



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on
TUESDAY, APRIL 12, 2005
and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

April 5, 2005



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

March 8, 2005

Public Access Session

Public Question Time

Condolences

Disclosure of Interest

Mayoral Minutes

Notice of Rescission Motions

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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 ▶ Privatise 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

Notice of Motion

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

Councillor Hampton moves:

That officers prepare a report to Council to identify changes to the Lismore Local Environmental Plan which would enable consideration of alteration and additions to existing buildings located in the floodway, as defined by the Floodplain Risk Management Plan.

Report

Subject	Committee Membership
File No	(S36)
Prepared by	Administrative Services Manager
Reason	Determinations by the Strategic Plan Steering Committee
Objective	To determine the new Committee Structure

Overview of Report

Background

The first meeting of the Strategic Plan Steering Committee was held on the 23rd March 2005 and minutes from this meeting are attached.

The minutes should be treated in a similar manner to Traffic Committee minutes, ie adopted with or without exceptions. Where relevant, minutes will be accompanied by a staff report providing additional information where requested.

The focus on this report is not to revisit the meeting but to concentrate on outstanding issues.

1 Policy Advisory Groups

The committee recommends 7 Policy Advisory Groups be formed:

- Economic Development
- Public Transport
- Roads
- Arts and Culture
- Sport and Recreation
- Community Services
- Sustainable Environment

Some details pertaining to the Public Transport Policy Advisory Group and the Sustainable Environment Policy Advisory Group need to be determined. Attached to the report are the scope and membership of 5 Policy Advisory Groups as recommended by the committee. Details of the other two are presented below.

1.1 PUBLIC TRANSPORT POLICY ADVISORY GROUP

The Public Transport Advisory Panel has recommended the following scope and membership:

Scope

To provide advice to Council on how it can implement its Strategic Plan in relation to public transport.

To provide linkages between public transport providers and a forum for planning improved service delivery.

Provision of micro-level planning advice including new developments.

To provide input to the Management Plan and Budget.

Membership

- 2 Councillors
- Regional Transport Co-ordinator of Department of Transport
- 4 transport operators (including bus, taxi, community transport)
- 3 community representatives

1.2 SUSTAINABLE ENVIRONMENT POLICY ADVISORY GROUP

Council's State of the Environment Report 2004 (SoE) is a comprehensive report, which the Local Government Act, 1993 requires Councils to consider when preparing their draft management plans, and, to apply the principles of Ecological Sustainable Development (ESD) through the strategic management plan process.

The SoE involves a significant assessment of local environmental issues and the development of recommendations to address these issues, and provides an excellent framework for the Sustainable Environment Policy Advisory Group to develop and achieve real outcomes across all environmental sectors. It will also assist in the identification of reporting on environmental data gaps.

Detailed below are the revised scope and membership details:

Scope

Advise Council on implementation of the Strategic Plan.

Assist Council with the prioritisation and promotion of environmental issues identified in the State of the Environment (SoE) Report.

Identify emerging environmental issues within the Local Government Area (LGA).

To assist Council with the development and review of strategies to sustainably manage the environment within the LGA.

Build partnerships with reference groups and appropriate stakeholders to improve Council's role in achieving sustainable environmental outcomes within the LGA.

To provide input to the Management Plan and Budget.

Membership

Proposed

2 - Councillors

1 - Agriculture industry representative

1 - Horticultural industry representative

1 - Natural Resource Manager representative from
CMA1 - Natural Resource Manager representative from
DIPNR

1 - Natural Resource Manager representative from DPI

1 - Centre for Ecotechnology (SCU) representative

1 - Richmond Regional Landcare representative

1 - Big Scrub Environment Centre representative

1 - Development Industry representative

2 Reference Groups

The committee identified the need for Reference Groups. Their function will be to provide feedback on specific strategic policy issues that arise from time to time. It is envisaged that meetings of Reference Groups would be held in a workshop style forum and be convened at the request of the Council, Strategic Planning Steering Committee, or the General Manager.

As a general principle, rather than appointing individuals, Council should identify key stakeholder groups which can be invited to attend the Reference Group meetings. These key stakeholders will form the core of the reference group with flexibility to involve additional individuals according to the issue under discussion.

2.1 Airport

Key stakeholders include:

RPT operators, General Aviation, Aero Club, Aviation related industry, Airport lessees, CASA, Air Services.

