



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **February 8, 2005** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

February 1, 2005



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

December 14, 2005

Public Access Session

Representative of Lismore Meals on Wheels – Report Page 1

Public Question Time

Condolences

Disclosure of Interest

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Altering Order of Business

(Consideration of altering the order of business to debate matters raised during Public Access).

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Strategic Plan Summary

Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic development	Build Lismore's reputation as a regional city for residents, businesses, education providers, health services and government.	<ul style="list-style-type: none"> ▶ Champion education ▶ Promote health facilities ▶ Support regional agriculture ▶ Promote cultural life ▶ Promote Lismore as a legal centre ▶ Support for sport
	Increase regional economic development, tourism and job creating investments.	<ul style="list-style-type: none"> ▶ Promote regional development ▶ Develop tourism ▶ Support businesses ▶ Pursue CBD revitalisation ▶ Assist in job creation ▶ Assist in creating new income opportunities
Quality of Life	Make Lismore a safe, healthy and caring community in which to live.	<ul style="list-style-type: none"> ▶ Increase social cohesion ▶ Support villages ▶ Provide community services ▶ Encourage sustainable development ▶ Promote recreation and leisure
Leadership by Innovation	Lead the region by demonstrating innovative practices in governance, customer service, communication, consultation, virtual amalgamation and financial management.	<ul style="list-style-type: none"> ▶ Lead the region ▶ Increase revenue from grants ▶ Improve customer service ▶ Consult the community ▶ Update technology ▶ Provide user pays services ▶ Privatised selected services ▶ Share assets and resources
Natural Environment	Preserve and rehabilitate Lismore's natural environment.	<ul style="list-style-type: none"> ▶ Provide sustainable land use planning ▶ Improve catchment management ▶ Conserve and repair the environment
Infrastructure	Further enhance Lismore's transportation, parking and pedestrian networks.	<ul style="list-style-type: none"> ▶ Improve transport systems ▶ Improve roads, cycleways and footpaths ▶ Assist with public transport ▶ Assist airport operations ▶ Support fleet operations
Water and Waste Cycle	Educate our community and lead the state in water and waste-cycle management.	<ul style="list-style-type: none"> ▶ Manage stormwater drainage systems ▶ Manage water and sewage ▶ Manage the waste stream and reduce waste

Report

Subject	Lismore Meals on Wheels Services Inc.
File No	P17487:05-485
Prepared by	Manager – Finance & Administration, Rino Santin
Reason	Request from Lismore Meals on Wheels Services for financial assistance to allow them to relocate and establish their service in the Goonellabah Community Centre.
Objective	For Council to determine the level of financial assistance.
Strategic Plan Link	Quality of Life
Management Plan Activity	Financial Services

Overview of Report

Lismore Meals on Wheels Services have requested Council provide financial assistance in the form of a bridging loan to allow for the relocation and establishment of the service in the Goonellabah Community Centre from the Lismore Base Hospital. This report outlines the details of their request and the options available for Council to support the request.

Background

The Lismore Meals on Wheels Services Inc. (LMoWS) have written to Council requesting financial assistance in the form of a bridging loan to allow for their relocation and establishment in the Goonellabah Community Centre from the Lismore Base Hospital. This is necessary due to the planned upgrade of the Lismore Base Hospital, which is likely to result in a significantly reduced space being made available to LMoWS. Given their increasing customer demands, this is not acceptable. The budget for the relocation is \$86,000 (including GST) and a copy of the letter is attached.

To discuss the request, a meeting was held with representatives from LMoWS and the following additional information was received: -

- i) Applications for funding that fully meet the relocation and establishment costs have been made to Department of Ageing, Disability & Home Care, NSW Meals on Wheels Association, Department of Veteran Affairs, Small Business & Partnerships Board and Ballina Shire Council.

At this stage, NSW Meals on Wheels Association have approved a grant of \$11,000 (including GST) and the Department of Ageing, Disability & Home Care advised that LMoWS' application is supported locally, but needs to be considered as part of the Department's overall NSW funding programs at a date yet to be determined.

The LMoWS is confident that they will be successful in receiving at least the full relocation and establishment costs in grants, but were uncertain as to the timing.

- ii) The total relocation and establishment costs total \$86,000 (including GST). As LMoWS is GST registered, the GST is reclaimable meaning the net total costs are reduced to \$78,200.

Furthermore, the costs can be dissected into 'required immediately' and 'when funding is available'. The items 'required immediately' total \$52,900 and those 'when funding available' \$25,300.

- iii) LMoWS have cash reserves of approximately \$24,000 available to meet motor vehicle replacements and long service leave requirements. As there is not a short-term demand on these funds, some or all could be used for the relocation and establishment costs and be replenished when grant funds are received.

Comments

Preferred Option

The LMoWS requires a bridging loan to fund the items 'required immediately' less the known grant of \$10,000 from NSW Meals on Wheels Association and cash reserves currently held of \$24,000. The amount is \$18,900 and the funding source could be Council's internal reserves.

Some of the issues with this option include:-

- a) security – the loan would be effectively unsecured as it is not likely that Council would undertake debt recovery action, such as sell assets, should the funds not be repaid and after reviewing the 2004 Financial Reports, LMoWS is not in a position to readily meet loan repayments over a reasonable term.
- b) repayment time – as the timing for determining LMoWS' grant applications especially by the Department of Ageing, Disability & Home Care are yet to be determined, it is possible these funds could be outstanding for a considerable period of time, possibly two (2) years. LMoWS is confident that they will be successful in receiving sufficient grant funds to allow them to undertake all works.

Other than accepting the risks, Council contribution to LMoWS will be to waive all interest charges on the bridging loan.

Other staff comments

Not required

Public consultation

Not required

Conclusion

The Lismore Meals on Wheels Services Inc. require a bridging loan from Council of \$18,900 to meet the shortfall in funding the 'required immediately' items to relocate and establish in the Goonellabah Community Centre.

While Council is able to provide the financial assistance requested from reserves, there are issues with security and repayment times. Based on the expectations that grant funds will be received sufficient to cover the 'required immediately' items, the request is supported.

Recommendation (COR02)

That Council -

- 1 Provide a bridging loan to the Lismore Meals on Wheels Services Inc. of \$18,900 for the relocation and establishment of the service in the Goonellabah Community Centre.
- 2 Delegate to the General Manager the negotiation of suitable terms and conditions with Lismore Meals on Wheels Services Inc. in regards to the release, security and repayment of the bridging loan.

Report

Subject	North Coast National Agricultural & Industrial Society
File No	P4 & S874:05-485
Prepared by	Manager – Finance & Administration, Rino Santin
Reason	Request from the North Coast National Agricultural & Industrial Society for financial assistance to guarantee their cash flow during 2005.
Objective	For Council to determine the level of financial assistance.
Strategic Plan Link	Economic Development, Quality of Life
Management Plan Activity	Financial Services

Overview of Report

The North Coast National A&I Society have requested Council provide financial assistance in the form of a 'letter of comfort' to guarantee their cash flow during 2005. This is expected to be a short-term measure while the Showground Business Plan is finalised and implemented.

Background

The North Coast National Agricultural & Industrial Society (NCNA&IS) have written to Council requesting financial assistance in the form of a 'letter of comfort' to their banker to guarantee their cash flow during 2005. A copy of the letter is attached.

Basically, the request is for a continuation of the financial assistance provided in July 2004 where Council provided a 'letter of comfort' to their banker for up to \$100,000. This support was conditional upon the NCNA&IS expediting the Showground Business Plan. I understand that with some judicious cash management and the success of the 2004 North Coast National Show, the cash flow problems did not eventuate. As to the Showground Business Plan, a consultant is currently preparing it.

Given the high profile of the Show, being the largest event in Lismore and one of the largest on the North Coast, its strong historical financial performance (2001-2004 average of \$100,000 surplus), and the fact that Council has acted as guarantor for other organisations, the request for financial assistance is supported and is considered a low risk.

A meeting was held with Mr Ian Mulligan, Secretary, NCNA&IS to put the request into perspective. Based on the discussion about general financial performance and the 2005 Budget presented, it is clear that there is potential for a cash flow problem due to: -

- a) The 2005 Budget plans for a surplus of \$16,800 with total revenues \$620,800 and total expenses \$604,000. Consequently, there is not a great margin for error.
- b) The 2005 North Coast National Show is anticipated to provide up to 70% of total revenues. Gate takings are budgeted to increase by \$35,000 with expectations for a full four-day Show.
- c) The majority of revenues are received later in the financial year, while the majority of expenses, other than for the Show, are incurred regularly during the year.
- d) Some business practices such as debt collection, setting of fees and charges, facility management mean that the optimum financial results may not be achieved. This has a potential to negatively affect the cash flow.

Comments

Preferred Option

For the last three years, Council has allocated funding to the North Coast National Show. For 2004/05 this amounted to \$15,000. Given that it is likely at least \$15,000 will be requested as part of the 2005/06 Management Plan, it is suggested that Council could 'pre-approve' this amount and consequently offer a guarantee of up to \$15,000.

Considering the cash flow was managed successfully by NCNA&IS in 2004 without using the overdraft facility, and the anticipated positive impact of implementing the Showground Business Plan shortly, this is considered a reasonable option.

Other staff comments

Acting Manager – Economic Development & Tourism

The option to “pre-approve” an allocation of \$15,000 for inclusion in the upcoming budget and as a guarantee seems appropriate in the circumstances.

Substantial progress has been made with research and preparation of a Business Development Plan. This Plan will provide a stronger financial management framework to ensure that optimum financial results are achieved in future years.

Public consultation

Not required

Conclusion

The North Coast National Agricultural & Industrial Society has requested Council provide financial assistance to guarantee their cash flow. Based on the information provided, there is potential for a cash flow shortage during 2005.

If Council chooses to assist, the preferred option is to 'pre-approve' an allocation of \$15,000 for inclusion in the 2005/06 Management Plan and offer this as guarantee. This is considered a low risk option.

Recommendation (COR04)

That Council -

- 1 Give in principle support to the inclusion of \$15,000 in the 2005/06 Management Plan for a contribution towards the 2005 North Coast National Show.
- 2 Provide a guarantee of \$15,000 to the North Coast National Agricultural & Industrial Society up to when the contribution to the 2005 North Coast National is made.

Report

Subject	Lismore RSL Club
File No	P2693
Prepared by	Manager Special Projects and Properties
Reason	The Lismore RSL Club site in Lismore is to be sold in the near future.
Objective	To seek a Council resolution in regard to the possible purchase of the Lismore RSL Club's Lismore site.
Strategic Plan Link	Quality of life
Management Plan Activity	Community Services

Overview of Report

Information pertaining to possible community use of RSL Club in Market Street, Lismore.

Background

Lismore RSL Club Limited (RSL) was recently placed in receivership and some of its assets are to be sold. These include the Victoria Street / Market Street property which comprises:

- a) 5 Market Street (1.075ha) – the main RSL buildings and the bowling rink. This lot has very limited development potential as it is located within the “High Flood Risk Area” (as defined in DCP No. 7) and is zoned 6(b) (annexure attached).
- b) 10 Victoria Street (811m²) – an unsealed carpark area. This lot has very limited development potential as it is located within the “High Flood Risk Area” (as defined in DCP No. 7) and is zoned 6(a) (annexure attached).
- c) 6 Victoria Street (808m²) – an unsealed carpark area. This lot has very limited development potential as it is located within the “High Flood Risk Area” (as defined in DCP No. 7) and is zoned 6(b).

Site description

1. The main Market Street area adjoins the Wilson River and lies between the Memorial Baths redevelopment site and the Riverside Park / Skate park area. This lot forms a discontinuity in the Riverbank Redevelopment project. Riverside Park and Spinks Park have benefited considerably from the refurbishment and landscaping that has recently been undertaken. From a long term community perspective, securing ownership of this part of the RSL area will greatly enhance the riverbank area and provide opportunities for Council to continue the footpaths and public areas of the adjoining parks.
2. The other two smaller lots lie between Heritage Park on the south and Council owned carparking areas on the north. These lots are on the eastern side of Victoria Street and are currently used for carparking. The purchase of these lots would provide opportunities to combine them with Council's carparking area on the corner of Market and Victoria Streets to provide one larger carpark which is well located. In addition to the potential carpark usage, the purchase of the two RSL lots combined with Council's existing carparking areas will provide a combined undeveloped area of approximately 2500m² on the corner of Market and Victoria Streets. Such a large area of freehold land, with no

built structures located thereon has some strategic long term future development potential, subject to rezoning.

Potential Council Usage

1. As previously discussed the areas on the east of Victoria Street have a short term potential to be used in conjunction with Council's other holdings as carparks.
2. The existing RSL buildings on the west of Victoria Street have three levels and a combined floor area of approximately 4070m² (including the RSL pool building). The building has the capacity to provide a large community centre which will integrate community groups and services under the one roof.

Council's Community Services personnel have considered the makeup of the future occupants for the building, should Council purchase it. The list is extensive. It far exceeds the floor space available. In addition to this, all the agencies and groups which have shown an interest in moving to the RSL site are not compatible. It is therefore considered that an appropriate priority for determining area allocation should reflect Council's community responsibilities and the following proposal is advanced.

Priority 1

- Youth Facilities
The indoor pool building (water removed and floor constructed over) could be allocated for youth programs. If additional space is required the former bowls room could also be made available. These areas are accessible from the south and abut the existing skate park and open space.
- Senior Citizens
The Senior Citizens group which currently meet in the Laurie Allan Centre have expressed interest in moving to better rooms at the RSL Club. This relocation would free up the Laurie Allan Centre as it is understood that the SES will vacate within twelve (12) months
- Lismore Neighbourhood Centre (LNC)
This group has demonstrated a capacity to manage both their tenants and their existing building well and their inclusion at the RSL would form the nucleus of a Community Centre. So as to retain their identity it would be possible for them to have an area in the building with separate access. The relocation of LNC would free up the Bounty Street building and allow Council to realise the commercial potential of this asset.
- Lismore City Council Staff Relocation
Relocation of appropriate Council Community Service staff to the RSL building.

Priority 2

- Umbrella bodies which cover a number of programs or other groups. These groups typically operate as offices administering and servicing other services.

Groups like these normally pay rent for their areas and would be;

- Northern Rivers Social Development Council
- North Coast Community Connections
- Community Legal Centre
- Shared Vision

Priority 3

There are also a number of government, semi-government and community groups who require office space for a single administration officer and there may be an opportunity to accommodate some of these.

Purchase Considerations

It can be seen from the foregoing that the acquisition of the RSL by Council as a Community Centre has considerable merit. It will;

- a) provide an integrated facility for selected agencies and for community groups.
- b) provide an opportunity to locate Council's Community Services staff in close company with the groups which they service.
- c) provide an exceptional facility in the Lismore area for the running of youth support programs. These activities are at this time very limited by the space available in 'C' Block.
- d) provide better and more serviceable rooms for Lismore's Senior Citizens groups.
- e) provide an open space in which community groups can conduct formal meetings and programs (auditorium).
- f) allow the linking up of the riverbank footpath and provide continuity to the riverbank redevelopment.
- g) allow the integration of all of the carparking that is available in Victoria Street.
- h) free up other Council property assets in the City centre.

Comments

Financial Services

Financial implications contained in confidential report.

Other staff comments

Group Manager-Planning and Development

The site has rightly been identified as one of key strategic importance given the range of civic uses already occurring in the vicinity. Public ownership of the site will also allow a better spatial relationship to be developed with these other uses, eg. Memorial pool, Heritage Park, Riverside Park, levee bank pathway. The priority options for usage outlined are also supported. Potential also exists to allocate a minor portion of the site for lease on a commercial basis eg. restaurant/cafe to –

- a) take advantage of the site's prime riverbank location,
- b) provide a means of partially offsetting the purchase and ongoing running costs.

Manager Community Services

The option of purchasing this building presents an ideal opportunity to provide an extensive community centre that will cater to the needs of a wide cross-section of the community. The lack of a designated youth activities facility in Lismore has negatively impacted on young people and youth service providers in the past, and the opportunity of accessing space adjacent to the skate park should be fully realised. The size of the building allows for the tenancy of a number of community organisations who will benefit from the close proximity of like organisations, facilitating partnerships and collaboration.

Public consultation

Consultation undertaken with Lismore Neighbourhood Centre and Senior Citizens Management Committee. These meetings were in addition to wide community consultation undertaken by Council's Community Services Section.

