNR & review approval from EPA to start full construction.
- Council's program of utilisation of worm compost has continued with excellent outcomes. The result to date on the refurbishment of sporting fields is well received and the trials within the tea tree farm are providing excellent results. Tryton continues to progress with substantial trials underway with macadamias, dairy pasture and tea tree production.
- A large scale trial is underway with Byron Shire Council on the refurbishment of the worst field at the Byron Bay Recreation grounds. 130 cubic metres of product was applied and this trial will be well scrutinised.

Lismore Memorial Gardens (LMG)

- Completed construction of new entranceway for access to Gumnifera Gardens.
- Seeking quotations to undertake first stage of work on redevelopment of memorial gardens.

Northern Rivers Quarry & Asphalt (NRQ&A)

- Noise reduction measures were undertaken as part of a noise reduction plan from the EPA.
- Acquired the former City Works excavator to trial improved workflow methods on site.
- Completed implementation of new asphalt production software.
- Blakebrook Quarry was visited by the Dept of Mineral Resources to assess the implementation of Safety Management Plans. The audit identified areas for improvement. These are to be implemented before February 2004.

Lismore Regional Airport

- Passenger numbers have continued to increase with a new record month of passenger movements set in the quarter.
- Negotiating with REX re retention of \$99 fares for Lismore and a program beyond Feb 04
- Commencement of new Port Macquarie / Lismore Brisbane service.
- Lodgement of DA for the Aerial Mapping project subdivision.
- Prepared tender information for the PAPI light replacement.
- Completed reconstruction of failing GA pavement.

Property

- Completed plantings on Parmenters Road Quarry rehabilitation.
- Extension of the Oliver Avenue roadwork for development of additional industrial blocks.
- Assessment of the sale of Molesworth House.
- Tea tree farm has returned well after the harvest. Council achieved an initial sale of oil 2,000 kg at market prices.

Lismore Water

- Water main and sewer main replacement program is continuing according to schedule.
- Construction of the UV disinfection unit for East Lismore is all but complete with a revised completion date from 31 December 03 to 31 January 04 the construction has progressed well and plans are commencing for the commissioning stage and the potential water reuse schemes.

Management Plan

GROUP: CITY WORKS
Management Plan Review
Period ending December 2003.

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

Parks & Recreation:

- Landscaping works for Molesworth Street upgrade – Complete.
- Nimbin toilet block upgrading – Complete.
- Bring all playgrounds up to Australian Standards - Ongoing.
- Upgrade canteens at Oakes Oval – Continuing.
- Enhance City approach along Bruxner Highway outside South Lismore Industrial Centre – partly complete.
- Install log barriers around Nesbitt Park – Complete.
- Topdressed Marie Lee Oval and South Lismore main soccer field and three quarter field – Complete.
- Topdress six turf wickets – Complete.
- New concrete wicket at Coronation Park – Complete.

Urban Roads:

- Footpath Repair Programme continuing – Dalley Street (between Wyrallah Road and Dibbs Street) complete; Union Street (between end of Coleman's Bridge and Hurford's entrance) complete; Dawson Street (between Conway and Ballina Streets) complete; Hunter Street (between Orion and Norris Streets) complete.
- Development of Asset Management System - On schedule.
- Extension of Oliver Avenue – Continuing.
- Hunter, Orion and Norris Streets Drainage - Complete.
- Bridge Street slip area reconstruction - Complete.
- PAMP Programme - Footpath works on western approach to Ballina Street Bridge on both northern and southern footpaths complete.
- Commenced resealing programme.

Rural Roads:

- Completed reconstruction of MR142 (Nimbin Road) at Hayden Road, Goolmangar.
- Completed reconstruction and realignment of MR142 (Blue Knob Road), south of Lillian Rock Road.
- Completed reconstruction and realignment of Eltham Road, East of Gray Road, Eltham.
- Completed reconstruction of Thorburn Street, Nimbin.
- Commenced Nimbin carpark extension (Stage 3).
- Commenced resealing programme on classified roads, MR142 (Nimbin Road) and MR544 (Kyogle Road).
- Completed resealing on Eltham Road, Pearces Creek.
- Completed shoulder maintenance on Gungas Road and Tuntable Falls Road.
- Completed gravel maintenance in the following areas: MR306 (Dunoon Road), Whian Whian, Rosebank, Marom Creek, Tuckurimba, Terania Creek, Tuntable Creek, Keerrong Road.

Bridges:

- Completed bridge maintenance on Cullen Bridge, Nimbin.
- Completed bridge maintenance on Southwell Bridge, Nimbin.
- Completed bridge maintenance on Blakebrook Bridge.

Management Plan

Management Plan Review - City Works Group:

Period ending December 30, 2003

Road Safety:

- Youth - Seminars on the subject of safe driving, drugs, alcohol, risk taking held at Southern Cross University and Tweed Civic Centre. 2,000 students from 23 High Schools attended.
- Speed – Advisory Speed Checks conducted throughout the Local Government area with follow-up from Richmond Local Area Command to address speeding on local roads.
- Alcohol – Drinks Without Dramas designated driver programme in place during November and December – participation by 25 Lismore licensed premises.
- Road Safety Park – All plans and preparations for Official Opening and Family Fun Day completed – cancelled due to wet weather - rescheduled for February 28, 2004.

Traffic, Enforcement and Street Lighting:

- 115 dogs and 37 cats life-time registered.
- 85 dogs and 27 cats impounded.
- On-street/off-street parking enforcement continued – 540 fines issued.
- 10 abandoned vehicles impounded.
- Completed linking camera system from Molesworth House to new CBD Centre.
- Completed lighting upgrade in laneways enroute to Clyde Campbell Carpark.
- Completed installation of two-way system to CBD Centre.
- Completed Stage 5 of Oliver Avenue street lighting.
- Reviewed and changed bus routes and pick-up points in CBD.