2.2 Tourism

Key stakeholders include:

Accommodation industry, hospitality industry, media, Southern Cross University, Lismore Unlimited.

2.3 Art Gallery

As councillors are aware, the position of Gallery Director is currently vacant. It is expected that the position will be filled in early May. It is considered appropriate that the new Gallery Director should have input to the membership of the Reference Group. As such it is not proposed to identify the key stakeholders at this time.

2.4 Wayiganna

Key stakeholders include:

TAFE, Elders, Ngulingah Land Council, Lismore people for Reconciliation, Department of Education, Aboriginal Community Transport.

2.5 Sunset Committees

A number of Reference Groups may better be described as Sunset Committees. These include:

- Art in the Heart
- Goonellabah Leisure Centre
- Clunes Wastewater
- Nimbin Water
- Masters Games

It is suggested that these groups continue to operate unchanged. Clunes Wastewater was amended last year. There would be little benefit in disrupting the membership of these committees.

3 Role of the Strategic Plan Steering Committee

At the initial meeting of the Strategic Plan Steering Committee the issue of the role of the committee was raised, with special reference to the option of giving the committee delegated power.

A proposed scope of the committee, as reported to Council at its meeting held on the 14th December 2004 is as follows:

- To oversee the implementation of the Strategic Plan
- To develop initiatives to implement the Strategic Plan
- To respond to requests to develop new strategies
- To initiate reports and gain advice from policy advisory groups
- To create policy advisory groups
- To monitor the performance of policy advisory groups
- To report to Council bi-monthly with recommendations on strategic and policy issues.

Whilst Council adopted the concept of the Strategic Plan Steering Committee it did not delegate power to the committee. This concept is possible, using Sections 377 and 355 of the Local Government Act 1993. However in doing so some difficulties arise.

Council would need to *“identify the functions, powers and authorities or duties delegated by reference to the functions themselves, or to sections or chapters which set out the functions”* (Interpretations Act 1987).

Given the broad all encompassing nature of the Strategic Plan it would be difficult to quantify the “Functions, powers and authorities” necessary to give full effect to any delegation. Any delegation would have to be so broad as to make the Strategic Plan Steering Committee effectively a second Council meeting – an undesirable outcome

The broader the delegation the greater the need for formality and to provide opportunity for public scrutiny. Thus we have technicalities with meeting notice, meeting procedure, public access, public question time etc.

The Strategic Plan Steering Committee was specifically designed as a mechanism to advance the Strategic Plan. Any delays in implementing decisions of the Strategic Plan Steering Committee will not be critical to its success. It is proposed that the Committee meet at least bi-monthly.

4 Future Directions

Once Council has determined its Committee Structure it will need to appoint committee members and disband its old structure.

The following process is suggested.

- Nominations for new Committee Members will be advertised in April.
- A report will be presented to the May Council meeting to determine membership.
- The existing committees/members will cease operations from the date of the May meeting.

5 Membership Criteria

5.1 Councillor Membership

At the Strategic Plan Steering Committee meeting it was suggested that Councillors be invited to nominate in writing their preference for Policy Advisory Group nominations. Once the nominations are received, the Mayor would determine them and report back to Council. The forms have been distributed and the results will be circulated prior to the meeting.

5.2 Community Membership Criteria

Essential selection criteria will include:

- The applicant must meet one of the membership categories
- Must have demonstrated contemporary skills relevant to the scope of the Policy Advisory Group.

6 Future Meeting Arrangements

6.1 Policy Advisory Groups shall meet at least quarterly or more frequently if requested by the Council, the Strategic Plan Steering Committee (SPSC) or the General Manager. Appropriate staff support, advice and meeting resources shall be provided by the General Manager. Recommendations of PAG's shall be referred to the SPSC.

6.2 Reference groups shall be convened by the Council, the SPSC, the PAG or the General Manager as required. Reference Group reports shall be forwarded to the General Manager for attention.

7 Council Policies

The issue of relevant Council policies was not considered at the Strategic Plan Steering Committee meeting.

There are 3 policies which are relevant to the operation of committees. These are detailed below with relevant comments.

1.2.3. Duties and Responsibilities of Committee/Panel Chairpersons

The content of the policy remains relevant. In the past however, the requirement with respect to Strategy Plan / Annual Report has been poorly complied with. Given that one of the roles of the Strategic Plan Steering Committee is to monitor the performance of the Policy Advisory Groups, closer attention should be paid to this requirement.