Conclusion

From a long term strategic perspective, Council should seek to purchase the Lismore RSL Club land in Market and Victoria Street.

Should Council purchase the buildings the priorities outlined in this report provide a guideline as to how Council should determine future tenancies.

Recommendation (GM02)

That the report be received and noted and any decision in relation to the property be determined after consideration of the financial evaluation report.

Report

Subject	Airport Industrial Estate
File No	S865
Prepared by	Manager Special Projects and Properties
Reason	To allow Council to enter into Contracts for Sale of future lots.
Objective	Obtain Council resolution.
Strategic Plan Link	Economic Development
Management Plan Activity	Property

Overview of Report

Report to determine the appropriate sale price of the airport industrial subdivision.

Background

In September 2004 Council resolved to rezone an area of the airport, abutting the western side of the Bruxner Highway, for industrial development. In accordance with the resolution, a Development Control Plan (DCP) has also been prepared and will be placed before Council at its ordinary meeting of February 2005.

As it is anticipated that the rezoning will be signed by the Minister in March and a Development Application has been lodged with Council for the creation of eight industrial lots and a service road. A copy of this plan accompanies this report.

Throughout the investigation and rezoning process, Council has been continuously approached by potential purchasers. To capitalise on this interest and to be assured that Council maximised the lands exposure and thereby Council its value, Expressions of Interest (in land purchase) were called for last year.

This course of action has led to several prospective purchasers consistently stating their interest in these lots, primarily due to their large area. Similar sized industrial land is not currently available in the private sector.

It is therefore timely for Council to consider the value and sale of this land, subject to the development and DCP constraints.

It is considered that Council should adopt market value as a base for its land and that this will be reflected in a two tiered pricing structure. The market is currently prepared to pay a top price of \$53.00pm² for filled land in South Lismore (as evidenced by recent sales). The subject land has high exposure to Bruxner Highway and has the capacity to support large developments. It would be appropriate that a premium be applied to the land in view of its unique location. It is therefore recommended that Council adopt a minimum value of \$76 per m² for the area of the lots which is filled to the 1:100 year flood level. Alternatively, Council could sell unfilled land for \$58 per m².

In addition to this, the lot fill from the fill platform can be tapered down to natural surface at a variety of grades, depending on its proposed usage to the purchaser. This land has a lesser value as it can not support any built structure.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

This development will provide a unique opportunity for industrial development and its sale should be directed towards the establishment of appropriate industries.

Recommendation (GM03)

- 1 Council adopt as a base rate, \$76.00 per m² for the sale of that area of land that is filled to the 1:100 year flood height for each of the lots available in the proposed industrial subdivision on the extension of Krauss Avenue at South Lismore.
- 2 Council seek market value for that area of land which is unable to support buildings, due to flood planning constraints.
- 3 Council authorise the General Manager, to conclude negotiations of the sale of industrial lots to be created on Lot 532 in Deposited Plan 825959 and Lot 2 in Deposited Plan 577321 for a sale price as outlined in this report.
- 4 The General Manager and Mayor be authorised to apply the Common Seal of Council to contracts for the sale of the industrial lots to be created on Lot 532 in Deposited Plan 825959 and Lot 2 in Deposited Plan 577321, together with other documents relevant to the creation and sale of these lots.

Report

Subject	Land Reclassification – Richards Oval
File No	P25245
Prepared by	Manager Special Projects and Properties
Reason	To seek Council approval for reclassification of Richards Oval, Lismore
Objective	To obtain Council resolution.
Strategic Plan Link	Economic Development
Management Plan Activity	Property

Overview of Report

A Council resolution is sought to advertise a proposal to reclassify Richards Oval to Operational Lands.

Background

In the latter part of 2004 Council staff identified an area of Richards Oval that fronted Brewster Street that did not form part of the oval playing field that may have potential for redevelopment.

The subject area supports an old disused toilet block and the Clubhouse for “Lismore Workers Soccer Club” (LWSC). At a meeting of the LWSC, Council staff explained that there was a potential to redevelop the area without diminishing their facilities or amenity. Following a general acceptance of the proposal at that meeting, the LWSC wrote to Council and highlighted several specific concerns that they wished to ensure were considered. They are:

- a) A loss of identity by becoming part of any commercial development.
- b) A financial disadvantage if proposed commercial development takes away earning potential through canteen and other fund raising ventures.

These two matters would not form a bar on Council negotiating with a future developer as they could be integrated into any contract between the developer and Council.

In October 2004 Council placed an advertisement seeking expressions of interest in the subject land and received two submissions. One of these submissions was very well detailed and presented. Both proponents were clearly informed that the LWSC was to remain on the site and that new clubhouse facilities would be required as part of any proposal they put forward.

In addition, one resident took the opportunity to write to Council objecting to the proposal to reclassify or sell public open space.

In considering whether or not to reclassify the subject site, the potential of the area should be clearly understood.

- The site abuts the expansion of Lismore Shopping Square on the southern side and would form an adjunct to that development.
- The site is dissected by the Browns Creek concrete drain which forms a natural triangle with

Brewster and Magellan Street on which to construct carparking. Such a carparking area would serve not only any future development, but also the general sporting public using Richards Oval.

- Magellan Street will increase in commercial importance as the Cultural Precinct is developed.
- The proposal will have no impact on the playing area of Richards Oval or the over adjoining fields.

Comments

Financial Services

This offers Council the opportunity to reclassify land adjoining the Lismore Square commercial precinct and maximise its land value. Given the increasing demand on Council's available funds to provide community facilities and transport infrastructure, the possible sale or lease of this land would financially assist in being able to deliver on these priorities.

Other staff comments

Economic Development & Tourism

Reclassification of the site is supported. The proposal as outlined in the report will complement the Lismore Shopping Square development and will also support the Cultural Precinct development. The LWSC will gain additional car parking facilities, which should alleviate any perceived or real disadvantages brought about by this development. The proposal also enables sporting activities to continue.

Public consultation

Not required.

Conclusion

There is potential to develop the subject site and Council has established that there is interest in doing so.

The development of the site will strengthen the commercial precinct established by Lismore Shopping Square on a site which is not adjacent to or over the road from residential properties.

Future development will provide better facilities for the LWSC.

Recommendation (GM04)

That Council:

- 1 Prepare an amendment to Lismore Local Environmental Plan 2000 to include miscellaneous amendments as outlined in this report, pursuant to Section 54 of the EP&A Act 1979.
- 2 Advise the Department of Infrastructure, Planning and Natural Resources that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.
- 3 Consult with relevant Government and other agencies pursuant to s62 of the EP&A Act.
- 4 Advertise the draft LEP amendment for a period of twenty eight (28) days following consultation with Government Agencies.

Report

Subject	Draft Amendment No. 6 to DCP 26 – Industrial Development Standards
File No	S545
Prepared by	Planning Services
Reason	Council resolution to prepare DCP amendment
Objective	Exhibition of draft DCP amendment
Strategic Plan Link	Sustainable development
Management Plan Activity	Strategic Planning

Overview of Report

This report seeks Council's endorsement to exhibit a draft amendment to DCP 26 in accordance with Council's resolution of September 2004. It also identifies additional matters relating to filling restrictions that are recommended for inclusion in the amendment as well as some general amendments to DCP 26 relating to development on flood prone land.

Background

At its meeting of September 14, 2004 Council adopted LEP Amendment No.16 which rezones Council owned land north of the Lismore Airport Terminal to 4(a) Industrial. Council also resolved to amend Development Control Plan (DCP) No. 26 - Industrial Development Standards, to include specific controls on future development of the site to:

- a) address best practice on-site stormwater management; and
- b) provide landscaping provisions to enhance rather than screen the estate from the Bruxner Highway.

LEP Amendment No.16 is currently with the Minister's office awaiting gazettal. A subdivision application to create eight lots in accordance with the rezoning proposal has also been lodged although the DA cannot be determined prior to gazettal of Amendment 16.

Site specific controls pertaining to stormwater management and landscaping have been prepared in accordance with Council's resolution. In addition to the matters identified by Council, several other issues are considered relevant for inclusion in the DCP. These stem from the fact that the current DA involves subdivision of the land and construction of the service road only. Filling of building pads is to be dealt with in future applications for development of individual lots.

Different purchasers are likely to have differing requirements for filling their lots depending on the nature and size of the proposed development. Limits apply to the amount of fill that can be placed on each of the eight lots without adversely affecting flood levels upstream of the site. Such limits were determined by flood modelling undertaken by Patterson Britton & Partners in 2002. Future developers of these lots will need to be aware of restrictions that apply to filling and including them in the DCP is an appropriate way to achieve this.

Consequently an amendment has been drafted to cover flood related issues as well as stormwater management and landscaping as per Council's resolution. As part of this amendment to DCP 26 it is also recommended that the provisions relating to development on floodprone land be amended to be consistent with the requirements for industrial development as set out in DCP 7 (Flood Prone Lands). DCP 7 is a later document which was prepared in accordance with the Lismore Floodplain Management Plan.

A copy of the draft amendment is attached to this report.

Comments

Financial Services

Not required

Other staff comments

Council's Environmental Health Section has had input into the preparation of the DCP amendment.

Public consultation

There is a minimum statutory exhibition period for draft DCPs and DCP amendments of 28 days.

Conclusion

The proposed amendment to DCP 26 identifies relevant matters to be addressed in any future development on the site.

Recommendation (PLA01)

That Council exhibit the draft amendment No.6 to DCP 26 for a period of 28 days.

Report

Subject	Draft LEP Amendment No. 23 – Miscellaneous Amendments
File No	S894
Prepared by	Planning Services
Reason	Miscellaneous amendments required to LEP resulting from annual review
Objective	Council's resolution to prepare LEP Amendment
Strategic Plan Link	Sustainable development
Management Plan Activity	Strategic Planning

Overview of Report

This report outlines a number of miscellaneous LEP amendments that are an outcome of the annual review of the LEP.

Background

Council undertakes a periodic review of its LEP usually on an annual basis. The review provides an opportunity to address various issues that have been identified by staff through the day to day application of the LEP as well as issues that have been raised by individuals and organisations outside of Council. The recommendations arising from this review are incorporated into a miscellaneous draft LEP Amendment for public exhibition.

Following is a description of issues that have been identified as part of this process, together with recommendations for proposed amendments.

1. Complying development

Complying development is listed in Council's DCP No.40. A review of that DCP is underway. The DCP is given statutory weight through reference in clause 9(2) of the LEP. Clause 9(2) makes reference to the date of adoption of the most recent DCP amendment. Thus the LEP clause must be amended whenever the DCP is amended. Although the date of adoption of the forthcoming DCP 40 amendment is as yet unknown, this will be known prior to this LEP amendment being finalised. Therefore it would be prudent to include an amendment to clause 9(2) in this amendment.

2. Development on flood affected land

Clause 22 implements the recommendations of the Lismore Floodplain Management Plan as they relate to development control within the Floodway, High Flood Risk and Flood Liable areas. The clause prevents the erection of buildings of any kind (other than for utility installations and community facilities) within designated Floodway areas. New dwellings are prohibited in the High Flood Risk Area although buildings for other purposes are permissible subject to zoning requirements. A potential "loophole" exists in clause 22 whereby an application could be made for a new dwelling in the Floodway if the building already exists. This was clearly not the intent of the clause particularly given that flood velocities and depths experienced in the Floodway represent the greatest risk to life and property. It is recommended that clause 22 be amended to clarify that dwellings are not permissible regardless of

whether or not a building already exists on the site.

3. Objectives of 2(f) Residential (Flood Liable) zone

The 2(f) zone is an urban residential zone restricted to land that is flood liable. Although the predominant pattern of land use in these areas is usually residential, a range of non-residential uses is permissible in the 2(f) zone which would not be considered appropriate in other residential zones. Such uses include bulky goods showrooms, light industries, motor showrooms and service stations. Flood hazard modelling undertaken as part of the Lismore Floodplain Management Plan indicates that some of these 2(f) areas have a relatively low "Flood Fringe" flood hazard category. This, together with the relatively high standard of housing stock in many of these areas, suggests that the predominant use is likely to remain as residential for some time. The objectives of the 2(f) zone include "to allow existing residential use to continue...", however there is no requirement to consider the impacts that new non-residential uses may have on the amenity of existing residences in the immediate locality. It is recommended that this be included as an additional objective in the 2(f) zone.

4. Subdivision in rural zones

Clause 36 of the LEP sets out the circumstances under which subdivision may occur in rural areas and sets the minimum lot size (development standard) in each of the rural zones. Part of the wording of this clause is obsolete in that it states that the development standard applies "if the consent authority is satisfied that the land will be used for the purpose of agriculture, forestry or a dwelling-house". Subdivision for other purposes is restricted to utility installations, boundary adjustments and road widening as set out in subclauses (4), (5) and (6). There is no reason why subdivision should be restricted to agriculture, forestry or a dwelling-house providing it complies with the minimum development standard for the zone, therefore it is recommended that this wording be deleted

5. Rural boundary adjustments

DIPNR has released a policy which encourages Councils to permit boundary adjustments in rural areas subject to compliance with certain criteria. The intent of the policy is to reduce reliance on the use of SEPP No.1 for proposals which generally have minimal environmental and social impact. Lismore's LEP already contains such provisions under clause 36(5) and the criteria under that clause are similar to that of the policy released by DIPNR. A concern raised by DIPNR is that, in some circumstances, rural boundary adjustment could result in the creation of a lot which has an area double the subdivision standard (eg. 80ha in the 1(a) zone). This could lead to further subdivision which would be contrary to the intent of the policy and the objectives of the zone. It is recommended that the matters for consideration under clause 36(5) be expanded to ensure that no additional subdivision entitlement is created as a result of a boundary adjustment between adjoining rural properties.

6. Clause 43 – Investigation areas on the LEP map

Clause 43 requires that consent may not be granted for development on land identified on the LEP map unless Council has first considered any likely conflict between the proposed use and any long term future use. Land to which the clause refers is delineated on the LEP map by a dashed line. It applies to two areas – the Caniaba plateau and an area extending south-east of the urban area to Alphadale Road in the east, Tucki Road in the south and Wyrallah and Monaltrie to the west. The clause pre-dates the preparation of the urban, village and rural strategies and is now obsolete. It represents an additional and unnecessary restriction on land and it is recommended that both the clause and the corresponding lines on the LEP map be deleted.

7. 3(f) Business (Flood Liable) zones in the CBD

There are a number of areas zoned 3(f) Business (Flood Liable) in the general area bounded by Molesworth, Orion, Dawson and Ballina Streets. The substantive difference between the 3(f) Zone and the 3(a) Business Zone is that shops are not permissible in the 3(f) zone. An objective of the 3(f) zone is to allow facilities (not being shops) which are not adversely affected by flooding. The flood modelling undertaken by Patterson Britton & Partners in 2002 indicates that the majority of 3(f) zones are not necessarily located in the highest flood hazard areas. Consequently the additional restrictions on these

sites imposed by the 3(f) zone are not considered to be warranted. It is recommended that the areas zoned 3(f) as shown on Attachment 1 be rezoned to 3(a). This will enable the expansion of retail activities in the CBD without the constraints currently imposed through inappropriate zoning. Those areas that are proposed to be rezoned to 3(a) are shown on Attachment 1.

8. Crematoriums in Industrial zones

Clause 63.5 lists “crematoriums and cemeteries” as prohibited uses in the 4(a) Industrial zone. Parkview Funeral Home has requested that Council amend its LEP to make crematoriums a permissible use in the zone. There are no planning reasons why crematoriums should be prohibited in industrial zones and so this request is supported. However crematoriums could be considered to be an inappropriate use on sites immediately adjacent to residential areas. This may be addressed by requiring an appropriate buffer distance to residential areas. If the LEP amendment is supported, staff will prepare a buffer requirement for inclusion in DCP No.27 (Buffer Areas).

9. Residential (flat) buildings in commercial zones

Residential (flat) buildings are currently permissible in the 3(a) and 3(b) Business Zones. Although the primary focus of the business zones is for retail and commercial development, residential flats are considered to be an appropriate use in these zones providing they are located in conjunction with shops or other commercial uses. It is recommended that the land use table be amended so that residential buildings are permissible in the 3(a) and 3(b) zones where physically attached to, or used in conjunction with shops or other commercial uses.