Survey, Design and Subdivision Control:

- Cathcart Street, Girards Hill – Ballina St to Panorama Rd – reconstruction
- Airport Drive, South Lismore – Deviation
- Nimbin Road, Nimbin – Stony Chute Rd to High St – rehabilitation
- Richmond Hill Road, Richmond Hill – Slow points
- Diadem Street, Lismore – Shoulder widening + K&G – Uralba St to Magellan St
- Norris/Hunter/Orion Sts, Lismore – Drainage
- Grace Road, Bexhill – Control survey for monitoring movement
- Market Street, Lismore – Reconstruction
- Aerial photography Lismore urban area
- Broadwater Road, Broadwater – Banks Lane to Bridge – Widening

Development Control:

- Collection of outstanding quarry levies second stage underway.
- Comments on rezoning application for Dougan Road, Caniaba.
- Comments on rezoning application for Breckenridge Street, Wyrallah.
- Comments on rezoning application for Minshul Crescent, North Lismore.
- Comments on rezoning application for Stony Chute Road, Nimbin.
- Comments on rezoning application for Federation Drive, Eltham.

Design Plans Assessed:

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

Jobs Under Construction:

- Residential Subdivision – Julianne Place, Bexhill.
- Residential Subdivision – Toongahra Circuit, Goonellabah – Stage 1 complete, Stages 2-3 ongoing.
- Residential Subdivision – Waratah Way, Goonellabah.
- Residential Subdivision – Sophie Street, Goonellabah - Complete.
- Residential Subdivision – Hillcrest Avenue, Goonellabah.
- Residential Subdivision – Barham Street, East Lismore.
- Rural Residential Subdivision – Perradenya Estate, Caniaba.
- Rural Residential Subdivision – Dunoon Road, North Lismore.

Emergency Services:

- Flood levee – RSL Club to Club Lane – on schedule, wall complete by late February.
- Flood levee – Club Lane to Police Station – final design almost complete; negotiations continuing with affected landowners.

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

In attendance: Messrs Kevin Carter and Robert Miller (Northern Rivers Area Health Service) for Item No. 15.

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

Minutes of Traffic Advisory Committee Meeting – November 19, 2003

Members were advised that the Minutes of the meeting held on November 19, 2003 were adopted by Council at its meeting of December 9, 2003, excluding Item Nos. 4 and 10.

Disclosure of Interest: Nil

Business Arising (Minutes of November 19, 2003)

1. **Marked Pedestrian Crossing on Bridge Street, North Lismore** (*Item No. 4*)
Council resolved that this matter be referred back to the Committee and a representative from the North Lismore Progress Association be invited to attend. Mr MacDonald advised that he had contacted the author, Mr Steve Bolt, and had invited him to attend this meeting but Mr Bolt had indicated that he was happy with the work proposed to be carried out and that the location had been investigated and considered to be appropriate. (03-10939:S342,R6208)

2. **Dungarubba Road – Reduced Speed Limit** (*Item No. 10*)
Council resolved that this matter be referred back to the Committee in the light of advice from the RTA in a newspaper article and write to the Minister. Mr Baldwin advised that there was no broad plan to reduce speed limits and the RTA had not made any such comment to the media in relation to the recent newspaper article. Whilst the RTA was happy to further consider a reduction in the speed limit, certain criteria would need to be met in accordance with the guidelines and would include accident statistics. It was suggested that it may be more practical to introduce a temporary speed limit at the time the roadworks were due to commence. This could remain in place until all works were complete.

TAC179/03 **RECOMMENDED** that a temporary roadworks speed zone be introduced as part of the proposed upgrading of Dungarubba Road. (R5804)

Correspondence:

3. **Dr MR Jones;** drawing attention to the excessive speed of vehicles on Nimbin Road in the vicinity of the Goolmangar Public School, with motorists ignoring the 80 kph speed limit and 40 kph School Zone, and requesting appropriate action be taken to improve road safety. Snr Const Hilder advised that Police Officers had been targeting the School Zone area adjacent to the Goolmangar Public School and had detected a number of speeding motorists. The area would continue to be patrolled in the future. The School Zone patch on the southern approach to the School had been removed as part of the recent roadworks and would be replaced shortly.

TAC180/03 **RECOMMENDED** that the writer be advised accordingly. (03-12117:S352,R2801)

LISMORE CITY COUNCIL - Meeting held February 10, 2004

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD DECEMBER 17, 2003

(Cont'd)

4. **Williams Bus Lines;** seeking approval to extend its bus route to include Grace Road and Julieanne Place, Bexhill.
TAC181/03 **RECOMMENDED** that approval be granted for the bus run extension as proposed.
(03-12629:R1111,R1113)
5. **Nimbin Police Service and Cr D Roberts;** drawing attention to the poor condition and number of traffic accidents which have occurred on Blue Knob Road, between Nimbin and Kyogle/Murwillumbah Road, and requesting that the speed limit be reduced to 80 kph.
Before consideration is given to reducing the speed limit, it was suggested that an inspection be made of the accident location. This may result in other treatments being identified at specific corners as well as a reduced limit. Mr Baldwin undertook to provide details of accident data for the next meeting. A speed zone survey would also be carried out.
TAC182/03 **RECOMMENDED** that this matter be further considered at the next meeting.
(03-12802:S352,R2001)
6. **Dr S Prince & Dr E McGirr;** drawing attention to the need to provide additional on-street parking in the vicinity of No. 92 Uralba Street, Lismore, by widening the road pavement, and also requesting that one disabled parking space be designated in front of their surgery.
It was suggested that the introduction of a 2-hour parking limit may negate the need for any specific disabled bay that would only service one practice. The request for the southern side of Uralba Street, adjacent to the Baptist Church, to be upgraded would be referred to Council's Manager-Roads & Infrastructure for consideration in future funding proposals.
TAC183/03 **RECOMMENDED** that a 2-hour parking limit be introduced on the northern side of Uralba Street, between Nos. 86-92 Uralba Street.
(03-13281,03-13283:S353,R6058)
7. **Thomas George, MP;** making representations on behalf of D Russell regarding the need to provide parking for patients of the Accident & Emergency Department of the Lismore Base Hospital.
It was noted that Mr Russell had written to the Infringement Processing Bureau and would likely receive a caution for the parking infringement due to the circumstances. Parking restrictions in front of the Base Hospital were necessary to ensure a turnover of available parking.
TAC184/03 **RECOMMENDED** that Mr Russell be advised Council would support any request for the penalty to be waived on this occasion and also of the Hospital's redevelopment plans that include provision of substantially more parking.
(03-13292:S353,R6058)
8. **Ms B Maloney;** seeking increased pedestrian safety at Conway Street, in the vicinity of the Lismore Post Office.
The location of the new crossing had been inspected a number of times with Police and RTA representatives and it was felt that it had been correctly positioned and was clearly visible to motorists on approaching the intersection.
TAC185/03 **RECOMMENDED** that the need for additional signage be investigated.
(03-13282:S346,R7307)
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LISMORE CITY COUNCIL - Meeting held February 10, 2004