No change is suggested.

1.4.5 Citizen Membership of Council Committees and Disclosure of Interest

This policy has been in operation for 14 years and has operated with minimal fuss. However the requirement for committee members to complete a Primary Return is perhaps overkill. Perhaps only once or twice in the operation of the policy has there been a request from the public to view the returns.

It is suggested that with the proposed changes to the Policy 1.2.5 Committee Meeting Procedure, that this policy can be deleted.

1.2.5 Committee Meeting Procedure

an addition to the requirement with respect to Council's Code of Meeting Practice it is suggested that an extra item be added as follows:

Citizen members of Council are required to comply with Council's adopted Code of Conduct.

Comments - Financial Services

Not required

Other staff comments

All groups were consulted in the preparation of this report.

Public consultation

This was undertaken prior to a report being presented to the Strategic Plan Steering Committee.

Conclusion

The committee review process has been underway for sometime. Given that the matter has been before Council (in some form) three time previous to this the matter should be finalised at this meeting.

Recommendation (COR08)

Council –

- 1 Adopt the recommendations of the Strategic Plan Steering Committee.
- 2 Adopt the scope and membership of the Public Transport Policy Advisory Group and Sustainable Environment Policy Advisory Group as outlined in this report.
- 3 The Strategic Plan Steering Committee not be delegated a decision making role but report its recommendations to the Council for determination.
- 4 Confirm the membership proposals for Reference Groups.
- 5 Adopt the administrative procedures for the Policy Advisory Groups and Reference Groups as detailed in the report.
- 6 Commence the advertising process to select community representatives for the Policy Advisory Groups.
- 7
 - a. Policy 1.2.3. remain unchanged
 - b. Policy 1.4.5 be deleted
 - c. Policy 1.2.5 be amended with the extra item added as follows:
Citizen members of Council are required to comply with Council's adopted Code of Conduct.

Report

Subject	Lismore Urban Strategy – Response from DIPNR
File No	S650
Prepared by	Strategic Planner
Reason	Receipt of correspondence from DIPNR
Objective	To inform Council of its options in view of DIPNR's advice.
Strategic Plan Link	Economic Development
Management Plan Activity	Strategic Planning

Overview of Report

This report outlines the response from the Department of Infrastructure, Planning and Natural Resources following the Councillor deputation to the Minister and discusses the Council's options in terms of urban land release areas.

Background

At its meeting of August 10, 2004 Council resolved to send a deputation to the Minister for Infrastructure and Planning to put a case for including three additional areas (North Lismore plateau, Tucki Creek and the Invercauld Road area) in the Lismore Urban Strategy.

Following the Councillor delegation to the Minister in November, 2004, it was anticipated that the DIPNR Regional office would contact LCC staff to follow up matters discussed at that meeting. When no communication had been received by the end of the year, a meeting was organised with senior officers from the regional office.

The meeting took place in Grafton on February 11, 2005 and DIPNR staff undertook to confirm by letter the outcome of the meeting. That correspondence has now been received and a copy is attached to this report. In essence the response states that:

1. DIPNR may accept rezoning proposals that cater for specific sectors of the housing market providing the land is not difficult or expensive to service and is not environmentally sensitive.
2. It is open to Council to suggest a staged land release from a number of localities as part of an agreed strategy provided such areas are environmentally appropriate and can be economically serviced.

Issues

Other Housing Market Sectors

The first point in DIPNR's letter arose from discussions in Grafton about providing for various housing markets that may otherwise not be adequately catered for. Several landowners in the Invercauld Road area have approached staff about providing alternative forms of housing in the area.

Proposals include an affordable housing project under the auspices of a church organization and various forms of housing for the aged.

Under State Environmental Planning Policy (Seniors Living) 2004, development of aged persons' accommodation (serviced self-care housing, hostels and residential care facilities) is permissible on sites that are not zoned residential providing the site adjoins urban land and satisfies certain criteria regarding proximity to commercial, medical, community and recreational facilities.

If the criteria for the SEPP cannot be met, any proposal for aged person's housing on non-residential land would need to be accompanied by a rezoning submission. DIPNR appears prepared to favorably consider such proposals providing such sites are not expensive to service nor situated on environmentally sensitive land. A similar situation could apply to affordable housing and other proposals which target specific housing markets.