10. Detached dual occupancy in rural areas

The Lismore Rural Housing Strategy (RHS) came into effect in February 2002. A provision of the RHS is that detached dual occupancy be permitted in certain rural areas which includes existing 1(c) Rural Residential zones and land that has been included in Schedule 4 of the LEP to permit rural residential subdivision. The RHS also sets out certain design criteria that detached dual occupancy must satisfy. Before Council can accept a Development Application for detached dual occupancy in these areas an enabling clause must be inserted in the LEP. The enabling clause will identify areas where rural detached dual occupancy can occur and will include the design criteria as outlined in the RHS.

11. Schedule 1 - Heritage Items

Although the Lismore Cemetery is currently listed as a heritage item in Schedule 1 of the LEP, the Schedule refers only to three land parcels (9A, 9B & 9D Military Road), while cemetery is actually located on four land parcels. It is apparent from the Perumal Murphy Study that the whole cemetery has heritage value and the exclusion of one parcel on the eastern side appears to be an oversight. Furthermore the address in the LEP should refer to Airforce Road rather than Military Road. It is recommended that the reference in Schedule 1 be rectified.

12. Schedule 7 - Definitions:

a) Community facilities

A “community facility” is defined in the LEP as a building **owned** by a public authority or a body of persons which may be used for the physical, social, cultural, or intellectual development or welfare of the local community, and includes a health centre, an information centre, a kiosk, a museum, a library, a youth centre, restroom, a neighbourhood centre, a welfare centre and a senior citizens centre or the like. Planning requirements should relate to the use of a building rather than its ownership. Circumstances may occur where a community facility operates in a building that is leased rather than owned by a public authority or organisation. Therefore it is recommended that ‘owned’ be replaced by ‘operated’ in the definition.

b) Auto-electricians

“Car repair station” is defined in the LEP as a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, including panel beating and spray painting. Uses such as an auto-electrician currently fall within this definition and so are restricted to those areas

where car repair stations are permissible. It is argued that auto-electricians have a lesser impact on the surrounding environment than other uses that fall within the definition because they are unlikely to generate the same levels of noise, fumes, waste oil products, etc. It is recommended that auto-electricians be included within the definition of “light industry”. This would have the effect of making auto-electricians a permissible use in a wider range of zones than occurs at present (eg. 1(a) General Rural, 1(b) Agricultural, 1(r) Riverlands and 2(f) Residential (Flood Liable) zones).

e) Residential buildings

Residential flat buildings are referred to in the LEP as “residential buildings”. While the actual definition in Schedule 7 is not ambiguous, the term itself can be misleading. Members of the public often misinterpret a “residential building” as meaning, or including, a single dwelling house. It is recommended that potential confusion could be avoided by changing the term to “residential flat building”.

f) Rural tourist facility

The definition of rural tourist facility includes “camping ground, guest house, hostel, three or more cabins, educational facility or the like”. Some ambiguity arises through the inclusion of “guest house” in the definition as this type of development is adequately covered by the definition of “bed and breakfast establishment” which is separately defined in the LEP and permissible throughout the rural zones. The definition of a bed and breakfast establishment clearly sets out the specific criteria for this form of development. Given that there is no definition of guest house in the LEP, the inclusion of guest house in the definition of rural tourist facility is considered to be superfluous and potentially misleading. The inclusion of “hostel” in the definition of rural tourist facility is also considered inappropriate. Hostels can include boarding houses which are generally for provision of longer term accommodation. Similarly the term “hostel” could also be used to describe a “backpacker’s hostel” which would not fall within the meaning and intent of a rural tourist facility. It is therefore recommended that “guest house” and “hostel” be deleted from the definition of rural tourist facility.

13. Proposed zoning changes

The following amendments involve proposed changes to land use zones which will necessitate changes to zoning on the LEP map:

a) 262 Rous Road, Goonellabah

Land at the above address (Lot 1 DP 118525) is currently zoned part 1(c) Rural Residential and part 6(a) Recreation Zone. The lot is a closed road which is now in private ownership. An existing house on the lot is located within the part zoned 6(a). Pursuant to clauses 70 & 71 of the LEP Council could be requested to acquire the land unless it rezones it for another purpose. The subject land is not required by Council for open space purposes. The appropriate zone is considered to be 2(a) Residential as adjoining land to the north is also zoned 2(a). The location of the land is shown in Attachment 2.

b) 49 Rifle Range Road, Tuncester.

Land owned by the Lismore Small Bore Rifle Club and the Lismore Pistol Club in Rifle Range Road, Tuncester (Lot 21 DP 792611) is zoned 5 Special Uses Zone (Rifle Club). This is an appropriate zone for the site, however the extent of the 5 zone includes parts of adjoining properties to the north and south of Lot 21. Restrictions need to apply to development on adjoining land to protect the ongoing operation of the rifle range, however this is adequately addressed in DCP No.27 – Buffer Areas which prescribes buffers to minimise impacts of noise and errant projectiles. The 5 Special Uses zone should only apply to land on which the special use is undertaken. One of the adjoining property owners has requested that Council remove the 5 Special Use zone from his property although he has no objection to the buffer restrictions. It is recommended that the Special Uses zone should apply only to Lot 21 DP 792611. No changes to the buffers to the rifle range in DCP 27 are proposed.

14. Proposed changes to classification

Council adopted LEP Amendment No 12 at its meeting of December 14, 2004. That amendment

involved the reclassification of a number of parcels of Council owned land from Community to Operational Land. Three submissions received in response to the LEP 12 exhibition requested that additional land be considered for reclassification. The submissions related to Crozier Field and Oakes Oval, the Goonellabah Leisure Centre site and the Left Bank Café. Incorporating these reclassifications into LEP 12 would have required re-exhibition of the whole amendment, therefore Council resolved to defer these matters until the next general review of the LEP. A summary of the submissions is as follows:

a) Crozier Field & Oakes Oval

The request for reclassification of Crozier Field and Oakes Oval (Lot 1 DP 709802) was made by Council's Manager Roads and Infrastructure on the basis that an Operational Land classification would allow Council to enter into long term leasing and tenure arrangements with various private and sporting bodies. The Local Government Act permits the granting of leases and licences over community land however such leases are significantly restricted under the terms of the Act. Council continues to experience difficulties with the 5 year (including options) limit on the leases that can be entered into on community land. Neither sporting groups nor catering services wish to invest in a business that can only be assured of 5 year tenure. Council wishes to attract such partnerships and needs to have a capacity to offer long term leases if and when they are appropriate. This can be more readily facilitated on operational land. Crozier Field and Oakes Oval are part of the Lismore Park complex (Lot 1 DP 709802) and so the reclassification will apply to the entire land parcel.

b) Goonellabah Leisure Centre

The request for reclassification of the site for the Goonellabah Leisure Centre (Lots 630 & 632 DP 810600 and Lot 54 DP 716577) was made by Council's Recreation Planner on the basis that an Operational Land classification would allow Council to enter into long term leasing and tenure arrangements with various private and sporting bodies. It is envisaged by the staff that the proposed Leisure Centre management will be the subject of a contract with an appropriate private body. The management body will have to establish the Centre and is not likely to be able to get a return on its efforts in the short term. It is essential that Council can negotiate a long term lease if that is appropriate.

c) Left Bank Café

The proprietors of the Left Bank Café requested reclassification of land on which the café is situated to Operational Land. The café is partly located on the same land as the Lismore Art Gallery at 133 Molesworth Street (Lot 4 Sec 46 DP 758615) and this part is currently leased from Council. Part of the café is also located within Spinks Park which is Crown land and under separate lease from the State. The request was made on the basis that reclassification would enable the proprietors to exercise their lease option to purchase the building should Council decide at a future time to sell it. Irrespective of whether or not Council resolves to sell the Left Bank Café, the Art Gallery will be relocated in the future and Council will require the capacity to enter into long term leases for the various elements of the building and café, or strata title same and sell sections. Either course will necessitate reclassification of this site.

d) Greenhills Park

Council is in receipt of a request from Bondfield Riley Solicitors on behalf of the owner of 44 Greenhills Drive, Goonellabah to purchase of a small part of Greenhills Park (Lot 70 DP 245302). The purchase would allow rectification of a minor building encroachment (part of a brick garage and pergola) on the adjoining park. A plan showing the extent of encroachment is included as Attachment 3. The process will require reclassification of the park from Community Land to Operational Land to enable the boundary adjustment and sale. Following the sale, the remainder of the park will be reclassified back to Community Land.

Comments

Financial Services

Not required

Other staff comments

Not required

Public consultation

Opportunity for public consultation will be provided during the public exhibition period for draft LEP amendments. The statutory minimum exhibition period is twenty eight (28) days.

Conclusion

Arising from the current review of the LEP it is recommended that a draft amendment to the LEP be prepared incorporating such recommendations as contained in this report. These are summarised as follows:

1. Amend clause 9 to facilitate the forthcoming review of DCP 40 – Complying Development.
2. Amend clause 22 to explicitly prohibit new dwellings within the designated floodway.
3. Amplify the objectives of the 2(f) zone to include consideration of the effect of non-residential development on the amenity of any existing residential development in the locality.
4. Delete “if the consent authority is satisfied that the land will be used for the purpose of agriculture, forestry or a dwelling-house” from the rural subdivision clause.
5. Include in clause 36(5) a provision to prevent the creation of an additional subdivision entitlement as a result of adjustment of boundaries between adjoining rural properties.
6. Delete reference to the general investigation areas identified on the LEP map at Caniaba and in the area to the south-east of the city.
7. Permit crematoriums in the 4(a) industrial zone
8. Permit residential flat buildings in the 3(a) and 3(b) zone only “where physically attached to, or used in conjunction with, buildings or uses allowed with development consent”.
9. Enable rural detached dual occupancy in 1(c) Rural Residential zones and in areas listed in Schedule 4 of the LEP as permitting rural residential subdivision.
10. Include all of Lismore cemetery as a heritage item within Schedule 1.
11. Amend the definition of community facility to be a building ‘operated’ by a public authority or organisation.
12. Include auto-electricians within the definition of light industry.
13. Change residential buildings to residential flat buildings
14. Delete ‘guest house’ and ‘hostel’ from the definition of rural tourist facility
15. Rezone 262 Rous Road, Goonellabah from 6(a) Recreation Zone to 2(a) Residential Zone.
16. Amend the 5 Special Uses Zone at Tuncester to apply only to land owned by the small bore rifle and pistol clubs.
17. Reclassify Lismore Park (Crozier Field and Oakes Oval) from Community to Operational Land.
18. Reclassify the Goonellabah Leisure Centre site from Community to Operational Land.
19. Reclassify the Left bank Café site (including the Lismore Art Gallery) from Community to Operational Land.
20. Reclassify Greenhills Park from Community to Operational Land.

Recommendation (PLA2)

That Council:

- 1 Prepare an amendment to Lismore Local Environmental Plan 2000 to include miscellaneous amendments as outlined in this report, pursuant to section 54 of the EP&A Act 1979.
- 2 Advise the Department of Infrastructure, Planning and Natural Resources that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.
- 3 Consult with relevant Government and other agencies pursuant to s62 of the EP&A Act.
- 4 Advertise the draft LEP amendment for a period of twenty eight days following consultations with Government agencies.

Report

Subject	Application to close part of Keerrong Road, Keerrong.
File No	P19438 and P24738
Prepared by	Manager Special Projects and Properties
Reason	To align dedicated road reserve with existing formed carriageway.
Objective	To obtain Council resolution to allow closure and transfer to proceed.
Strategic Plan Link	Infrastructure
Management Plan Activity	Roads

Overview of Report

The Council resolution sought will facilitate the closure of surplus road corridor and the dedication of private land in lieu thereof.

Background

In a survey of 1973 it was recognised that the formed carriageway for the subject section of Keerrong Road was not within the dedicated road reserve. At that time, a separate lot was created to allow the alignment discrepancy to be rectified, but unfortunately the matter was not finalised.

This deficiency has recently come to Councils attention and it has been agreed with the landowner involved that the required road dedication is to be effected and that in lieu of this dedication, the redundant road reserve will be transferred to the affected landowner.

No compensation is to be paid by either party in relation to this transfer and dedication.

Comments

Financial Services

The recommendations are supported on the basis that it will result in the formed roadway being fully within the road reserve. As the formed roadway is outside the existing road reserve, it is reasonable that Council should pay all the associated costs to rectify this situation.

Other staff comments

Nil.

Public consultation

Not required.

Conclusion

The proposed road dedication, road closure and land transfer will rectify an anomaly on this section of Keerrong Road. The affected landowner has cooperated with Council to facilitate this outcome and the matter should proceed.

Recommendation (GM04)

- 1 That the application to close that part of Keerrong Road which falls fully within Lot 272 in Deposited Plan 841848 and is described in this report, be closed and transferred to the adjoining landowner.
- 2 That, as compensation for the land transfer outlined in recommendation No. 1 herein, Lot 4 in Deposited Plan 565670 be dedicated to Lismore City Council as public road.
- 3 That legal, survey, registration costs, and the like associated with the road closure and dedication be borne by Council.
- 4 That the General Manager and mayor be authorised to sign and/or affix the Common Seal of Council to the land transfer documents, the plan registration documents and the road closure documents as may be necessary to expedite this resolution.

Report

Subject	Purchase of Council plant – two backhoe loaders
File	T25009
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 two (2) new 4x4, all large wheels, backhoe / loaders.
Strategic Plan Link	Infrastructure – Support fleet operations
Management Plan Activity	1.12 - Plant Operations

Overview of Report

This report recommends the replacement of 2 backhoe loaders working with the rural section of Roadworks.

Background

Tenders closed on November 30th 2004 for the supply of two (2) new 4x4, all large wheel, backhoe loaders for Roadworks rural construction and maintenance work.

Lismore City Council's Roadworks currently operate two of this type of machine, both being used in the rural road maintenance & construction areas by Roadworks section of City Works. This tender is to replace both of these machines.

The current machines replaced 2 loaders and 1 backhoe in December 1997, this type of configuration, with large wheels both front and rear, was a new concept for Lismore City Council operations and an expected lifespan with LCC was estimated to be 8 years, similar to the other backhoes within the LCC fleet. However, as these machines are road driven from site to site for 50% of the time and used as both loaders and backhoes equally, their economical lifespan has shown to favour a 6-year time frame.

The users of these machines have compared the usability of the all large wheel machines over the conventional backhoes, with results showing that this type of unit is still preferred again due to its increased loading ability, better road travelling and access to more restrictive sites due to the all wheel steer capabilities.

There are 4 different bands of this type of backhoe loader on the Australian market, being Ferrec (Previously Massey Ferguson), Komatsu, New Holland and JCB. Of the 4 available, only 2 did submit tenders (New Holland & JCB) with Komatsu declining to tender their machine due to an extended delivery date.

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 T25009**

Backhoe Loader make		Supplier
1.	1. New Holland LB115B	Tracforce of Rocklea Qld
2.	2. JCB 4CX	Construction Equipment of Australia (CEA) of Rocklea Qld

Both of the machines offered in this tender met the minimum specifications as set out by LCC staff.

An evaluation panel comprising of Messrs Col Starr (Fleet Manager), Chris Allison (Contracts Officer), Darren Patch (Engineer – Rural Roadworks section), and Peter Brewer-Charles (Supervisor – Rural Roadworks) 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 backhoe loader evaluations are listed in ‘Attachment B’

Key Points to Consider:

- Best combination of loader bucket, forklift forks, backhoe operation and attachments, engine power, transmission and axle ratios for operational needs.
- Purchase best possible machine to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer.
- Operator comfort with ‘Ergonomic Design’ and operating considerations (OH&S).
- Ability to keep machine working with minimal maintenance and repair time.
- Functionality of both the backhoe and loader operations to suit specific rural tasks.

Staff Involvement:

Acceptance of any proposed vehicle purchase by operating staff is important as it enhances a long operating life. Keeping this fact in mind, City Works – Roadworks section and LCC Fleet staff have inspected the available machines.

All of those staff and users who inspected those machines available were convinced that the JCB 4CX is the better purchase for the LCC application as required.

Comments

Financial Services

Funding is available in road plant reserves for the replacement of this machine, with the 2004/05 Management plan having available \$300,000.

Other staff comments

Group Manager – City Works

Efficient reliable machine are the backbone of Council’s road maintenance and construction activities.

The existing machines have clearly show the advantages of machines that are capable of carrying out a multitude of task. However they have now reached a point where it is economical to replace them with updated models which will insure high reliability for many years to come.

This report has followed a thorough assessment procedure and I support the recommendations.

Public consultation

Not required.

Conclusion

The LCC Roadworks crews have an important role within Council, they construct and maintain the entire road system in this Council's area, which also are Council's largest assets.