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD DECEMBER 17, 2003

(Cont'd)

9. **The Loft Restaurant;** seeking the temporary closure of Nesbitt Lane, between Magellan Street and the rear of its premises, on December 31, 2003 from 3.00 pm, for New Year's Eve festivities which will also give the public a preview of the Laneways Project outcome.
It was noted that the owners had liaised with the businesses with rear access to Nesbitt Lane and all had agreed that it was a good idea and raised no problem with the proposed closure of the lane on New Year's Eve.
- TAC186/03 **RECOMMENDED** that approval be granted. (04-185:P21006)

General Business:

10. **Parking Facilities – In Front of No. 29 Keen Street, Lismore**
P Meagher had requested that consideration be given to reducing the parking time limit from 1hr to 1/2hr in front of the Keen Street Newsagency (*near Lismore Cinema*).
Mr MacDonald advised that both the adjoining Café and Cinema had objected to the proposed reduced time limit. In light of the objections, it was proposed that the existing restrictions be more consistently enforced in order to ensure adequate turnover of parking and the effect of this be monitored.
- TAC187/03 **RECOMMENDED** in accordance with the above. (R7313)

11. **Dunoon Road, Tullera – Accident History**
The Committee discussed the recent accident on the 'bend' on Dunoon Road, past Bentley Road, Tullera. A prior on-site inspection of the 'bend' revealed that the road surface around the 'bend' was rough and could lead to vehicles skipping if speed was excessive. Additional warning signage was also considered necessary.
- TAC188/03 **RECOMMENDED** that the road surface issue be referred to Council's Roads & Infrastructure Section with a view to hotmixing around the corner.
- TAC189/03 **FURTHER RECOMMENDED** that a 'right hand curve' symbol warning sign and 55kph plate be installed on the boundary between Nos. 442-448 Dunoon Road for south-bound traffic. (R3407)

12. **Parking Facilities – Carrington Street, Lismore**
The Committee considered alternative proposals for the parking layout on Carrington Street, between Magellan and Conway Streets and Conway and Bounty Streets. Plans were tabled at the meeting and showed various layouts that included a mix of parallel and angle parking. Unfortunately due to the number of driveways and the setback required by angle parking up to the driveways, any change would result in only one or two additional spaces.
- TAC190/03 **RECOMMENDED** that the status quo remain. (R7303)

13. **Pedestrian Access & Mobility Plan (PAMP)**
A report on the PAMP and schedule of works was submitted for information and discussion.
- TAC191/03 **RECOMMENDED** that the plan and proposed works be endorsed by Council. (S596)

LISMORE CITY COUNCIL - Meeting held February 10, 2004

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD DECEMBER 17, 2003

(Cont'd)

14. **Intersection of Brunswick / Carolina Streets, Lismore**
A plan was tabled showing a proposal to install a 'right-turn lane in' and 'right-turn lane out' of Carolina Street by modifying existing line-marking on the existing pavement. Mr Baldwin raised concern for the inclusion of the 'right-turn out' lane due to the restricted length available. It was suggested that this be removed from the proposal and the area in question be hatched out. There was general agreement with the revised plan and Mr Baldwin advised it would now need to be submitted to the RTA for further assessment and approval.
- TAC192/03** **RECOMMENDED** that the plan be adjusted to remove the 'right-turn out' lane on Brunswick Street, followed by submission to the RTA for final approval.
(R6009,R6010)

15. **Parking Facilities – Lismore Base Hospital**
Representatives of the Northern Rivers Area Health Service were invited to the meeting to outline future plans that would address the current critical shortage of available parking for the Lismore Base Hospital development. Messrs Kevin Carter and Robert Miller were in attendance and tabled plans showing a number of options being considered as part of the proposed redevelopment. The preferred option (7a) was further discussed and it was noted that it included a refocus of the main entrance to the northern side of the site with the access off Hunter Street and Laurel Avenue. A new Accident & Emergency facility would have direct access off Hunter Street. Pedestrian access from these carparks to the new main entrance would be wheelchair friendly. Unfortunately none of the above would occur in the short term but planning was underway.
- TAC193/03** **RECOMMENDED** that the above be noted. (S353,R6058)

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:-

Contract of Sale and Transfer – Lots 3 and 5 in DP 18057, being 30 and 34 Tweed Street, North Lismore

Council has negotiated an offer of \$40,000 for the purchase of Lot 3 and Lot 5, DP 18057. These lots do not have the benefit of a dwelling entitlement and the purchaser will pay to have the lots consolidated into their existing adjoining holding.

(03-13681: P9587)

Delegation of Authority – NEWLOG

Council to appoint as its agent an authorised officer within the meaning of the Roads Act 1993 who is at the time in the employ of the Ballina Shire Council to exercise a function under the abovementioned legislation on behalf of Lismore City Council. This is consistent with the provisions of Section 377(1) of the Local Government Act in terms of Council's power to delegate.