The ability to be able to carry out all of their duties with LCC fleet with minimum downtime is important, especially during normal duties and the occasional flood and storm damage occasions, where these machine are constantly used.

Consultation with the users of these machines (Rural Roadworks – City Works Group) resulted in the replacement machines to be no less than equal in physical size and capacities to the existing machines being replaced.

Reliability is critical for all of the Lismore City Council fleet due to the minimum number of fleet vehicles being supported and used by LCC operations.

Back-up support is another important factor to be considered, prolonged downtime due to lack of manufacturer or dealer support overloads the available time frame for the closure of roads during construction and maintenance.

While cost of the machines is important, the operational needs are also equally important, and as the lifespan of these machines with Lismore City Council will be a minimum of 6 years, the ability to be able to use the machines for those 6 years with minimal interruptions is paramount.

Another fact to consider is that the differential between the recommended machines and the lowest price machines is not excessive when divided over the 6 years lifespan.

The purchase of these machines will maintain the efficiency of the crews using them.

Recommendation (GM02)

Council purchase two (2) only **JCB – 4CX Precision Control** backhoe-loaders as tendered (T25009) from **Construction Equipment Australia of Rocklea, Qld** complete with 'JB Swivel and Manual Quickhitch' for the cost of \$353,872.20 including GST (\$172,936.10 each) and accept their 'trade-in' offers for LCC machines Fleet Numbers 227 (\$60,500.00) & 228 (\$58,300.00)

Note: All prices include GST.

Total changeover cost to Council including GST \$235,072.20

Report

Subject	Payment of Expenses and Provision of Facilities Policy
File No	04-13738; S38
Prepared by	Group Manager – Corporate & Community Services
Reason	Circular from Department of Local Government (DLG)
Objective	To change the existing policy to comply with the advice from the DLG
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Councillors

Overview of Report

Clause 3.3 of Council's Expenses & Facilities policy does not comply with section 252 of the Local Government Act, 1993 and a review to correct this anomaly is recommended.

Background

Following endorsement at the July 13, 2004 meeting and subsequent public exhibition, Council at its meeting on September 14, 2004 resolved to adopt a revised Payment of Expenses and Provision of Facilities policy.

The DLG in a General Circular to all councils advised that a review of a number of councils' section 252 policies had revealed a number of matters that required review. The only matter requiring attention under council's policy is clause 3.3 relating to spouse/partner costs. They advise, "*The policies must not reimburse the expenses of councillors' spouses and partners. Section 252 only applies to the payment of expenses incurred or to be incurred by, and provision of facilities to, mayors, deputy mayors and other councillors*".

The relevant clause in the current policy is detailed below:

3.3 Spouse / Partner

Where the attendee is accompanied by his or her spouse/partner no objection is raised subject to Council not being involved in any additional costs. Exceptions to this proviso are:

- Council will meet the cost for a councillor's spouse/partner to attend one conference dinner per annum.
- Where the Mayor has requested a councillor to attend a function in his/her stead and the nature of the function is such that the Mayor has determined the councillor should be accompanied, Council will meet travelling and subsistence expenses for the spouse/partner.

Clearly the two dot point exceptions do not comply with section 252 of the Act and must be deleted from the policy.

Comments

Financial Services

Not required

Other staff comments

Not required

Public consultation

Section 253 (2) provides that the usual 28 days notice of an amendment to the policy is not required if council is of the opinion that the amendment/s are not substantial. As the proposed change is not substantial and is merely correcting an anomaly, I do not believe that public notice is required.

Conclusion

The DLG has highlighted issues in regard to councils' Expenses & Facilities policies. The matter of reimbursing the costs incurred by spouse/partners under clause 3.3 of this council's policy is contrary to section 252 of the Act and must be deleted.

Recommendation (COR01)

- 1 That clause 3.3 of Council's Payment of Expenses and Provision of Facilities Policy be changed as follows:

3.3 Spouse/Partner

Where the attendee is accompanied by his/her spouse/partner no objection is raised subject to Council not being involved in any additional costs.

- 2 Council is of the opinion that the proposed change is not substantial and that public notice of the proposed change is not required.

Report

Subject	Code of Conduct
File No	05-8; S38
Prepared by	Group Manager – Corporate & Community Services
Reason	The Department of Local Government (DLG) has drafted a new Model Code of Conduct for NSW Councils and Council is required to review their (existing) code within twelve months of an election.
Objective	Adoption of the Model Code of Conduct
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Councillors

Overview of Report

The DLG has produced a new Model Code of Conduct for local councils that incorporates new standards and requirements to be observed by council officials. Council is required to adopt a code that incorporates as a minimum, the provisions of the model code.

Background

The DLG by way of General Circular 04/63 has drafted a new Model Code of Conduct for local councils in consultation with peak industry bodies including the ICAC, the NSW Ombudsman and council representatives. The new Model Code incorporates new standards of behaviour and arrangements regarding the discipline of councillors, council staff and delegates, assented to in the Local Government Amendment (Discipline) Act 2004, which commenced on and from January 1, 2005.

There are a number of new requirements and standards to be observed by councillors, staff and delegates of councils. Among the most notable features of the changes include:

- A duty to ensure that development decisions are properly made. This includes ensuring that actions are, and can be perceived as, proper.
- As a minimum, the disclosure of the nature of any non-pecuniary conflict of interest in a matter.
- Specifying a broad range of options for managing the conflict. A council official must deal with a non-pecuniary conflict of interest in one of the ways as provided in the Model Code.
- Advice to councillors that matters involving campaign donors may give rise to a non-pecuniary conflict of interest.
- Prohibiting councillors from contacting or issuing instructions to the council's contractors or tenderers, including the council's legal advisers.
- Specifying what amounts to inappropriate interactions on the part of councillors and staff, including:
 - Councillor attendance at on-site inspection meetings with lawyers and/or consultants, and
 - Council staff meeting with developers alone and outside office hours.
- Requiring councils to establish a conduct committee consisting of the mayor, the general manager and at least one independent person in order to ensure a fair and transparent review of the process for allegations of breach of the Model Code.

The conduct committee will be responsible for making enquiries into allegations of breaches of the council's code of conduct and reporting its findings to council.

In addition, the Model Code provides definitions for non-pecuniary conflict of interests, token gifts and benefits and gifts of value.

Misbehaviour

The Act now defines the types of acts or omissions that amount to misbehaviour including:

- A contravention of the LGA or the Regulations,
- A failure to comply with applicable requirements of the council's code of conduct, and
- Acts of disorder that are committed by councillors during council or committee meetings.

The council, the Ombudsman and the ICAC each have the power to request that the Director General take suspension action on the basis that grounds exist to warrant a councillor's suspension. A councillor may be suspended on two grounds: disruptive behaviour or serious misbehaviour. A copy of Circular 04/63 from the DLG is attached for information and it details the process and options available to the Director General or in the case of more serious cases, the Pecuniary Interest and Disciplinary Tribunal.

Details of the *Local Government Amendment (Discipline) Act 2004* may be viewed on www.legislation.nsw.gov.au

Conduct Committee

Under the Model Code, the council must establish a Conduct Committee comprising the mayor, general manager and at least one independent person. The independent person should comprise council's nominated legal adviser or other persons of appropriate standing. The appointment of council's legal adviser as the independent person on the committee has merit and I have approached Mr Tony Pagotto of Walters, Solicitors to ascertain if he would be willing to join the committee. He has advised verbally that he is willing to be a member.

Guidelines

The guidelines (copy attached) provided by the DLG provide an excellent reference document to assist with the on-going management of the Code. It provides additional information on how the principles in the code should be interpreted and applied in practice, optional better practice suggestions, examples, case studies and further reference material on the topics that can be used to complement and supplement the Model Code.

Comments

Financial Services

Not required

Other staff comments

Not required

Public consultation

Not required

Conclusion

Councils may vary the minimum requirements of the Model Code, provided that the varied provisions are in effect more onerous than those provisions in the Model Code. Rather than developing our own Code with "more onerous" provisions at this stage and taking account that the Model Code of Conduct is only relatively new, it is recommended that council adopt the Model Code as provided by the DLG.

This approach is preferred, as it will provide staff with the opportunity to review existing council policies that may conflict with the code or delete policies no longer required, as well as review internal functions such as induction and tendering processes to ensure their relevance and effectiveness with the new code. It is also intended that we work with other councils in the region to formulate training on the new code for both staff and councillors. As we become more familiar with the document, it may then be appropriate to identify improvements that we could make to the provisions of the code.

Recommendation (COR05)

1. That Council adopt the Model Code of Conduct as provided by the Department of Local Government.
2. That Mr Tony Pagotto be appointed as the “independent” person on the Conduct Committee.

Report

Subject	Management Plan Review 2003-2006 –December quarter 2004
File No	S4
Prepared by	General Manager
Reason	Requirement of the Local Government Act
Objective	Information of Councillors
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	General Manager

Overview of Report

This report relates to the performance of programmes and activities highlighted in the 2004/05-07 Management Plan during the quarter ended December 2004

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.

GROUP: GENERAL MANAGER
 Management Plan Review
 Period ending December 2004

Review of exceptional items across each functional area of the General Manager's Group.

Communications and Community Relations

- **Strategic Planning** Completed Strategic Plan 2004-2012.
- **Improve Council Reputation**
 - Issue management - maintained daily pro-active media schedule via staff management.
 - Regular liaison with media outlets.
 - Implemented new design for Business Paper, including staff training on writing business paper reports.
- **Improve Community Relations**
 - Internet – Published Summer edition of website.
 - Published Community Link Nov/Dec edition.
 - Published Annual Report and Statutory return to Minister.
 - Liaison with SCU re 10th anniversary celebrations.
- **Events - Community Relations -**
 - Council participated in the North Coast National Show.
- **Customer Service -**
 - Training held for customer service staff on collecting satisfaction statistics.
- **Staff training**
 - Communications planning held for 04/05.

Special Projects and Properties

- Land register – the collating of leases and licences are continuing. In addition it has been recognised that Councils legal documents register and store required review. This has also been undertaken and is 50% complete.
- Spinks Park and Riviera – The Lands Department has agreed to the construction of the rowing club wharf and the DA has been lodged with Council. This project should be completed in April.
- Cultural Precinct, 'C' block is being made available to the Conservatorium to assist with their problems.
- Reclassification and rezoning – the initial sites went before Council in December and several will now be reclassified. This will free up Councils ability to consider other uses for these sites.
- In addition to the above and under the general mandate of "Special Projects" the following is briefly reported;
 - The Memorial Baths project continues on schedule.
 - Purchase of the RSL Club's Victoria Street assets is being investigated.
 - Council has negotiated land sales in Snow Street and Oliver Ave.
 - Council has lodged a DA for the subdivision of the extension of Krauss Ave.
 - The negotiations for the design and construct contract for Goonellabah Leisure Centre continues.

Workshop , Fleet Management and Sign Shop

- Delivery of 7 4x2 Dual Cab gangers trucks in cab/chassis only, (Roadworks) 2 Isuzu NPR400's & 5 Mitsubishi (Fleet No's 142, 152, 156, 157, 158, 159, 161) special bodies being manufactured by Obieco – Gold Coast.
- Delivery of completed UD truck / Obieco table top body and Hiab crane for Bridges repair/construction crew. (Bridges - Fleet No. 184)
- Delivery of 150mm super-silenced water pump and trailer for filling of Lismore Lake and roadworks tankers (Roadworks – Fleet No. 555).
- Delivery of pedestrian roller and trailer for Parks & Recreation turf wicket maintenance.
- Specifications and recommendations for Richmond Tweed Regional Library's new tandem axle articulated mobile library trailer.
- Tenders to Council for replacement of 2 tipping trucks (Tender T25008 – Fleet No. 115, 116)

Signs:-

- Special signs and banners for Lismore Show, Lismore Water, Lantern Parade, Lismore Visitor Centre, Norpa, Musica Viva, Public Transport promotion, LCC Swimming Pool, Reclaim The Night, Oakes Oval scoreboard, Rural Fire Service, Boral, Kirkland Park, Quin Chee Rest Area, Masters Games, Kadina Park, Heritage Park, LCC Waste Education, Upgrade of Keen Street, NSW Dept. of Commerce – Flood Levee and Triton Worm Farm.
- Upgrade of signage on roundabouts.
- Replacement street signs due to age or vandalism.
- LCC Temporary Warning Signs for road construction and other activities (Grass cutting, etc.)

Economic Development / Tourism

- ED&T Manager attended Northern Rivers Tourism and Byron Visitor Centre AGM meetings
- Lismore A&I Show Society - Business Development Planning process being coordinated through EDU
- Project Management progressed for the 'Cafe and Culture Trail' in conjunction with SCU and other community input
- Extensive progress achieved on the Wilsons River Redevelopment Project
- Sustainable Regions Funding Submission in preparation for Lismore Memorial Baths upgrade
- Discussions held to align tourism marketing strategies with Council's Strategic Plan
- EDU facilitated the formation of a Working Group to look at feasibility of CBD Commuter Bus
- Lismore Tourism upgrade and link from LCC website to be complete by February 2005
- Preparations finalised for successful event management - Australian Country Cricket, AA Baseball, Under 12 Junior Cricket Carnival
- Interviewed and appointed contractors for Event Coordination - 2005 Northern Rivers Greenridge Herb Festival
- Assisted Council in the Nimbin safety campaign; ongoing pursuit of funding to support the Nimbin Community Development Officer position
- Assisted with the launch of Nimbin Business Directory
- ED&T Manager attended Nimbin Tourism Action Group
- Review of Nimbin Visitor Centre
- Prepared 'Lismore Leader' brochure for publication
- Liaison with a number of developers interested in establishing business in Lismore
- Reviewed customer service and office layout to enhance office presentation for visitors to EDU
- Commenced systems review at VIC to enable more time for staff to engage with customers and to liaise with operators

Human Resources

- Research re the Organisation Structure review
- Developed proposal for developing more constructive culture and leadership
- Source information on other council's approaches to organisational development
- Re-setting of Aurion implementation timeline. Investigate use of payroll module

- Progressed a number of initiatives under the Employee Health & Fitness Program
- Began implementation of Aboriginal Employment Strategy
- Develop performance management implementation plan
- Ongoing risk assessments and site visits by OH & S committee

GROUP: CORPORATE & COMMUNITY SERVICES

Management Plan Review
Period ending December 04

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

Finance & Administration

- *Rating & Revenue* –
- Sale of Land for Overdue Rates – of the eleven properties that Council resolved to sell, six owners have either paid or made satisfactory arrangements. The remaining five properties will be offered for sale at an auction set down for March 5, 2005.
- *Administration* –
- Administration building telephony system – commenced process to investigate options to replace the PABX. To assist, a telecommunications consultant has been appointed to advise on technology and contemporary solutions. Implementation will likely be early in 2005/06.
- *Finance* –
- 2004/05 Loan Borrowings – Arrangements completed for the approved borrowing of \$3.055 million over 20 years at 6.17% & \$2.250 million over 15 years at 6.05%.
- Investment Advisory Services - An EOI document has been prepared by the NR Finance Professionals which seeks a bulk service arrangement for all councils', but gives each the option to accept and further negotiate should a tender be required. It is to be advertised in January 2005.

Information Services

- *Records Management* –
- Richmond Valley Council, Rous Water, Clarence Valley Council and Lismore continue to work co-operatively to select a Records and Information Management System solution. Registrations of Interest were advertised in September and a Request for Tender completed and issued to five organisations short-listed after evaluation of responses to the ROI. Tenders close Feb 2005.
- *General* –
- Northern Rivers Councils investigating regional WAN (wide area network) to connect regional centres for voice and data communications - Funding application submitted for a consultant to do a needs analysis and identify possible costs for a regional WAN.
- Presentation of status of Resource Sharing model at IT Conference, Coffs Harbour, and at National General Assembly of Local Government, Canberra.
- *Councils Computer Network* – Recabling of Council's Administration Building completed.