(03-12300: S374)

CONFIDENTIAL MATTERS – COMMITTEE OF THE WHOLE

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

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

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

Recommendation:

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

Item 1: Mayoral Minute - Annual Performance Review – General Manager

Grounds for Closure - Section 10D(2) (a):

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, DECEMBER 9, 2003 AT 6.00PM.

Present: Mayor, Councillor King; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Client Services, Manager-Finance & Administration, Manager-Planning Services, Manager-Economic Development & Tourism, Manager-Communications & Community Relations, Manager-Community Services, Road Safety Officer, Development Assessment Planner (C Soulsby), Fleet Manager, Contracts Officer, Recreation Planner, Administrative Services Manager and Team Leader-Administrative Support.

271/03 **Apologies/**
Leave of
Absence: Leave of absence was approved for Councillor Tomlinson for 2 weeks from December 19, 2003 and Councillor Irwin from January 1-15, 2004.
(Councillors Irwin/Baxter)

272/03 **Minutes:** The Minutes of the Ordinary Meeting held on November 4, 2003, were confirmed, ***subject to it being noted under resolution 237/03 that the mover and seconder should be Tomlinson/Irwin and the voting against should read "Councillors Roberts, Suffolk, Irwin, Gallen and Swientek"***.
(Councillors Crowther/Irwin)

273/03 The Minutes of the Extraordinary Meeting held on November 25, 2003, were confirmed.
(Councillors Crowther/Irwin)

PUBLIC ACCESS SESSION:

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

Damian Chapelle re Rescission Motion – Roundabout, Perradenya Estate

(See Minute No. 275-276/03)

Mr Chapelle assured the Council the roundabout would be constructed and that this construction was only a matter of timing, supported by traffic data.
(03-12299: D98/7)

David Yarnall re Report – Skyline Road Realignment

(See Minute No. 279/03)

Mr Yarnall claimed that excessive money would be spent on this road, questioned the reasons given for its construction and urged Council to reject this proposal in favour of other roads.
(S642)

Ros Derrett re Two Reports on Tenders for Aquatic Centre

(See Minute No. 280-281/03)

Ms Derrett raised concern over the timing of this decision and the legacy it would leave the community. She sought deferral of the decision to allow for the consideration of other options. (T24003,T24015)

Damian Chapelle re Review of S94 Contributions Plan 1999

(See Minute No. 282/03)

Mr Chapelle spoke on behalf of Lismore Unlimited against the proposed \$14,000 car parking charge. He questioned its method of calculation and claimed it would be a disincentive to investment.

(S517)

John Barnes re Report – Draft Comprehensive Koala Plan of Management

(See Minute No. 283/03)

Mr Barnes questioned the legal ability of Council to make decisions on this issue. He claimed the committee had a pro koala bias and refused to hear experts from other areas of expertise.

(S310,S680)

Lorraine Vass re Report – Draft Comprehensive Koala Plan of Management

(See Minute No. 283/03)

Ms Vass spoke in support of the Plan. She argued that the Plan represented a compromise position from what she considered ideal, but was nevertheless an improvement on the status quo. She spoke to the benefit of these improvements.

(S310,S680)

CONDOLENCE:

Late Bill Rixon

Bill Rixon passed away recently after a long illness. Mr Rixon was a former teacher, former councillor, former mayor and a Member of State Parliament. Bill Rixon was a man you could always approach; he was a man who tried very hard to help everyone who did approach him. I think he was generally recognised as being a very good member for our particular area.

274/03

The Mayor moved that Council's expressions of sympathy be conveyed to the family of Mr Rixon and the motion was carried with members standing and observing the customary moment's silence.

(S75)

PRESENTATION TO COUNCILLOR GALLEN:

The Mayor drew attention to a presentation made recently by the Local Government Association to Councillor Gallen on his 20 years service to Local Government.

On behalf of Council the Mayor congratulated Councillor Gallen on receiving this award.

Councillor Gallen suitably responded. The meeting showed its appreciation by acclamation.

(S75)

RESCISSION MOTION:

DA98/7 – S96 Amendment – Roundabout, Perradenya Estate

275/03

Formal notice having been given by Councillors Hampton, Suffolk and Crowther it was **RESOLVED** that the motion approving Development Application 1998/7 – Section 96 Amendment – Perradenya Estate, be rescinded.

(Councillors Hampton/Crowther) (03-12299: D98/7)

276/03

RESOLVED that –

A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

B That Council, as the consent authority, approve S96 amendment application MC 03/62 for the alteration of DA 98/7 as follows:

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

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

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

Road No.	Reserve width (m)	Pavement/ formation width (m)		Seal width		Comments
		With Traffic Manag't	No Traffic Manag't	With Traffic Manag't	No Traffic Manag't	
1	20.0	9.0	11.0	7.0	9.0	Fredericks Rd. to the Int. of Rd. 2
	18.0	7.5	8.5	5.5	6.5	From the Int. Rd.2 to Rd. 13
2	20.0	9.0	11.0	7.0	9.0	
3	20.0	9.0	11.0	7.0	9.0	
4	16.0	6.0	7.0	4.0	5.0	
5	18.0	7.5	8.5	5.5	6.5	
6	18.0	7.5	8.5	5.5	6.5	
7	16.0	6.0	7.0	4.0	5.0	
8	20.0 (30.0m proposed)	9.0	11.0	7.0	9.0	
9	16.0	6.0	7.0	4.0	5.0	
10	16.0	6.0	7.0	4.0	5.0	
Link Road	20.0	9.0	11.0	7.0	9.0	
11	20.0	9.0	11.0	7.0	9.0	
12	18.0	7.5	8.5	5.5	6.5	
13	16.0	6.0	7.0	4.0	5.0	
Fredericks Rd	20.0	8.0	8.0	6.0	6.0	
Caniaba Rd	20.0	8.4	8.4	6.4	6.4	
Access Rd	16.0	6.0	7.0	4.0	5.0	

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

Roundabout

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

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

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

Intersections

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

Stage 1

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

Stage 1A

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

Area F

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

Area A

Road No. 3	from the eastern boundary of Lot 106 to the eastern boundary of Lot 508
Road No. 4	from Road No. 3 to the southern boundary of Lot No. 205
Caniaba Road	from the intersection of Fredericks Road to the western boundary of Lot 303
Access Road	from the western boundary of Lot 313 to the eastern boundary of Lot 307.
Road No. 5	from Road No. 3 to the southern boundary of Lot No. 406.