Community Services

- *Kadina Park* –
- A toddler's playground, adventure climbing net, additional picnic and barbecue facilities were installed and opened prior to Christmas. These facilities were very popular during the holiday period.
- *International Day of People with a DisAbility* –
- The Access Committee held an event to celebrate International Day of People with a DisAbility. High profile people of Lismore participated in a simulation exercise around town to experience the abilities and challenges for people with a physical or visual impairment. Numerous positive outcomes were achieved including consultation and planning for a generalist interagency, access for multicultural older people, homelessness shelter, an affordable housing forum etc.
- *Art in the Heart Cultural Precinct* –
- Members of the Project Team met with Brett Johnson (Premier's Adviser) and Thomas George in December to update him on the progress of the Cultural Precinct. There is a growing focus within the Ministry for the Arts on linking galleries, museums and libraries together. The Precinct presents an ideal venue for this type of collaboration.
- *Coronation Park Playground* – A new playground was installed at Coronation Park, The Channon in December. The playground has a "bush kids" theme and has been jointly funded by Council, The Channon Craft Market, The Channon Tavern and the Coronation Park Users Group.

GROUP: PLANNING AND DEVELOPMENT

Management Plan Review
 Period ending December 2004

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

1. Corporate Relations: Customer Service

- **Provision of planning advice:** phone/counter enquiries - Oct 429, Nov 520, Dec 480.
- **Participation in Government (State/regional) initiatives:** Northern Rivers Regional Strategy

2. Development Integration: Assessment of Development Applications

- Number DAs : 65 DAs lodged, 61 determined, No. DAs received for 2004: 260 (c.f. 2003 264)
- Average DA Assessment times for the quarter
 - Integrated/Designated/Concurrence: 40.4 days (statutory time – 60 days)
 - Other (local) DAs: 29.6 days (statutory time – 40 days)
- Residential Subdivision statistics: 2 DAs lodged proposing creation of 4 lots. 20 lots released.
- Other approvals: 25 Subdivision Certificates issued, 24 miscellaneous (modifications of consent, dwelling entitlement searches, etc.)

3. Development Integration: Monitor and review current planning controls

- **Amendment 12 (Review of land zoned 6(a) Recreation):** Council's November meeting deferred consideration. Revised report and recommendations adopted December meeting.
- **Amendment 16 (Airport Industrial Estate):** referred to Minister for Gazettal.
- **Amendment 18 (Dwelling entitlement Satinwood Rd):** At December meeting Council determined not to proceed with amendment.
- **Amendment 21 (alteration to date of adopted of DCPs for Exempt & Complying Development):** adopted at Council's October meeting and sent to Minister for gazettal.
- **DCP 14 (Residential Development):** minor alterations adopted at Council's October meeting.
- **DCPs 18 (Off-street Car parking) and 28 (Subdivision):** **DCPs 18 and 28:** draft generation rates for DCP 18 finalised but further progress stalled due to priority of DA assessment. DCP 28 - Review of Part One completed.
- **DCP 39 Exempt Development:** minor alterations adopted at Council's October meeting.
- **Draft DCP 47 (Waste Minimisation):** adopted at October Council meeting.
- **Draft DCP 48 land at Invercauld Road** -Council's December meeting resolved to proceed.

4. Development Integration: Implement adopted land use strategies

- **Urban Development Strategy:** Councillor delegation met with Minister in November to present arguments to increase area of land available for residential development above that currently agreed to.
- **Amendment 15: Rezoning of land at Trinity Drive** endorsed at December Council meeting.
- **Rural Housing Strategy:**
- **Amendment 17 Rural Res, Minshul Cres. Tullera:** draft LEP amendment being considered by Parliamentary Counsel.
- **Amendment 19 Creation of 3 lots at 18 Dougan Rd Caniaba and Rural Residential proposal, Stoney Chute Rd** Council resolved at December meeting to forward plan to Minister.
- **Amendment 22:** Council resolved at August meeting resolved to prepare LEP amendment for exhibition for 9 rural residential lots at Eltham Road, Eltham.
- **Amendment 24: 9 Livotto Dr., Richmond Hill:** Council resolved to initiate LEP amendment at December meeting.

5. Enforcement

23 matters were investigated. 13 of these (ie. 56%) were complaints received from the public. These complaints were processed in an average of 10 days/complaint.

Environmental Health Services

1. Environmental Protection and Enhancement - Assess Development Applications, Onsite Sewage Management Applications and Section 68 Applications

- Development Applications: 65 DA's were referred to Environmental Health Unit during quarter. Section completed assessment on 50 of these DA's in the same quarter (including 5 requests for additional information from applicants). Average processing times met the performance indicator of 25 days or less.
- Onsite sewage applications: The Unit received 26 onsite wastewater applications during the quarter. Processing times have maintained an average of approximately 4 weeks.

2. Environmental Protection and Enhancement - Commercial Premises Management

Inspections of 35 high risk, 9 medium and 4 low risk food premises were undertaken during quarter. 28 additional inspections were carried out for new food premises, re-inspections and complaints.

3. Environmental Protection and Enhancement - Comprehensive State of Environment Report

Council considered Draft Comprehensive State of the Environment report 2004 at December meeting and resolved to place on public exhibition for 2-month period.

4. Environmental Protection and Enhancement - Water Sensitive Urban Design (WSUD)

Regional meetings were held in November & December and regional performance targets for stormwater quality have generally been agreed to. LCC staff received presentation on WSUD from Geo Link.

5. Environmental Protection and Enhancement - Sun Protection

DA has been submitted and approved for shade shelter at Nimbin Skatepark. Materials are on site and construction should commence in first quarter of 2005.

6. Environmental Protection and Enhancement - On-Site Sewage Management

Sand filter design course has been organised to be run in Nimbin in February, 2005 in conjunction with Centre of Environmental Training in Newcastle. Andy Edwards will be giving presentation.

55 inspections of on-site systems were undertaken during quarter with failure rate of 46.7% on initial inspection.

7. Environmental Protection and Enhancement - Environmental Monitoring

Section has monitored results from water supply sampling program and undertaken repeat sampling for failures as necessary.

As part of internship program with SCU, Environmental Health Unit has developed water-monitoring program of stormwater flows discharging from Lismore CBD and within Wilson River upstream and below stream of CBD. SCU student is undertaking sampling and will report results on completion of program (which commenced in December 2004).

8. Environmental Protection and Enhancement - Cities for Climate Protection

Data-gathering phase of Milestone 1 is well underway and contracted employee (Steven Hunt) has collected and collated large amount of data from hard copy electricity accounts & Council computer databases and is now in process of creating database of amount of energy used and cost to operate all Council's buildings, vehicle fleet, water and sewer operations, and waste facility over 12-month period. Database is expected to be complete by end of February.

9. Environmental Protection and Enhancement – Stormwater Management Plan

Review of Stormwater Management Plan due by October 2004 has been rescheduled following creation of Catchment Management Officer (CMO) position. Review of plan will be first task of successful candidate and review of Tucki Tucki Creek custodian program and Revive the Wilson program will be also undertaken by CMO.

10. Community Services – Emergency Management

Quarterly December meeting was held for both Rescue Committee and Emergency Management Committees. Displan was scheduled to be updated by December 2004 but has been rescheduled to June 2005, as this depends on responses from outside agencies.

11. Protection of the Environment Initiatives

Environmental Health Officer Robyn Fitzroy attended the WSUD 2004 Conference in November in Adelaide. Conference speakers were leaders in the field of Water Sensitive Urban Design and stormwater management and emphasis was on recent technologies and experiences in urban water sustainability as well as opportunities for Local Government.

Staff also attended the following during the quarter:-

- Workshop on changes to food legislation and requirements under new NSW Food Act.
- Ecology and Restoration seminar conducted by Southern Cross University.
- Seminar on mosquito disease (arbo-viruses) at Lismore Public Health Unit.
- Training on the recently updated State Government Guideline *Soils and Construction-Managing Urban Stormwater*.

Building Services

1. Development & Integration - Fire safety audit

Audit has progressed with majority of properties having been assessed for outstanding orders and more properties added to fire audit list. 44 properties identified for investigation. Of 44 properties listed, six orders have been finalised and four almost completed with only minor matters outstanding. Remaining properties have either been inspected; correspondence undertaken or discussions with building owners have taken place.

2. Assessment of Development Applications & Construction Certificates.

- Average processing time/application: 21.3 days for quarter (standard-25 days).
- No. DAs received 2004: 822 (c.f. 2003 804). NB: 2003 was previous record year for building DAs.
- Value of Construction Certificates issued during quarter: - \$10.35M.

3. Public Safety - Swimming Pool fencing

Pool strategy continues to be implemented, with minimum 25 new and existing pool inspections conducted each month of quarter. Media coverage of program in December edition of Community link and Northern Star.

4. Corporate Relations - Professional Development

During the quarter further staff attended UTS Bushfire and Advanced Building Code short courses.

5. Assessment of Development Application referrals.

Section has responded with building advice and conditions to Planning Services section on weekly basis with average referral response times of 7 days, allowing for the 40-day turnaround for most DA types to be met.

GROUP: BUSINESS AND ENTERPRISE
 Management Plan Review
 Period ending December 2004

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

Lismore Water

- Clunes Wastewater Committee – report to Council for variation of Committee membership. Council resolved to include wider stakeholders.
- Planning and supervision of water and sewer works for the upgrade of Keen Street.
- Liaison with agents and valuers regarding potential East Lismore property acquisition.

Northern Rivers Quarry & Asphalt

- Brought pugmill on site to provide cement stabilized road base directly from the quarry.
- Commenced liaison with shortlisted ROI respondents for the NRQ&A business development.
- Sought specialist business valuation advice for the NRQ&A business.
- Upgrading of guarding and catwalk to meet safety requirements.
- Planning for the upgrade of new conveyor system.
- Called tenders for excavator.
- Rehabilitation works on 3 Chain Road quarry.

Lismore Memorial Gardens

- Sought quotations for changes to chapel configuration to improve service levels.
- Commenced project for East Lismore sectional marking.

Northern Rivers Waste

- Continue work on priority capital works due for completion in early 2005.
- Recruitment of vacant positions following restructure.
- Reported tenders to Council for replacement of landfill compactor.
- Work with the NEWF to improve administration and performance.
- Prepared but did not submit tender for Byron Shire waste collection services due to the degree of uncertainty in the tender.
- Community assistance with storm event.
- Tea tree farm growth hampered by insect infestation.

Lismore Regional Airport

- Liaison with the second fuel facility operator on the airport.
- Subdivision of the Aspect North site for the geospatial facility completed and transfer of title passed in early January 2005.
- Report to Council and the Aerodrome Advisory Panel regarding proposed changes to landing charges for REX.
- Passenger numbers continue to be strong.
- Prepared Security Plan for Federal Government, now awaiting assessment prior to making funding submission.
- Liaison with Aero Club regarding potential joint facilities.

Commercial Properties

- Continuation of industrial development of airport land in South Lismore.

GROUP: CITY WORKS
 Management Plan Review
 Period ending December 2004

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

Parks & Recreation:

- Inspections and maintenance to playgrounds and assets – Ongoing.
- Grass cutting maintenance - Ongoing.
- Sportsgrounds preparation and maintenance – Ongoing.
- Garden maintenance – Ongoing.
- CBD footpath and cleaning service – Ongoing.
- Weed spraying schedules – Ongoing.
- Development of Public and Tree Removal Procedure – Nearing completion.
- Completed upgrade of turf surfaces at Oakes Oval and Albert Park for sporting championships.
- Co-ordination of Oakes Oval canteen renovations nearing completion.
- Storm event/emergency clean-up complete. Assessment and pruning of damaged trees nearing completion.
- Prepared landscape materials and planting scheme for Keen Street project.
- Developed rabbit control baiting (internal parks procedure).
- Developed new OH&S approved football posts for Oakes and Crozier Ovals.
- Developing new form for nature strip grass cutting to improve internal parks procedures – Ongoing.
- Heavy involvement in Lismore Show preparations following rains.

Urban Works:

- Footpath maintenance: Works for footpath maintenance and replacement underway with numerous sections up for replacement.
- Footpath replacement programme for 2004/05 complete – Kyogle, Union and Hunter Streets.
- Skyline Road – asphalt paving on approaches to two grids to reduce roughness.
- Kadina Street drainage upgraded and retaining wall constructed.
- Reseal programme 50% complete.
- Wilson Street drainage and roadworks completed.
- Stage 6 of Oliver Avenue street lighting project was completed.
- Preliminary planning and design / community consultation for Keen Street reconstruction and beautification project.
- Heavy patching programme completed on Ballina Road and Bangalow Road.

Bridges:

- Culvert completed on Flood Reserve Road at Pelican Creek.
- Knights Bridge on Quilty Road - Under construction.

Traffic and Enforcement:

- On-street/off-street parking enforcement continued – 610 fines issued.
- Nine (9) abandoned vehicles impounded.
- 45 incidents recorded by safety cameras.
- Taxi shelter in Carrington Street completed.
- Nimbin safety camera investigations continued.
- Camera and cabling in Keen Street removed for reconstruction.
- Public transport promotion signs erected in CBD at various locations.
- New digital recorders installed in camera monitoring room.
- Disabled ramp in front of CBD Centre completed and opened.
- 12 bus parking bays removed from Crowther Carpark and replaced with 47 new car spaces.

Rural Works:

- Reconstruction and bitumen sealing complete on Stony Chute Road.
- Road reconstruction complete – Richmond Hill Road, Rous Road, Marom Creek and Blue Knob Road, Nimbin.
- Side-arm slashing - Rock Valley Road, Cawongla Road, Old Quarry Road, Bishops Creek Road, Boyle Road and Parmenter Road.
- Gravel maintenance completed in the following areas - McKinnon Road, Unara Road, Osborne Road, Gray Road, Virtue Road, Walmsley Road, Upper Coopers Creek Road, Minyon Falls Road, Emerson Road, Ridgewood Road, Dunoon Road, Fox Road, Arthur Road, Elliot Road, Lychee Road, Leeson Road, Terania Creek Road.

Road Safety:

- Safety Around Schools - Projects to slow speeding motorists outside schools.
- Speed – Advisory speed checks conducted throughout the LGA with follow-up from the Richmond Local Area Command to address speeding on local roads.
- Operation Southtracks – RSO co-ordinated Council-RTA support of Richmond Highway Patrol road safety operation.
- RRISK – November 22–26 : Seminars about alcohol, drugs, driving and risk-taking by young people – 2,200 students from 27 secondary schools attended.
- Drink Driving and Alcohol Related Crime – Supporting Lismore Licensees, Licensing Police and the Department of Gaming & Racing to establish and formalise a Lismore Liquor Accord.

Community Consultation

- Survey conducted to investigate needs of people who socialise in the CBD late at night – this information will assist in developing a late night transport strategy.
- Keen Street – Meetings held with business owners and operators of Keen Street in regard to CBD upgrade and water main works.

Survey, Design and Subdivision Control:

- Rehabilitation survey/designs carried out for:
 - Rosehill Road, Tuncester - Mackney Road - 1.6km south
 - Tucki Road, Tucki Tucki - Wyrallah to Robson Roads
 - Nimbin Road, Bishops Creek - 23.21km-23.83km North Lismore
 - Broadwater Road, Dungarubba - Wyrallah to Kilgin Roads
- Eiggins Lane, Lismore – Reconstruction
- Kerb and gutter, drainage and road widening survey/designs completed for:
 - Brewster Street, Lismore - Uralba Street to concrete drain
 - Diadem Street, Lismore - Uralba to Magellan Streets
- Keen Street, Lismore - Woodlark to Magellan Streets - Reconstruction and beautification

Development Control:**Design Plans Assessed:**

- Residential Subdivisions – 317 Ballina Road, 25 First Avenue, 23 Hillcrest Avenue, Regatta Estate (Stage 4), Bristol Court (Stage 3)
- Rural Residential Subdivisions – Floreat Estate, Cowlong Road, Nimbin Hospital
- Commercial Developments – Oliver Avenue (units), 22 Woodlark Street (carparking), 26 Uralba Street.

Jobs Under Construction:

- Residential Subdivisions – Hillcrest Avenue, Heather Avenue, Millar Street, Barham Street, 165 Invercauld Road, First Avenue, Olley Estate (Stage 13), Wanda Drive
- Rural Residential Subdivisions – Dunoon Road, Tullera (Stage 3), Perradenya roundabout, Perradenya Estate (Stage 3)
- Commercial Development – Holland Street, Nimbin Hospital.

Completed Jobs:

- Residential Subdivisions – Palmvale Drive, Cedar Drive, 3 Millar Street, Cavendish Road (Ubrihien Estate), Koala Drive
- Residential Subdivisions – Perradenya Estate entry reconstruction, Cowlong Road DA - intersection

Emergency Services:

- Flood levee construction on schedule.
- Flood levee – Club Lane to Police Station – In progress.
- December 2004 storm event - Lismore SES responded to requests for assistance.