Area B

Road No. 3	from the eastern boundary of Lot 508 to Caniaba Road including an intersection in accordance with AUSTRROADS Pt 5
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Area C

Fredericks Road	from the western boundary of Lot 1102 to Caniaba Rd
Road No. 2	from the western boundary of Lot 1101 to the southern boundary of Lot 1207
Road No. 7	from Road No.2 to the western boundary of Lot 1106

Area D

Fredericks Road	from the western boundary of Lot 1312 to Caniaba Rd
Road No.2	from the western boundary of lot 1101 to the eastern boundary of Lot 1404.

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Road No. 8 from Fredericks Road to Road No. 2
Road No. 9 from Road No. 2 to the eastern boundary of Lot 1307
Link road from road No.2 to the western boundary of Lot 1410

Area E

Fredericks Road from the western boundary of Lot 1511 to Caniaba Rd
Road No. 11 from Fredericks road to the eastern boundary of Lot 1603
Road No. 10 from Road No. 11 to the western boundary of Lot 1504

During the construction of various areas, any damage caused by construction traffic on previous works shall be repaired by the developer at no cost to Council. A practising qualified surveyor or engineer shall submit a "works-as-executed" set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

(Councillors Hampton/Roberts)
(D98/7)

A MOTION WAS MOVED that Lismore Council take action immediately to acquire the three pieces of land required for the roundabout and if agreement cannot be reached to voluntarily purchase the land Council proceed to compulsorily acquire it.

(Councillors Irwin/Gallen)

On submission to the meeting the MOTION was DEFEATED.

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

MOTIONS:

Review of Policies/Requirements re Road Widths in New Subdivisions

277/03

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

- 1 That Council review its current planning policies/requirements concerning road widths for new subdivisions to enhance Integrated Urban Water Management and Water Sensitive design, to reduce ongoing maintenance costs of wider roads and to help reduce speed of vehicular movements through suburban streets.
- 2 That a report be brought to Council with recommendations to achieve the above objectives early in 2004.

(Councillors Swientek/Gallen)

Voting Against: Councillor Crowther.
(03-12297: S371)

Swimming Venue – Tucki Creek

Formal notice having been given by Councillor Swientek it was **MOVED** that Lismore City Council explore the feasibility of providing a safe swimming venue along a suitable location in Tucki Creek in Goonellabah.

(Councillors Swientek/Gallen)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen, King, Chant, Baxter, Hampton, Suffolk and Crowther.
(03-12298: S845)

SUSPENSION OF STANDING ORDERS:

278/03

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

- Skyline Road Realignment
- Tenders for the Supply and Installation of Water Treatment Equipment for the Aquatic Centre
- Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

- Review of S94 Contributions Plan 1999
- Draft Comprehensive Koala Plan of Management for the South-eastern Portion of the Lismore Local Government Area

(Councillors Irwin/Crowther)

Skyline Road Realignment

279/03 **RESOLVED** that the report be received and -

- 1 That Council confirm its approval of the proposed upgrade and realignment of Durham Road and Skyline Road, Monaltrie as set out in the April 2002 report by Malcolm Scott entitled "Assessment of the proposed upgrade of Durham Road and Skyline Road, Monaltrie, Lismore" and noting the realignment has been varied in accordance with the plans attached.
- 2 That such approval be subject to the "Conditions of approval and Koala Plan of Management" which accompany this report, and which incorporate additional conditions required by NPWS as conditions of concurrence under Section 112C(1) of the Environmental Planning and Assessment Act.

(Councillors Crowther/Suffolk)

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen and Swientek.
(S642)

Tenders for the Supply and Installation of Water Treatment Equipment for the Aquatic Centre

280/03 **RESOLVED** that the report be received and -

- 1 The contract for the supply and installation of the water treatment plant for the Lismore aquatic centre be awarded to Swimplex Pty Ltd.
- 2 The General Manager be authorised to negotiate with Swimplex Pty Ltd to finalise the contract amount.
- 3 That Council nominate this contract to Swimplex Pty Ltd as a nominated sub-contractor.

(Councillors Chant/Hampton)

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen and Swientek.
(T24003)

Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

A MOTION WAS MOVED that the report be received and –

- 1 Council accept the recommendation of the Project Committee and redevelop the Memorial Baths site in accordance with the works described in DA03/673 but excluding a shade structure over the 51 metre pool.
- 2 The tender for the construction of the aquatic centre T24015 be awarded to Seymour Whyte Constructions Ltd.
- 3 That the Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
- 4 That Council seek a Section 96 variation to remove the consent conditions requiring shading over the 51 metre pool.

(Councillors King/Hampton)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 Council accept the recommendation of the Project Committee and redevelop the Memorial Baths site in accordance with the works described in DA03/673 but including a shade structure over the 51 metre pool.

- 2 The tender for the construction of the aquatic centre T24015 be awarded to Seymour Whyte Constructions Ltd.
- 3 That the Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
(Councillors Tomlinson/Irwin)

On submission to the meeting the AMENDMENT was DEFEATED.

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

281/03 **RESOLVED** that the report be received and –

- 1 Council accept the recommendation of the Project Committee and redevelop the Memorial Baths site in accordance with the works described in DA03/673 but excluding a shade structure over the 51 metre pool.
- 2 The tender for the construction of the aquatic centre T24015 be awarded to Seymour Whyte Constructions Ltd.
- 3 That the Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
- 4 That Council seek a Section 96 variation to remove the consent conditions requiring shading over the 51 metre pool.