Comments

Financial Services

Not required.

Other staff comments

Incorporated in report.

Public consultation

Not required.

Recommendation

That the report be received and its contents noted.

Report

Subject	December 2004 Quarterly Budget Review Statement
File No	S880
Prepared by	Principal Accountant – John Hartley
Reason	Clause 7, Local Government (Financial Management) Regulations 1993
Objective	To gain Council's approval to amend the 2004/05 budget to reflect actual or anticipated results.
Strategic Plan Link	N/A
Management Plan Activity	N/A

Overview of Report

Council's budget has moved from a surplus of \$77,700 to a surplus of \$50,000.

Revenues have been higher than originally estimated due to strong building activity, improved interest returns and growth in the rate base, with a reduction in landing fees for the Lismore Regional Airport

Expenses are overall in line with expectations with additional allocations included for the Memorial Baths and a reduction in the NSW Fire Brigade Levy contribution.

These additional revenues and expenses increased the surplus to \$363,600.

In accordance with Council resolution 220/04 the capital budget for the Memorial Baths has been increased by \$1,046,000 for a total project cost of \$8,750,000. It is proposed to utilise part of the surplus (\$313,600) to cap the balance of funding to come from loan funding.

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 purpose of the review is to ensure that the 2004/05 Budget reflects the actual and anticipated results, as well it will be compared to the proposed budget during the 2005/06 Management Plan process.

General Fund

The 2004/05 Management Plan provided for a \$133,300 surplus. The September 2004 review reported an accumulated annual surplus of \$77,700. This review details a deficit of \$27,700 with the accumulated annual surplus at December 31, 2004 being \$50,000.

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

Budget Balance Movements for Quarter	Amount \$
Opening Surplus Balance at October 1, 2004	77,700
Add – Growth in rate base greater than originally estimated and therefore increased rate income	124,000
Add – Reduction in required contribution to NSW Fire Brigade Levy	90,000
Add – Building and planning service revenues continue to increase due to strong building activity in the development industry (\$248,000). Part of the additional revenue has been used to increase the expected wages costs to maintain the service level required (\$89,000).	159,000
Add - Sundry revenue and expenses greater than anticipated	4,200
Add - Interest received greater than originally anticipated due to favourable investment rates	76,000
Less – Impact of reduced landing fees revenue as per Council meeting 14 th December 2004	(65,000)
Less - Contribution required for the replacement of a bushfire vehicle. This amount represents the difference between the insurance received and cost of vehicle.	(1,800)
Less - Additional contribution required for flood mitigation to Richmond River County Council.	(9,000)
Less - Expense for life guard facilities Lismore Lake	(29,000)
Less - Expense for school assistance program at Memorial Baths. Amount to assist schools to attend alternative sites during construction.	(20,000)
Less - Expense for learn to swim program at Memorial Baths. Amount to assist schools to attend alternative sites during construction.	(20,000)
Less - Donation Tsunami appeal. (The total donation made was \$5,000 with \$500 coming from the Mayor's Discretionary Fund and therefore not impacting on the surplus)	(4,500)
Less - Interest on additional borrowings re Memorial Baths.	(11,000)
Less - Contributions to Lismore A&I for repairs to main ring to stage the 2004 North Coast National.	(7,000)
Less - Surplus applied to additional construction costs for Memorial Baths. The balance of funds required has been included in 2004/05 Loan program	(313,600)
Closing Surplus Balance at December 31, 2004	50,000

For Council's information, listed below are the details of the activities, other than those reported as impacting on the surplus, with significant variances. Please refer to the attachment for individual programs for details of all budget movements.

Economic Development Unit

Revenues and expenses in relation to the Northern Rivers Herb festival (revenue \$101,000) and Careers Expo (revenue - \$8,000) have been included in the review period. Expenses have also been included in the review period, which have offset the revenues. There has been no major impact on the operating surplus.

The allocation for the Wilson River project has been increased to reflect the 2004/05 program (increased by \$230,000) being funded from the additional grant funding (\$78,000), unexpended grants held from 2003/04 (\$138,000) and from existing vote allocations within the Economic Development Unit (\$14,000).

Tourism

There is an expected increase in revenue from sales of souvenirs (\$18,000) at the Visitor Information Centre. This amount has been allocated towards the cost of inventory required (\$12,000) and the

replacement of a photocopier for use in the Centre (\$6,000). There is no impact on the surplus.

General Manager Support Services

Allocations have been made for the provision of automatic doors at the CBD centre (\$8,000) and the completion of the pool vehicle garage at the Administration Centre (\$6,300). These amounts are funded from reserves and do not impact on the surplus.

Human Resources

Redundancy and severance payments totalling \$102,000 have been made during the review period. These amounts have been funded from reserves with no impact on the operating surplus.

Swimming Pools

In accordance with Council resolution 220/04 the total project budget for the Memorial Baths project was increased to \$8,750,000 million. This required an additional \$1,046,000 for construction costs with an additional \$11,000 for additional interest on borrowings for 2004/05. It is proposed to utilise part of the surplus generated (\$313,600), the balance to be sourced from additional loans.

An application to increase the Loan Funding limit for 2004/05 has been made to the Department of Local Government. A reply has not been received at the date of this report.

Community Services

Allocations have been included in relation the Federal Attorney's "Closing the Gaps" grant received. The 2004/05 funding is \$126,100 with additional funding expected over the following years. This has no impact on the operating surplus as the funds have been fully allocated.

Health and Building

The grant funding for the Bushland Management Officer (\$34,900) has been carried forward from 2003/04 and therefore has no impact on the operating surplus.

Additional grant funding has been received to employ a consultant to undertake a City Wide Heritage Study (\$6,800); these funds have been fully allocated and have no impact on the operating surplus.

Planning and Development

There was an increased allocation to the State of The Environment Report (\$12,400) and the Community Support Officer (\$11,400), these amounts were funded from reserves (\$8,400), additional grant funding (\$4,000) and unexpended grants (\$11,400) respectively and thus have no impact on the operating surplus.

Parks

An additional amount (\$29,000) has been included for the upgrade of playground equipment at Coronation Park with funding from contributions from The Channon Craft Market (\$6,400), the Coronation Park Users Group (\$1,700), Sec 94 contributions (\$11,700) and reserves (\$9,200). This has no impact on the operating surplus.

There were allocations included in the period in relation to works required to host the 2005 Country Cricket championships (\$8,000), to upgrade canteen facilities at Oakes Oval (\$40,000) and to improve site screens (\$15,000). Funding is from Urban Sportsground Development Fund (\$30,000), Contributions from Far North Coast Cricket (\$6,700), reserves (\$11,000) and existing Sports Field Improvements allocations (\$15,300).

Funds have been allocated for the construction of islands at the Lismore Lake (\$30,000) and the purchase of a pump for use at the lake (\$30,000). Funding is from reserves (\$60,000)

Grant funding in relation to the relocation of the Rotunda at Spinks Park (\$40,000) has not been received and consequently the budget has been reduced. There is \$40,000 remaining in the current allocation,

which is to be used in relation to the project.

Urban and Rural Roads

The September 2004 review noted the increased cost in relation to completion of the Skyline Road realignment. The allocation for 2004/05 has been increased to reflect additional expenditure (\$ 121,800) required to complete the project. The additional funds are to come from Sec 94 contributions and will have no impact on the operating surplus.

There has been an allocation included for a Taxi Shelter in Carrington Street, (\$51,800), this is funded from unexpended grants 2003/04 and has no impact on the operating surplus.

Allocations have been made for Terania Creek Road (\$25,000), funding from reserves; MR142 - Coffee Camp Road (\$80,000) funding from Sec 94 contributions; and Cubawee Bridge (\$32,000), funding from reserves with no impact on the operating surplus.

An allocation for a Vegetation Officer has been included (\$30,000) and is funded from unexpended grants from 2003/04, thus having no impact on the operating surplus.

Northern Rivers Waste

An additional capital works allocation (\$53,000) has been included to complete the leachate dam at the waste facility. These works are funded from reserves and will not impact on the operating surplus.

Lismore Memorial Gardens

The following capital works receive additional allocations, Garden of Reflection (\$5,000); cool room upgrade (\$8,000) and repairs to the manager's house (\$3,000). They are all funded from reserves and will have no impact on the operating surplus.

Lismore Regional Airport

There was a transfer from reserves of (\$12,000) being for the capital works of lowering the overhead power lines. As this is funded from reserves there is no impact on the operating surplus.

Commercial Properties

Capital works for the installation of automatic doors at the CBD (\$8,000) have been included with funding to come from Special Projects reserves. Rates on properties are higher than originally estimated (\$7,000) due to the development and sale of land and the subsequent revaluation of remaining parcels held by Council. These amounts are to be funded from reserves and will not impact on the operating surplus.

Water Fund

Capital works totalling \$287,000 have been included with funding from reserves (\$252,000) and Sec 64 Contributions (\$35,000). There is no impact on the operating surplus.

Sewerage Fund

Capital works totalling \$320,000 have been included with funding from reserves (\$320,000). There is no impact on the operating surplus.

Change in Net Assets

The 2004/05 Management Plan showed a surplus in the "Change in Net Assets" of \$4,136,000. The September review decreased the surplus by \$406,000 to \$3,730,000. This review has increased this position by \$310,000 to \$4,040,000.

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.

Other staff comments

Not required.

Public consultation

Not Required

Conclusion

Council's budget has moved from a surplus of \$77,700 to an operational surplus of \$363,600. After utilising \$313,600 to cap loan borrowings for the Memorial Baths, the net projected surplus will be \$50,000. After having regard for the original budget position, this is a satisfactory financial position.

Continued strong development activities, improved interest returns, a reduction in the contribution to the NSW Fire Brigade and higher than expected rates growth have all provided greater than expected income, only significantly offset by a reduction in revenue from landing fees at Lismore Regional Airport.

Generally it would appear that actual results for expenditure allocations are in line with original estimates. An additional allocation was included to provide assistance to users of the Memorial Baths and to provide alternative facilities until the new facility are completed (\$69,000), and increased staffing costs (\$89,000) in Planning & Development to meet customer support requirements for the increased building and development activity.

Council approved an increase in the construction costs for the Memorial Baths to \$8,750,000; an additional \$1,046,000 for construction costs and \$11,000 for additional interest on borrowings is required for the 2004/05 year. It is proposed to utilise part of the surplus generated (\$313,600) to fund the increased construction cost with the balance to be sourced from additional loans.

Recommendation (COR03)

- 1 Council adopt the December 2004 Quarterly Budget Review Statement
- 2 This information be submitted to Council's Auditor.

Report

Subject	January 2005 – Investments held by Council
File No	S178
Prepared by	Principal Accountant – John Hartley
Reason	Required under Clause 16 Local Government (Financial Management) Regulations 1999, Local Government Act 1993, and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	N/A
Management Plan Activity	Financial Services

Overview of Report

Council investments as the 21st January 2005 total \$32,770,848 (final values of funds held under Managed Funds are not available until after the month end so the amounts reported are the balances as at 21st January 2005).

Interest rates reported have softened over the period of January 2005 at 5.92% in comparison to 5.81% for January 2004. This softening of rates can be attributable to the timing of this report (final valuation of managed investment funds are not available until the first week of February 2005). Rates are expected to remain steady during the January 2005 period.

Background

The Local Government Act 1993, Clause 16 Local Government (Financial Management) Regulations 1999 and Council's Investment policy requires a monthly report be provided to Council on investments. The report is to include the source and amount of funds invested, terms of performance of the investment portfolio over the preceding period and a statement of compliance in relation to the Local Government Act 1993.

Due to timing issues the final value of some investments is not available within the required reporting timeframe, therefore an estimate will be provided based on the investments held at the time of the report. This balance will be confirmed to Council at the following ordinary meeting.

Report on Investments

- *Confirmation of Investments – 30th November 2004* \$32,653,405
The amount is higher than the estimate reported to the December 2004 meeting due to additional valuation movements in funds held under Managed Funds.

- *Estimate of Investments – 31st January 2005* \$32,770,848
Some variation is expected on the final balance as some investments are held in Managed Funds. The final valuation of these funds is not made until the end of the month. The current rate of return on investments for January 2005 was 5.92% compared to 5.81% for the same period last year. Indications are that rates will remain steady in the short term with some increase expected in the 2005.

A summary of Council's investments in graphical form has been included in the attachments.

Comments

Financial Services – included in the body of the report

Other staff comments

N/A

Public consultation

N/A

Conclusion

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993 Regulations and Council's investment policies.

Recommendation

The report be received and noted.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON WEDNESDAY, DECEMBER 15, 2004, AT 10.00 AM.**

Present Councillors Merv King (*Chairperson*), John Hampton, Jenny Dowell, Mr Michael Baldwin (*RTA*), Sgt Jodie Hamilton (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*), Messrs Bill Moorhouse (*Group Manager–City Works*) and Bill MacDonald (*Co-Ordinator-Traffic & Law Enforcement*).

In Attendance Kirklands Coaches' representatives, Messrs Peter Shepherd, Geoff Ferris and Graeme Moy for Item TAC122/04.

TAC114/04 **Apologies** An apology for non-attendance on behalf of Messrs Thomas George, MP, and John Daley were received and accepted and leave of absence granted.

TAC115/04 **Minutes** The Minutes of the Traffic Advisory Committee Meeting held on November 17, 2004, were confirmed by Council on December 14, 2004.

Disclosure of Interest

Nil

Business Arising

Nil

Correspondence / Reports

Ms CT Lockton - drawing attention to the frequency of turning truck movements and restricted sight distance at the intersection of Lockton and Browning Roads, Numulgi, and requesting that traffic signage be upgraded or the earthmoving operator be requested to use another location to access his property.

An inspection of the location revealed available sight distance from the crest on Lockton Road to Browning Road of in excess of 200m. This was considered appropriate and in the absence of any history of problems, signage was not warranted.

(04-12020:R4204,R4212)

Ms J Cullen and petition from J Caldwell & others - objecting to the recent 2hr parking restriction imposed on Bounty Street in the vicinity of the Lismore City Hall.

Mr MacDonald advised that he had spoken with Ms Liz Terracini recently as a result of the concerns raised to identify any other alternatives in addressing the parking issue in the immediate vicinity of the City Hall. Ms Terracini reconfirmed that there was a need not only from the hall management's perspective but of other businesses in Bounty Street to have some restricted parking available for their clients and visitors. Ms Cullen had been contacted again and advised that additional all-day parking had been identified beside the RSL Club and new signage had been ordered to clarify the status of this area.

2hr parking restriction - Bounty Street (Cont'd)

Contact had also been made with the owner of the new Bounty Motel and agreement reached that every effort would be made to minimise the number of onstreet parking spaces used by contractors working at this site. The development was at the stage where many subcontractors can now park underneath, hence releasing more onstreet parking on Bounty Street. This did, however, highlight the need for additional offstreet parking areas in this general area.

TAC116/04 **RECOMMENDED** that the recently introduced restricted parking area in front of the Lismore City Hall be retained.

TAC117/04 **FURTHER RECOMMENDED** that investigations be made of other potential offstreet parking areas between Conway and Ballina Streets. (04-12452,04-13147:S353,R7301)

N McCubbin - expressing concern regarding difficulties for drivers turning right out of Dalley Street onto Wyrallah Road due to the acute angle of the intersection and suggesting that a Give Way sign be placed on Wyrallah Road giving priority to traffic on Dalley Street.

Whilst the writer's suggestion was not considered appropriate given the high volumes of traffic along Wyrallah Road and the confusion such a measure would cause to motorists, there was a need to further investigate available data to ascertain any accident history. It was noted that a roundabout proposal had been identified some time ago and it was suggested that the warrant for such a facility had grown in recent years. Sgt Hamilton advised that she would supply accident data.

TAC118/04 **RECOMMENDED** that the priority of funding the construction of a roundabout at this intersection be considered in line with increased traffic volumes and taking into account any data verifying an increase in accidents. (04-13228:S352,R5201,R7426)

General Business

Traffic issues – Rosebank

At the Rosebank Community Forum held on November 17, 2004, concern was expressed for the following issues –

(a) Outside the Rosebank Hall on the crest of the hill of Rosebank Road, traffic conditions are dangerous for motorists turning into the preschool – consideration sought for erection of signage to direct traffic to turn after the crest of hill.

(b) Rosebank General Store – suggestion for speed hump to be provided.

(c) 50 kph speed limit to be imposed on Rosebank Road near the hall and general store.

The intersection of the access road to the hall and Rosebank Road was considered to be potentially quite dangerous and it was suggested that this matter should be referred to Council's Design Services Section to investigate the possibility of providing a turnaround area on the top of the crest, just south of the hall where better sight distance of oncoming traffic from both directions is afforded. The other alternative was to lower the crest but this may be cost-prohibitive.

An onsite meeting with the Rosebank Store owner to discuss the issue of speed revealed that most of the problem times were during the week and probably by local residents. The installation of 50 kph signs was not considered a practical method to reduce speed and it was suggested that a hotmix speed bump installed on Rosebank Road adjacent to the store, the same as that already installed the other side of the intersection, would have more impact.

Traffic issues – Rosebank (Cont'd)

- TAC119/04 **RECOMMENDED** that the issue of access to Rosebank Hall be referred to Council's Design Services Section for investigation.
- TAC120/04 **FURTHER RECOMMENDED** that a speed bump and associated signage be installed on Rosebank Road adjacent to the store. (R3704)

Three Chain Road / Caniaba Street, South Lismore – Speed Signs

Sgt Col McKenzie had requested that consideration be given to providing more effective speed zoning and signage on Three Chain Road, south of Airport Drive, and also on Caniaba Street from Three Chain Road to the railway line.

- TAC121/04 **RECOMMENDED** that 100 kph signs be placed on Three Chain Road just west of Airport Drive for westbound traffic, and 100 kph signs be placed on Caniaba Street south of the railway line for southbound traffic. (R6937,R6906)

Borton / Bentley Roads, Tullera

The local residents had requested a reduced speed limit of 40 kph be applied to both Borton and Bentley Roads. Both roads were gravel roads where there was a general expectation that motorists would drive to relevant conditions. Mr Baldwin advised that the RTA would not approve lower speed limits on these gravel roads. Mrs Johnson indicated that she would pursue funding in the new year for another 'drive to conditions' programme. (R4304,R4303)

Proposed changes to existing bus route system within Lismore urban area

Kirklands' representatives were present and welcomed to the meeting and offered the opportunity to outline the proposed changes. Mr Shepherd advised that the current map showing the proposed changes was in draft format and may be subject to further amendment as the consultation process continued. It was generally intended to improve the current structure by having two (2) smaller services rather than one (1) large service. There would be a minimum of eight (8) trips per day with Sunday services still under review. Access to Lismore Square and Goonellabah Shopping Centre would be significantly improved. The new routes would be in either new housing estates or on roads that had previously had buses running on them at some time in the past.

Mr Shepherd also advised that Lismore had the highest bus patronage rate per capita than any other area outside the Sydney metropolitan area.

The issue of approval being given for buses to traverse Magellan Street, westbound across Dawson Street was raised. It was noted that Council had proposed a roundabout for this intersection for some time but the RTA would not commit to funding such a project. As indicated in previous meetings, a 'buses only' option was not considered appropriate. It was suggested that a joint approach be made seeking approval and funding for the construction of a roundabout.

Kirklands Coaches intend that implementation of the new services will be in March or April 2005. However, prior to implementation, Kirklands will provide a list of roads affected by the changes and an up-to-date map so that Council can further assess the impact on local roads.

**Proposed changes to existing bus route system within Lismore urban area
(Cont'd)**

The issue of identification of the bus routes was also discussed and one option proposed was the painting of a particular coloured line on the road. There was some uncertainty as to the legalities of such a proposal and it was agreed that this would be further investigated.

- TAC122/04 **RECOMMENDED** that Kirklands Coaches' proposed changes to its bus services be approved in principal, subject to satisfactory assessment of individual roads.
- TAC123/04 **FURTHER RECOMMENDED** that Council write to the RTA requesting consideration for approval and funding of a roundabout at the intersection of Dawson and Magellan Streets.
- TAC124/04 **FURTHER RECOMMENDED** that additional investigation be carried out into the possibility of identifying bus routes by means of coloured lines or similar on the road pavement.(S135)

Closure

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

CHAIRPERSON

**TRAFFIC AND
LAW ENFORCEMENT OFFICER**

Documents for Signing & 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 the Council:

1 S88B Instrument – Variation to existing water supply easement.

As part of the Nimbin Water supply Council has renegotiated the easement between Falls Road and Cecil Street, Nimbin. This negotiation requires that Council extinguish the existing easement and create a new substitute easement.

2 Partial surrender of lease – Council & Nimbin A & I Society

Partial surrender of land leased by Nimbin A & I Society from Council so that Council can construct a metered filling station at Nimbin.
(04-13297: P20568)

3 Sale of Lot 736, Oliver Avenue, Goonellabah

Council has negotiated a sale price of \$100,000 for Lot 736, Oliver Avenue, Goonellabah, being the last stage of its industrial subdivision. This price is above market value for industrial lots in Goonellabah.
(P28324)

4 Sale of Lot 36 Bristol Circuit, Goonellabah

Council has negotiated an offer of \$115,000 for the purchase of Lot 35 in the next stage of the Bristol Circuit residential subdivision. The price is consistent with the value ascribed to the lot when the multi list agents visited the site.
(P28714)

Section 356 Donations

a) Mayor's Discretionary Fund (GL2033.26)			
Budget:	\$2,700	To date:	\$1135.01
• APN News & Media -Asian Tsunami Disaster Appeal			\$500.00
b) Hardship Claims Lismore Water – Policy 6.1.2 (GL8201.13)			
Budget:	\$12,200	To date:	\$142.76
• J & M Herne – 41 Caniaba Road			
In accordance with policy.		\$1,054.16	
• KB & EA McAnelly – 27 James Road			
In accordance with policy.		\$265.98	
• E E Foot – 99 Rous Road			
In accordance with policy.		\$376.65	
• A Boyd – 8 Jasmyne Street			
In accordance with policy.		<u>\$4,249.26</u>	\$5,946.05
c) City Hall Reductions in Rental – Policy 8.4.2 (GL2033.2)			
Budget:	\$8,100	To date:	\$3,898.60
• Lismore Neighbourhood Club			
In accordance with policy.		\$288.63	
• Jehovah's Witnesses			
In accordance with policy.		\$236.37	
• Rotary Club of Summerland Sunrise			
In accordance with policy.		\$140.00	
• RED Inc.			
In accordance with policy.		\$28.64	
• Northern Rivers Conservatorium			
In accordance with policy.		<u>\$88.91</u>	\$860.80
d) Banners – Policy 1.4.14 (GL2033.8)			
Budget:	\$700	To date:	\$495.00
• Westpac Rescue Helicopter – one week from July 4, 2005			
In accordance with policy.			\$145.00
e) Council Contributions to Charitable Organisations			
Waste Facility – Policy 5.6.1 (GL2033.15)			
Budget:	\$6,000	To date:	\$2,351.47
Animal Rights & Rescue		\$21.73	
Challenge Foundation		\$110.00	
Five Loaves		\$64.45	
Friends of the Koala		\$10.91	
Life Community Op Shop		\$7.27	

Section 356 Donations

Lifeline	\$110.00	
St. Vincent de Paul	\$25.91	
Salvation Army	\$66.00	
Westpac Life Saver Rescue Helicopter	<u>\$10.00</u>	\$426.27

f) Asian Tsunami Disaster Appeal (GL2033.27)

APN News & Media – Asian Tsunami Disaster Appeal		\$4,500.00
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Recommendation

In accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed above are hereby approved for distribution.

Confidential Matters–Committee of the Whole

A Council may close to 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 of a person with whom the Council is conducting (or proposes to conduct) business;
- d) commercial information of a confidential nature that would, if disclosed:
 - i) prejudice the commercial position of the person who supplied it, or
 - ii) confer a commercial advantage on a competitor of the Council, or
 - iii) reveal a trade secret;
- e) information that would, if disclosed, prejudice the maintenance of law;
- f) matters affecting 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 grounds 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 *Lismore RSL Club*

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

Public Interest Discussion of this matter in an open meeting would on balance be contrary to the public interest because it would prejudice Council's negotiating position.

Item *Purchase of Property 153 Gundurimba Road, Monaltrie*

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

Public Interest Discussion of this matter in an open meeting would on balance be contrary to the public interest because it would confer a commercial advantage to a person with whom the Council is conducting business.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, DECEMBER 14, 2004 AT 6.00PM.

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Planning Services, Manager Community Services, Workshop/Fleet Manager, Acting Manager Economic Development Unit, Community Safety Development Officer, Strategic Planner, Manager Environmental Health and Building Services, Administrative Services Manager and Administration Officer.

**Apologies/
Leave of
Absence** Nil.

236/04 **Minutes** The minutes of the Ordinary Meeting held on November 9, 2004, were confirmed.
(Councillors Hampton/Chant)

Public Access Session

Mr Sol Ibrahim – notice of motion

Mr Ibrahim advised he was the Manager of Lismore District Family Day Care. He outlined the need for the service and the process that was followed in appraising carers. He claimed additional Council compliance regulations were unnecessary.
(S371:04-12790)

Mr Michael Baker re 58 Satinwood Drive - Amendment 18 to Lismore LEP 2000

Mr Baker spoke on behalf of concerned residents against the proposal, citing the benefits of the tree lot, and expectations of residents when they bought into the subdivision.
(S871)

Mr Damian Chapelle re 58 Satinwood Drive - Amendment 18 to Lismore LEP 2000

Mr Chapelle outlined the planning merits of the proposal, the benefits it would bring to the subdivision and claimed no adverse environmental impacts.
(S871)

Mr Damian Chapelle re LEP No. 15

(See Minute No. 244/04)

Mr Chapelle advised the applicant agreed with the recommendation before Council and spoke of the long term benefits of the rezoning to adjoining land.
(S860)

Mr Damian Chapelle re LEP No. 19 (Dougan Road)

(See Minute No. 245/04)

Mr Chapelle advised his clients agreed with the road works proposed.

(S882)

Mr Rob Doolan re LEP No. 19

(See Minute No. 245/04)

Mr Doolan briefly spoke in support of the proposal.

(S882)

Mr Frank Howell re LEP No. 12 reclassification

(See Minute No. 242/04)

Mr Howell spoke against the reclassification of 116 Mountain View Drive on the basis of the adverse impact it would have on his property.

(S849)

Ms Lorraine Vass re LEP No. 12 reclassification

(See Minute No. 242/04)

Ms Vass spoke against the rezoning/reclassification on the basis of the threat that it posed to existing koala food trees and the potential loss of revegetation sites.

(S849)

Ms Therese Crollick re Committee structure

Ms Crollick expressed disappointment at the lack of consultation with the public and committee members on the review process. She claimed that greater support from Council would have benefited the Committees' effectiveness.

(S36)

Mr Brian Fergus re Clunes Wastewater

Mr Fergus posed a number of questions on the proposed make up of the expanded committee. He sought greater community membership of the committee.

(S288)

Disclosure of Interest

S459

Councillors Swientek (landowner) and Meineke (development company) declared an interest in Development Control Plan No. 48 - Land at West Goonellabah.

Mayoral Minutes

Tourism management

A MOTION WAS MOVED that in recognition of concerns by some Councillors and businesses in the Lismore tourism industry about the joint management arrangement negotiated by the General Manager with Ballina Shire, a briefing session be organised next week to fully explain and discuss the proposal with Councillors.

(Councillor King/Hampton)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell, Swientek, Chant, Crimmins, Henry and Meineke.

(S362)

Notice of Motions

Street tree master plan

- 237/04 Formal notice having been given by Councillor Irwin it was **RESOLVED** that -
- 1 Staff prepare a street tree master plan which addresses issues in regard to a tree replanting and maintenance policy and program.
 - 2 The funding of the development of a Street Tree Master Plan be considered during the 2005/06 Budget process.
- (Councillors Irwin/Dowell) (04-12743: S332,S453)

Child care establishments in residential zonings

- 238/04 Formal notice having been given by Councillor Swientek it was **MOVED** that -
- 1 Council planning staff negotiate with Family Day Care to ensure adequate public consultation takes place for the establishment of all new child care centres and an adequate complaints mechanism exists to resolve neighbourhood disputes.
 - 2 Staff report back to council the outcomes of their discussions.
- (Councillor Swientek) (04-12790: S370)

The MOTION lapsed for want of a seconder

Matter of Urgency

Tourism management

- 239/04 **RESOLVED** that Council agrees that the issue of the shared tourism function with Ballina is a matter of urgency that should be discussed now.
- (Meineke/Tomlinson)

Voting Against: Councillors King, Graham, Hampton.

- 240/04 **RESOLVED** that the General Manager immediately suspend the tourism collaboration outlined in the General Managers memorandum dated December 1, 2004 and that it not be reinstated.

(Meineke/Tomlinson)

Voting Against: Councillors Swientek, King, Graham, Hampton.

(S362)

Altering Order of Business

- 241/04 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.
- **58 Satinwood Drive - Amendment 18 to Lismore LEP 2000**
 - **Draft Amendment No. 15 to Lismore LEP – Trinity Drive**
 - **Amendment No. 19 to Lismore LEP – 296 Stony Chute Road & 18 Dougan Road**
 - **LEP No. 12 Reclassification**
 - **Council committee structure**
 - **Clunes Wastewater**
- (Councillors Graham/Dowell)

Reports

58 Satinwood Drive. Amendment 18 Lismore City Local Environmental Plan 2000

A MOTION WAS MOVED that the report be received and –

- 1 Adopt draft LEP Amendment No. 18 to amend Lismore City Local Environmental Plan 2000 to include an enabling clause for a dwelling on Lot 3 DP 876486, 58 Satinwood Drive, McLeans Ridges.
- 2 Forward the report to the Minister for Infrastructure, Planning and Natural Resources together with a request that the Minister make the Plan.

(Councillors Hampton/Chant)

On submission to the meeting the MOTION was defeated.

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell, Swientek, King, Graham, Henry and Meineke.

Draft LEP amendment No. 12 – review of 6(a) recreation zoned lands and reclassification of certain Council owned property from Community to Operational

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

- 1 Adopt draft LEP Amendment No. 12 as per attachment 3 of this report further excluding the following lands from the schedule:
 - 11 Andrews Crescent
 - 15 Lee Crescent
 - 116 Mountain View Drive
 - 22 Northcott Drive
 - 7 Parkwalk Drive
 - 30 Spring Valley Drive
 - 11 Sunnybank Drive
- 2 Use its delegations under section 69 of the EP&A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan
- 3 Request a further report be submitted on the reclassification to community land of:
 - 38 Allambie Drive, Goonellabah,
 - 23 Pindari Crescent, Goonellabah,
 - 15a Holland Street, Goonellabah, and
 - 27 Felicity Drive, East Lismorefollowing completion of the relevant matters as outlined in this report.

- 4 Consider the requests to reclassify land at Crozier Field, Oakes Oval, Goonellabah Leisure Centre and the Left Bank Café to operational land in the next general review of the LEP.

(Councillors Dowell/Irwin)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Adopt LEP Amendment No. 12 as per Attachment 2 to this report.
- 2 Use its delegations under section 69 of the EP& A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan.
- 3 Request a further report be submitted on the reclassification to community land of:
 - 38 Allambie Drive, Goonellabah,
 - 23 Pindari Crescent, Goonellabah,
 - 15a Holland Street, Goonellabah, and
 - 27 Felicity Drive, East Lismore
 - 15 Lee Crescent
 - 22 Northcott Drive
 - 7 Parkwalk Drivefollowing completion of the relevant matters as outlined in this report.
- 4 Consider the requests to reclassify land at Crozier Field, Oakes Oval, Goonellabah Leisure Centre and the Left Bank Café to operational land in the next general review of the LEP.

(Councillors Hampton/Graham) (S849)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell, Swientek, Henry and Meineke.

242/04

RESOLVED that the report be received and Council –

- 1 Adopt draft LEP Amendment No. 12 as per attachment 3 of this report further excluding the following lands from the schedule.
 - 11 Andrews Crescent
 - 15 Lee Crescent
 - 116 Mountain View Drive
 - 22 Northcott Drive
 - 7 Parkwalk Drive
 - 30 Spring Valley Drive
 - 11 Sunnybank Drive
- 2 Use its delegations under section 69 of the EP&A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan
- 3 Request a further report be submitted on the reclassification to community land of:
 - 38 Allambie Drive, Goonellabah,
 - 23 Pindari Crescent, Goonellabah,
 - 15a Holland Street, Goonellabah, and
 - 27 Felicity Drive, East Lismorefollowing completion of the relevant matters as outlined in this report.
- 4 Consider the requests to reclassify land at Crozier Field, Oakes Oval, Goonellabah Leisure Centre and the Left Bank Café to operational land in the next general review of the LEP.