(Councillors King/Hampton)

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen and Swientek.
(T24015)

Review of S94 Contributions Plan 1999

A MOTION WAS MOVED that the report be received and –

- A** That Council adopt the Lismore Contributions Plan 2003 subject to the following changes:
- 1 Map 5 will be amended by deletion of the eastern component of the future acquisition area. Specifically the eastern side of Tucki Tucki Creek on lot 1 DP 123272, lot 1 DP 796712 and lot 10 DP 247057.
 - 2 Insert a new table into the works schedule for the Rural Southwest catchment for an upgrade to the Caniaba Hall carparking.

Facility	Priority	Description of Works	Total Cost	Proportion of local use	Reconciliation from previous plan	% Attributable to new devt.	Amount Levied
Caniaba Hall	1	Upgrade Carpark	\$25,000	100%	0	100%	\$25,000
TOTAL			\$25,000		0		\$25,000

- 3 Replace the current items in the works schedule for the Rural Fire Service with:

Equipment	Cost	Apportionment	Contribution	RFS Funding
Tanker Enhancement	84,000	100%	84,000	0
New Equipment (CABA)	20,000	10.0%	2,000	18,000
Upgrade Catering unit	6,000	10.0%	600	5,400
Total	110,000		86,600	23,400

4. Reconcile the current plan and apply the amounts to be carried forward to the calculation of contribution rates effective from December 10, 2003.

- B** Grant delegated authority to the General Manager to make minor amendments and to correct formatting or typographical errors that do not alter the intent or value of the plan.
- C** Due to the inadequate consultation with the Nimbin sporting community on the removal of items from the contributions plan, the following actions are to occur:
 - i) Staff write to Nimbin Headers Soccer Club and the Nimbin A & I Society seeking their input into the contributions plan; and
 - ii) Based on any submissions received, staff prepare a report for Council's consideration.
- D** A report come back to Council on how the preferred Northern bypass route can be replaced by a different schedule of works.
(Councillors Irwin/Chant)

AN AMENDMENT WAS MOVED that the report be received and –

- A** That Council adopt the Lismore Contributions Plan 2003 subject to the following changes:
 - 1 Map 5 will be amended by deletion of the eastern component of the future acquisition area. Specifically the eastern side of Tucki Tucki Creek on lot 1 DP 123272, lot 1 DP 796712 and lot 10 DP 247057.
 - 2 Insert a new table into the works schedule for the Rural Southwest catchment for an upgrade to the Caniaba Hall carparking.

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Caniaba Hall	1	Upgrade Carpark	\$25,000	100%	0	100%	\$25,000
TOTAL			\$25,000		0		\$25,000

- 3 Replace the current items in the works schedule for the Rural Fire Service with:

Equipment	Cost	Apportionment	Contribution	RFS Funding
Tanker Enhancement	84,000	100%	84,000	0
New Equipment (CABA)	20,000	10.0%	2,000	18,000
Upgrade Catering unit	6,000	10.0%	600	5,400
Total	110,000		86,600	23,400

- 4 Reconcile the current plan and apply the amounts to be carried forward to the calculation of contribution rates effective from December 10, 2003.
- 5 Reduce the CBD carpark charge from \$14,419 to \$10,000.
- B** Grant delegated authority to the General Manager to make minor amendments and to correct formatting or typographical errors that do not alter the intent or value of the plan.
- C** Due to the inadequate consultation with the Nimbin sporting community on the removal of items from the contributions plan, the following actions are to occur:
 - i) Staff write to Nimbin Headers Soccer Club and the Nimbin A & I Society seeking their input into the contributions plan; and
 - ii) Based on any submissions received, staff prepare a report for Council's consideration.
- D** A report come back to Council on how the preferred Northern bypass route can be replaced by a different schedule of works.
(Councillors Tomlinson/Roberts)

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On submission to the meeting the AMENDMENT was DEFEATED.

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

282/03 **RESOLVED** that the report be received and –

A That Council adopt the Lismore Contributions Plan 2003 subject to the following changes:

- 1 Map 5 will be amended by deletion of the eastern component of the future acquisition area. Specifically the eastern side of Tucki Tucki Creek on lot 1 DP 123272, lot 1 DP 796712 and lot 10 DP 247057.
- 2 Insert a new table into the works schedule for the Rural Southwest catchment for an upgrade to the Caniaba Hall carparking.

Facility	Priority	Description of Works	Total Cost	Proportion of local use	Reconciliation from previous plan	% Attributable to new devt.	Amount Levied
Caniaba Hall	1	Upgrade Carpark	\$25,000	100%	0	100%	\$25,000
TOTAL			\$25,000		0		\$25,000

3 Replace the current items in the works schedule for the Rural Fire Service with:

Equipment	Cost	Apportionment	Contribution	RFS Funding
Tanker Enhancement	84,000	100%	84,000	0
New Equipment (CABA)	20,000	10.0%	2,000	18,000
Upgrade Catering unit	6,000	10.0%	600	5,400
Total	110,000		86,600	23,400

4 Reconcile the current plan and apply the amounts to be carried forward to the calculation of contribution rates effective from December 10, 2003.

B Grant delegated authority to the General Manager to make minor amendments and to correct formatting or typographical errors that do not alter the intent or value of the plan.

C Due to the inadequate consultation with the Nimbin sporting community on the removal of items from the contributions plan, the following actions are to occur:

- i) Staff write to Nimbin Headers Soccer Club and the Nimbin A & I Society seeking their input into the contributions plan; and
- ii) Based on any submissions received, staff prepare a report for Council's consideration.

D A report come back to Council on how the preferred Northern bypass route can be replaced by a different schedule of works.

(Councillors Tomlinson/Roberts)

Voting Against: Councillor Tomlinson.

(S517)

Draft Comprehensive Koala Plan of Management for the South-eastern Portion of the Lismore Local Government Area

A MOTION WAS MOVED that the report be received and Council -

- 1 Adopt the *Draft Comprehensive Koala Plan of Management for the South-eastern portion of the Lismore Local Government Area* as recommended by the Koala Management Plan Steering Committee incorporating with the changes detailed in the foregoing report to Council.
- 2 Resolve, pursuant to S.54 of the Environmental Planning & Assessment Act, to prepare a draft amending local environmental plan to give effect to the regulatory provisions of the Koala Plan of Management.
- 3 Advise the Department of Infrastructure, Planning & Natural Resources that no local environmental study should be required because the Comprehensive Koala Plan of Management covers all issues.
- 4 Prepare and exhibit the draft LEP amendment in accordance with the Best Practice Guideline of January 1997 titled "LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council".
- 5 Endorse the preparation of development control plan provisions containing guidance for landowners and developers.
- 6 Resolve to disband the Koala Management Plan Steering Committee and forward a copy of the final Plan and a letter to members thanking them and Sandy Pimm for their contribution.
- 7 Resolve that membership of the Koala Advisory Committee formed to assist implementation of the Plan consist of:
 - A Councillor as Chairperson
 - A Council staff member as Servicing Officer
 - An urban ratepayer from the affected area
 - A rural ratepayer from the affected area
 - A representative of the Department of Environment and Conservation (formerly National Parks and Wildlife Service)
 - A representative of the Rural Lands Protection Board
 - A representative of the NSW Farmers Association
 - A representative of Friends of the Koala.

(Councillors Swientek/Irwin)

AN AMENDMENT WAS MOVED that the report be deferred to a special meeting in February 2004 to reconsider Items 2, 5 and 7 in the body of the report.

(Councillors Crowther/Chant)

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

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

283/03 **RESOLVED** that the report be received and the report be deferred to a special meeting in February 2004 to reconsider Items 2, 5 and 7 in the body of the report.

(Councillors Crowther/Chant)

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen and Swientek.
(S310,S680)

RESUMPTION OF STANDING ORDERS:

284/03 **RESOLVED** that standing orders be resumed.

(Councillors Roberts/Hampton)

REPORTS:

Skyline Road Realignment

(See Minute No. 279/03)

Tenders for the Supply and Installation of Water Treatment Equipment for the Aquatic Centre

(See Minute No. 280/03)

Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

(See Minute No. 281/03)

At this juncture Councillor Irwin left the Chamber.

Goonellabah Indoor Sports and Leisure Centre

285/03 **RESOLVED** that the report be received and -

- 1 That a Project Steering Committee consisting of four Councillors and relevant council officers be formed to oversee the advancement of the project, with initial tasks to include:
 - Re-examine the costings with a view to pursuing opportunities to reduce the cost of the project.
 - Finalise the master plan,
 - Finalise the common property boundary adjustment with Consolidated Properties,
 - Preparation of a business plan.
- 2 The master plan and business plan be placed on exhibition for public comment and feedback.
- 3 The above information be reported to Council prior to proceeding with the design for stage 1.

(Councillors Swientek/Crowther)

286/03 **FURTHER RESOLVED** that Councillors Baxter, Swientek, Roberts and King be appointed to the steering committee.

(Councillors Crowther/Chant)

(P22522)

Review of S94 Contributions Plan 1999

(See Minute No. 282/03)

Draft Comprehensive Koala Plan of Management for the South-eastern Portion of the Lismore Local Government Area

(See Minute No. 283/03)

Nimbin Peace Park Management Committee

287/03 **RESOLVED** that the report be received and –

- 1 That: Leane Draper, George Clarke, Jennifer Parke, Michael Balderstone, Diana Roberts, Kevin Soward, Scott Sledge and Karlin Bracegirdle be appointed to the committee.
- 2 That Council adopt the Plan of Management as enclosed with the business paper.

(Councillors Crowther/Hampton) (P16044)

Lismore Masters Games 2003 – Final Report and Other Matters

- 288/03 **RESOLVED** that the report be received and -
- 1 Council receive and note all information.
 - 2 Council endorse the notion to pursue/research the possibility of joint insurance buying power with other nearby event practitioners.
 - 3 Council formally thank Mr Jak Carroll for his services to the Lismore Masters Games from 1996 to 2003.
 - 4 A letter be sent to John Bancroft thanking him for his services.
- (Councillors Chant/Hampton)
(S805)

Replacement of Council Plant - 24 Tonne Excavator

- 289/03 **RESOLVED** that the report be received and -
- 1 That Council purchase one (1) only **Caterpillar 320 CLU Excavator** unit as tendered (T24017) from **Gough & Gilmour, Grafton** for the cost of **\$249,700.00** (*includes GST and the \$2,200.00 deduction for payment on delivery*) and
 - 2 Transfer the LCC Excavator (V247) from LCC Roadworks to Northern Rivers Quarry at a valuation of **\$40,700.00**
- (Councillors Crowther/Gallen) (T24017)

Replacement of Council Plant - 15-17 Tonne Loader

- 290/03 **RESOLVED** that the report be received and the report be received and Council purchase one (1) only **Volvo L90E Loader** unit as tendered (T24018) from **CJD Equipment P/L, Acacia Ridge, Qld.** for the cost of **\$296,033.00** (*includes GST*) and accept their Trade-in offer for Council's Loader (Fleet No. 250) of **\$83,600.00** Change over cost to Council being **\$212,433.00** (which includes GST)
- (Councillors Chant/Crowther)
(T24018)

Tenders for the Relining of Sewer Mains, Various Locations, Lismore

- 291/03 **RESOLVED** that the report be received and -
- 1 The contract for the construction of sewer mains at various locations is awarded to Collex Pty Ltd at the rates submitted. (The estimated price of the works is \$452,908 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/Chant)
(T24014)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 19/11/03

- 292/03 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted excluding Clauses 4 and 10.
- (Councillors Roberts/Gallen) (S352)

At this juncture Councillor Irwin returned to the Chamber.