(Councillors Dowell/Irwin)

Voting Against: Councillors King, Chant, Crimmins, Graham and Hampton.

Council committee structure

A MOTION WAS MOVED that the report be received and –

- 1 Council establish a Strategic Plan Steering Committee consisting of all councillors.
- 2 The first meeting of the above committee be held in March 2005.
- 3 That in the interim council writes to the existing committees advising of the proposed structure and policy advisory groups and asking for their feedback.
- 4 At the first meeting of the Steering Committee it determines the policy groups and their membership.
- 5 That the Steering Committee report to Council in April 2005.
- 6 That all existing committees continue until that time.

(Councillors Tomlinson/Chant)

AN AMENDMENT WAS MOVED that all current committees continue operating and meet in February to receive a written report from the General Manager outlining his recommendations for the committee restructure and that those committees be asked to discuss and comment on that report for Council to consider in the March meeting.

(Councillor Swientek/ Meineke)

At the request of the mover and seconder the amendment was withdrawn.

243/04 **RESOLVED** that the report be received and –

- 1 Council establish a Strategic Plan Steering Committee consisting of all councillors.
- 2 The first meeting of the above committee be held in March 2005.
- 3 That in the interim Council write to the existing committees advising of the proposed structure and policy advisory groups and asking for their feedback.
- 4 At the first meeting of the Steering Committee it determine the policy groups and their membership.
- 5 That a Steering Committee report to Council in April 2005.
- 6 That all existing committees continue until that time.

(Councillors Tomlinson/Chant) (S36)

Draft Amendment No.15 to Lismore Local Environmental Plan – Trinity Drive, Goonellabah

244/04 **RESOLVED** that the report be received and –

- 1 Council adopt LEP Amendment No.15 to rezone Lot 91 DP 1010714 Trinity Drive, Goonellabah from 1(d) Investigation Zone to 2(a) Residential Zone; and
- 2 Council use its delegations under section 69 of the EP& A Act to forward a report to the Minister for Infrastructure, Planning and Natural Resources together with a request that the Minister make the Plan; and
- 3 Prior to forwarding the Plan to the Minister, that the common seal of Council be affixed to a Planning Agreement between Council and the owners of Lot 91 DP 1010714 Trinity Drive, Goonellabah that requires the owners to pay a contribution of \$4,230 per lot prior to the release of the Subdivision Certificate, unless an adopted s94 Plan for local roads is in place by that time.

(Councillors Swientek/Hampton) (S860)

Amendment No.19 to Lismore Local Environmental Plan – 296 Stony Chute Road, Nimbin & 18 Dougan Road, Caniaba

245/04 **RESOLVED** that the report be received and Council –

- 1 Adopt LEP Amendment No. 19 as attached to this report.

- 2 Use its delegations under section 69 of the EP& A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan, and
 - 3 Prior to forwarding the Plan to the Minister, affix the common seal of Council to a Planning Agreement between Council and the owners of Lot 4 DP 1048778 Stony Chute Road, Nimbin that requires the owners to fund the formation and culvert widening works in Stony Chute Road prior to the release of the Subdivision Certificate.
 - 4 Adopt the Master Plan for the Stony Chute site as exhibited with the LEP amendment.
 - 5 That a letter of agreement with the adjoining owner to create a right of carriageway be obtained to provide emergency access, prior to forwarding the plan to the Minister.
- (Councillors Hampton/ Meineke) (S882)

Expansion of the Clunes Wastewater Committee

A MOTION WAS MOVED that the report be received and –

- 1 That the following be appointed to the Clunes Wastewater Committee:
 - Selwin Bryant
 - Kevin Hogan
 - Keith Ainsworth
 - Jan Maxwell
 - Judi Body.
 - 2 That the group of five others, consisting of Brian Fergus, Rod Gibson, Simon Payne, Jeremy Shand and John Smits, who made a joint submission be requested to nominate two representatives.
 - 3 William Scott, Graeme Hancock, Hugh Gallagher, Gary Ball, Tom Headley and the three remaining members of the group nomination referred to in Recommendation 2 above be appointed to the “interested parties” group.
- (Councillors King/Hampton)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That the following be appointed to the Clunes Wastewater Committee:
 - Selwin Bryant
 - Kevin Hogan
 - Keith Ainsworth
 - Jan Maxwell
 - Judi Body
 - Brian Fergus
 - Rod Gibson
 - Simon Payne
 - Jeremy Shand, and
 - John Smits
 - 2 William Scott, Graeme Hancock, Hugh Gallagher, Gary Ball, Tom Headley be appointed to the “interested parties” group.
- (Councillors Irwin/Swientek)

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

Voting Against: Councillors King, Chant, Crimmins, Graham and Hampton.

246/04 **RESOLVED** that the report be received and –

- 1 That the following be appointed to the Clunes Wastewater Committee:
 - Selwin Bryant
 - Kevin Hogan
 - Keith Ainsworth
 - Jan Maxwell

- Judi Body
 - Brian Fergus
 - Rod Gibson
 - Simon Payne
 - Jeremy Shand, and
 - John Smits
- 2 William Scott, Graeme Hancock, Hugh Gallagher, Gary Ball, Tom Headley be appointed to the interested parties group.
(Councillors Irwin/Swientek) (S288)

Review of airport landing charges

A MOTION WAS MOVED that the report be received and –

- 1 Council congratulate REX on the outstanding success of the programme to date;
- 2 Council adopt a landing charge of \$11.00 (excluding GST) with a discount of \$7 (excluding GST) for the period from January 1 2005 to June 30, 2005.
- 3 Council adopt a landing charge of \$11.00 (excluding GST) with a discount of \$4 (excluding GST) for the period from July 1 2005 to January 30, 2006.
- 4 Council adopt a landing charge of \$11.00 (excluding GST) from January 31, 2006 to June 30, 2006.
- 5 Council continuously monitor the situation throughout this period to assess impacts on passenger numbers.

(Councillors Graham/Irwin)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Council congratulate REX on the outstanding success of the programme to date; and
- 2 Council adopt a landing charge of \$11.00 (excluding GST) with a \$5 (excluding GST) discount for the period from January 1, 2005 to June 30, 2005.

(Councillors Tomlinson/Hampton)

On submission to the meeting the AMENDMENT was DEFEATED

Voting Against: Councillors Irwin, Ekins, Swientek, King, Chant, Graham and Henry.

A FORESHADOWED AMENDMENT was MOVED that -

- 1 Council congratulate REX on the outstanding success of the programme to date; and
- 2 Council adopt a landing charge of \$11.00 (excluding GST) for the period from July 1 2005.

(Councillors Chant/Swientek)

On submission to the meeting the foreshadowed amendment was DEFEATED.

Voting Against: Councillors Irwin, Ekins, Swientek, King, Graham and Meineke.

The Mayor declared the foreshadowed amendment DEFEATED on his casting vote.

247/04 **RESOLVED** that the report be received and –

- 1 Council congratulate REX on the outstanding success of the programme to date;
- 2 Council adopt a landing charge of \$11.00 (excluding GST) with a discount of \$7 (excluding GST) for the period from January 1 2005 to June 30, 2005.
- 3 Council adopt a landing charge of \$11.00 (excluding GST) with a discount of \$4 (excluding GST) for the period from July 1 2005 to January 31, 2006.
- 4 Council adopt a landing charge of \$11.00 (excluding GST) from January 30, 2006 to June 30, 2006.
- 5 Council continuously monitor the situation throughout this period to assess impacts on passenger numbers.

(Councillors Graham/Irwin) (P9733)

Voting Against: Councillors Swientek, Chant and Hampton.

Sale of surplus land - 30 Tweed Street, North Lismore

- 248/04 **RESOLVED** that the report be received and –
- 1 That the General Manager be authorised to conclude negotiations for the sale of Lot 3 in Deposited Plan 18057, being No. 30 Tweed Street, North Lismore for a sale price of \$12,500.00.
 - 2 That the General Manager and Mayor be authorised to apply the common seal of the Council to the contract for sale of Lot 3 in Deposited Plan 18057, together with the relevant memo of transfer.
 - 3 That upon transfer of Lot 3 in Deposited Plan 18057 to the adjoining owner, said lot be consolidated with other landowner holdings.
- (Councillors Irwin/Graham) (P9589)

State of the Environment Report 2004

- 249/04 **RESOLVED** that the report be received and –
- 1 That Council's Draft State of the Environment Report be placed on public exhibition for a two month period.
 - 2 That a further report be provided to Council in March 2005 reporting on comment submitted to Council during the exhibition period.
- (Councillors Irwin/Swientek) (S392)
Voting Against: Councillor Meineke.

Draft Lismore Local Environmental Plan Amendment No.24 – 9 Livotto Drive, Richmond Hill

- 250/04 **RESOLVED** that the report be received and –
- 1 Prepare an amendment to Lismore Local Environmental Plan 2000 to include of Lot 80 DP 1058639 Livotto Drive, Richmond Hill in Schedule 4 pursuant to section 54 of the EP&A Act 1979.
 - 2 Advise the Department of Infrastructure, Planning and Natural Resources that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.
 - 3 Consult with relevant Government and other agencies pursuant to s62 of the EP&A Act.
 - 4 Advertise the draft LEP amendment for a period of twenty-eight days following consultations with Government agencies.
 - 5 Exhibit the proposal as a Master Plan for adoption by Council prior to gazettal of the LEP amendment.
- (Councillors Hampton/Meineke) (S896)

Development Control Plan No. 48 – land at West Goonellabah

Disclosure of Interest (Section 459 of the Local Government Act,1993)
Councillors Meineke and Swientek declared an interest in this matter and left the Chamber during discussion and voting thereon.

- 251/04 **RESOLVED** that the report be received and Council –
- 1 Exhibit draft Development Control Plan No.48 for a period of two months.
 - 2 Forward a copy of the draft DCP to all landowners who own land in the DCP area.
- (Councillors Hampton/Graham) (S897)

Crime Prevention Plan

- 252/04 **RESOLVED** that the report be received and –
- 1 That Council endorse the attached draft five year Crime Prevention Plan.
 - 2 That the draft Crime Prevention Plan be placed on public exhibition for a period of 42 days.
 - 3 That staff be congratulated on first developing and then modifying the plan.
(Councillors Irwin/Henry) (S717)

Koala Child Care Centre – fee structure review

- 253/04 **RESOLVED** that the report be received and Council advertise the proposed fee structure to commence in 2005.

Age group	Proposed fee / day
0 - 2 years	\$47.00
2 - 3 years	\$45.00
3 - 5 years	\$44.00

(Councillors Irwin/Tomlinson) (P17488)

Keen Street reconstruction update

- 254/04 **RESOLVED** that the report be received and –
- 1 That Council reaffirm its intention to proceed with the construction of Keen Street (Woodlark to Magellan Streets), commencing the first two weeks of January 2005.
 - 2 That the design of Keen Street (Woodlark to Magellan Streets), be as shown on the attached plan (i.e., incorporating landscaping islands at each end and around the centre pedestrian crossing as well as nine (9) landscaped islands for trees).
 - 3 The centre parking on Keen Street be set at 1hr for a trial period of 12 months.
 - 4 In recognition of the need to increase parking around the CBD, proposals be prepared for the 2005/06 management plan identifying:
 - a) cost to construct parking on land already identified for future parking (i.e., extension to Crowther Carpark)
 - b) options for future development of carparking in the city centre.
- (Councillors Graham/Hampton) (R7317)

Purchase of Council plant – T25008

- 255/04 **RESOLVED** that the report be received and Council purchase two (2) only **Isuzu FVR950HD** trucks with the **Obieco** Tipper bodies and optional differential locks as tendered (T25008) from **Northern Rivers Isuzu of Lismore** for the cost of \$249,844.00 including GST (\$124,922.00 each).
(Councillors Chant/Graham) (T25008)

Strategic Plan 2004-2012

A MOTION WAS MOVED that the report be received and the document *Strategic Plan 2004-2008* be adopted as Council's updated strategic plan, including specific reference to the Aboriginal and Torres Strait Islander community.
(Councillors Dowell/Swientek)

AN AMENDMENT WAS MOVED that the report be received and the document *Strategic Plan 2004-2012* be adopted as Council's updated strategic plan, including specific reference to the Aboriginal and Torres Strait Islander community.
(Councillors Tomlinson/Hampton)

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

Voting Against: Councillors Irwin, Ekins, Dowell, Swientek and Henry.

- 256/04 **RESOLVED** that the report be received and the document *Strategic Plan 2004-2012* be adopted as Council's updated strategic plan, including specific reference to the Aboriginal and Torres Strait Islander community.
(Councillors Tomlinson/Hampton) (S4)
Voting Against: Councillors Ekins.

Rating option – land owner contributions towards upgrading local roads

- 257/04 **RESOLVED** that the report be received and –
- 1 That Council not pursue the rating option of seeking approval for a Special Rate Variation to levy a special rate on land owners in a specific geographic area who are prepared to pay for the upgrading of their local road(s).
 - 2 That Council develop policies in regards to -
 - a) the funding and sealing of low priority roads when residents are prepared to contribute funds and
 - b) funding low priority roads,
and the option of levying a special rate be considered.
- (Councillors Swientek/Tomlinson) (S384)

November 2004 - Investments held by Council

- 258/04 **RESOLVED** that the report be received and noted.
(Councillors Chant/Hampton) (S178)

Committee Recommendations

Traffic Advisory Committee 17/11/04

- 259/04 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Dowell) (S352)

Documents for Signing and Sealing

- 260/04 **RESOLVED** that the following documents be executed under the Common Seal of Council:

S88B – Request to vary restriction on use over Lot 43 in DP 1056756 at Palmvale Drive, Goonellabah

Council previously approved a building line variation for the proposed dwelling on this lot from 6m to 4.5m during the construction certificate application. As the restrictive covenants also contained a reference to the 6m building line Council has been asked to affix its seal to a variation to the S88b instrument to bring it into line with the construction certificate.

(04-12573: D03/833)

(Councillors Hampton/Chant)

Section 356 Donations

261/04 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed are hereby approved for distribution.
(Councillor Hampton/Swientek)

a) Mayor's Discretionary Fund (GL2033.26)

Budget: \$2,700 To date: \$811.36

Jaime Whittingham, student of Trinity College – support to attend National finals of physical culture competition at Sydney Opera House – November 28 & 29, 2004
(04-12352: S164) \$150.00

Dylan Bundock, student of Lismore Heights Primary School - support to attend Australian Primary Schools Athletics Championships in Adelaide.
(04-12188: S164) \$150.00

Wilson Park Public School – vacation care for secondary school students.
(S164) \$100.00

Lismore Soup Kitchen – Christmas Day meal \$100.00

Ballina Lighthouse – Lismore Surf Lifesaving Club Ltd – support for Junior Surf Lifesaving Branch titles \$150.00

b) City Hall Reductions in Rental – Policy 8.4.2 (GL2033.2)

Budget: \$8,100 To date:\$3,898.60

R.E.D. Inc. (people with disabilities) – 25% donation for Christmas function
In accordance with policy. \$31.50

Lismore Soup Kitchen – 25% donation for Christmas Day meal \$61.00

c) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL2033.15)

Budget: \$6,000 To date:\$1675.07

Animal Rights & Rescue	\$11.00
Challenge Foundation	\$110.00
Five Loaves	\$41.36
Friends of the Koala	\$8.47
Life Community Op Shop	\$66.45
LifeLine	\$110.00
Salvation Army	\$77.00
Westpac Life Saver Rescue Helicopter	\$10.91
TOTAL:	\$435.19

Confidential Matters – Committee of the Whole

262/04 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters:

Section 339 report – senior staff

Grounds for Closure Section 10A(2) (a):
Public Interest Discussion of this matter in an open meeting is inappropriate because it contains personnel matters concerning particular individuals.

(Councillors Hampton/Irwin) (S386)

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 RECOMMENDED

That Council note the contents of this report, treat the information as confidential and acknowledge the report complies with the requirements of Section 339 of the Local Government Act.

263/04 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and adopted.
(Councillors Hampton/Irwin)

Closure

This concluded the business and the meeting terminated at 10.40pm.

CONFIRMED this 8th of FEBRUARY 2005 at which meeting the signature herein was subscribed.

MAYOR