Clause 4 – North Lismore Progress Association

- 293/03 **RESOLVED** that this matter be referred back to the Committee and a representative from the Association be invited to attend.
- (Councillors Roberts/Tomlinson) (03-10939: S342,R6208)

- 294/03 **Clause 10 – Dungarubba Road – Reduced Speed Limit**
RESOLVED that this matter be referred back to the Committee in the light of advice from the RTA in a newspaper article and write to the Minister.
(Councillors Roberts/Suffolk) (R5804)

DOCUMENTS FOR SIGNING AND SEALING:

- 295/03 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Contract of Sale and Transfer – Sale of Lot 76, DP 1003878, Snow Street, South Lismore

Council has negotiated an offer of \$43.00 per m² for the sale of Lot 76, DP 1003878, being vacant land in Snow Street, South Lismore. The price is consistent with recent industrial land sales in South Lismore and is contingent upon Council gaining consent to filling the said land to conform with DCP 7 standards. (P27180)

Contract of Sale and Transfer – Sale of proposed Lot 736, Oliver Avenue, Goonellabah

Council has negotiated an offer of \$40.00 per m² (including GST) for the sale of proposed Lot 736, being part of Lot 73 DP876840, Oliver Avenue, Goonellabah. Due to the limited area which has access to the sewer, coupled with the steep boundary batters, the negotiated price is considered good value and above that which Council has previously received for similar land. (P28324)

Sale to Oldham – Lismore Airport

- a) Linen Plan of Subdivision of Lot 28, DP 1035497 to create proposed Lot 1
- b) Two Transfers Granting Easement in respect of
 - Right of carriage way 10m wide created by DP 1035497 and
 - Right of carriage way 15m wide created by DP 1035497 benefiting proposed Lot 1.
- c) Transfer of proposed Lot 1 to D & MA Oldham
(03-12604: P27932)

S88B Instrument

Creation of sewer easements in Kellas Street, Lismore Heights.
(D01/773)
(Councillors Hampton/Chant)

Voting against: Councillor Swientek.

MATTER OF URGENCY

- 296/03 **RESOLVED** that the following matter be admitted to the business paper as a matter of urgency.
(Councillors Irwin/Hampton)

Northern Arterial ring-road

- 297/03 **RESOLVED -**
- 1 That the 'preferred route' for the Northern Arterial ring-road be excluded from further consideration.
 - 2 That no further action be taken in regard to the North Eastern arterial road until completion of the TTM traffic movements study.
 - 3 That a report be provided to Council, together with the TTM study, addressing public transport alternatives.
- (Councillors Irwin/Crowther)
Voting Against: Councillor King. (S683)
-

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

298/03 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matter:

Report – Molesworth House – 186 Molesworth Street, Lismore
(Councillors Hampton/Irwin)

RESUMPTION OF OPEN COUNCIL:

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

AND IT NOW RECOMMENDED

Item 1:

- 1 That the General Manager be authorised to conclude the negotiations for the sale of Lot 17A, Section 7 of DP 758615, being 186 Molesworth Street, Lismore for a price of not less than indicated in the report.
- 2 That the General Manager and Mayor be authorised to affix the Council seal to contracts of the sale and land transfer documents as necessary to effect the sale of 186 Molesworth Street.

299/03 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and adopted.

(Councillors Crowther/Hampton)

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

RESCISSION MOTIONS:

The Group Manager-Corporate & Community Services advised Council that he had been handed a Notice of two Rescission Motions signed by Councillors Swientek, Gallen and Tomlinson with respect to the resolutions:

- **Skyline Road Realignment** (Min. No. 279/03) and
- **Tenders for Supply and Installation of Water Treatment Equipment for Aquatic Centre and Tenders for Demolition of Existing Facility and Construction of New Aquatic Centre** (Min. Nos. 280-281/03).

The Group Manager-Corporate & Community Services advised Council that this rescission motion would be considered at the next meeting of Council.
(S642,T24003,T24015)

This concluded the business and the meeting terminated at 11.54 pm.

CONFIRMED this 10TH day of FEBRUARY 2004 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, DECEMBER 16, 2003 AT 6.00PM.

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, Business & Enterprise; Manager-Communications & Community Relations, Manager-Special Projects & Properties and Administrative Services Manager.

300/03 **Apologies/** An apology for non-attendance on behalf of Councillor Roberts was received and accepted and leave of absence granted.
Leave of
Absence: (Councillors Irwin/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:-

David Yarnall re Rescission Motion – Skyline Road Realignment

Mr Yarnall spoke to the shortage of funds required for roadworks. He explained that Council had a priority rating system to determine where funds should be spent and that many roads rated higher than Skyline Road. He urged Council to return to the rating system. (S642)

CONDOLENCE:

Late George Gooley

George Gooley passed away recently. Mr Gooley opened the George Gooley chain of stores in Lismore, Casino and Grafton and was an active businessman in the area.
301/03 The Mayor moved that Council's expressions of sympathy be conveyed to the family of Mr Gooley and the motion was carried with members standing and observing the customary moment's silence.
(S75)

RESCISSION MOTIONS:

Skyline Road Realignment

Formal notice having been given by Councillors Swientek, Tomlinson and Gallen it was MOVED that Council rescind the motion carried 9/12/03 (Min. No. 279/03) about the Skyline Road Realignment.

(Councillors Tomlinson/Swientek)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, King, Chant, Baxter, Hampton, Suffolk and Crowther.
(S642)

Tenders for Supply and Installation of Water Treatment Equipment for the Aquatic Centre and Tenders for Demolition of Existing Facility and Construction of a New Aquatic Centre

Formal notice having been given by Councillors Swientek, Tomlinson and Gallen it was MOVED that Council rescind the two pool motions (Mins. 280-281/03).
(Councillors Swientek/Tomlinson)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, King, Chant, Baxter, Hampton, Suffolk and Crowther.
(T24003) (T24015)

This concluded the business and the meeting terminated at 6.37 pm.

CONFIRMED this 10TH day of FEBRUARY 2004 at which meeting the signature herein was subscribed.

MAYOR