With the Schedule approach to rezoning adopted in the Lismore Urban Strategy, it is possible to ensure that an LEP amendment would lock in a specific proposal agreed to by Council and DIPNR. It is open to any landowner to put forward such a proposal providing a site is environmentally appropriate and not expensive to service.

Re-allocation of the 'quota'

The second point in DIPNR's letter is consistent with their previous advice which was considered by Council at its meeting of July 13, 2004. That advice stated that it would be open for Council to include other land in its strategy providing it deleted existing areas and could demonstrate that the new areas were more environmentally appropriate. The new advice states that it is open for Council to suggest a staged release from a number of localities providing such areas are environmentally appropriate and can be serviced economically. **However DIPNR is not supporting any increase in the overall lot allocation.**

The current strategy contains one large release (greenfield) area and several smaller "infill" sites. The greenfield site (Trinity Drive) has an estimated lot yield of just 350 lots. The largest infill sites are the Kirkland land in Holland Street and the De Re land south of the Regatta estate with a combined estimated lot yield of 150 lots.

For additional lands to be included in the strategy, an equivalent area (in terms of lot yield) would have to be taken from either the Trinity Drive area or the infill sites. Given that the infill sites are relatively small, it is not considered practical to reduce their allocation. Council has previously rejected a proposal to remove the Trinity Drive area from the strategy and has considered legal advice on the implications of doing this.

The alternative offered by DIPNR is to reallocate some of the 350 potential lots from Trinity Drive to other sites. Landowners in each of the three other greenfield sites (North Lismore plateau, Tucki Creek and Invercauld Road) have all indicated interest in being included in the strategy.

In addition to the other greenfield sites, Council has recently received a submission from Southern Cross University to rezone part of the Crawford land to residential. This would yield an estimated 120 lots. The land is currently zoned 5 Special Uses – Technology Park but is no longer required for this purpose. This is a prime site for residential development given its amenity, proximity to other urban areas and access to urban services and facilities. The only reason this land was not included in the original strategy was that, at the time of its preparation, it was assumed that the technology park proposal would still go ahead. If it had been included in the strategy, it would most likely have had a very high priority in terms of release sequence.

The submission puts a strong case for rezoning based upon the site's attributes and the fact that it was zoned residential prior to its special uses zoning. Discussions with DIPNR indicate that the number of lots proposed is considered to be "significant" in terms of clause 38 of the North Coast REP and therefore the site would have to be included in the Urban Strategy before a rezoning proposal could be considered.

350 lots is not a lot to distribute between four or five release areas. A critical issue for Council to consider would be the minimum threshold (in terms of lot numbers) that would be viable for each of the greenfield sites to proceed. This could vary from site to site given the differing requirements and costs associated with infrastructure and service provision.

Options

Council has two main options with regard to DIPNR's response on the quota. The first is that Council accept the current strategy as agreed to by DIPNR. As it is only has a five year timeframe and came into effect in 2003, the strategy will be due for review within three years. If rezoning of the Trinity Drive site has not progressed within that time, it would be reasonable for Council to then put Trinity Drive at the "end of the queue".

The second option would be for Council to take some of the lot quota from Trinity Drive and redistribute it among the other sites. This would need to be done on the basis that "such areas are environmentally appropriate and can be economically serviced". A decision to redistribute the quota should be based on detailed estimates of the costs of providing services to each site. This will be necessary for two reasons.

Firstly, Council must demonstrate to DIPNR that any site proposed for inclusion in the strategy will meet their criteria in terms of its ability to be economically serviced. Secondly, any redistribution of the quota must ensure that sufficient lots are allocated to each site for development to be viable. This will largely be dependent on infrastructure costs that will be required to enable the first stage of subdivision to proceed.

Council currently does not have this information. It would need to be prepared by an independent consultant with appropriate expertise who would investigate servicing requirements for all four greenfield sites (plus the Crawford land) and provide cost estimates of road works, sewerage and water supply that would be necessary to enable the first stage of subdivision to proceed. Such a study is estimated to cost around \$10,000.

Planning Services has no budget allocation to fund this work. Nor is this approach supported. The development industry needs to work in a climate of reasonable certainty without having the rules changed continuously. Under the constraints imposed by DIPNR, it is impossible to meet the expectations of all landowners whose land has been identified as having some urban development potential. There is a very real danger that no development will occur if Council attempts to distribute the quota among all those who seek inclusion in the strategy.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Conclusion

Unfortunately, the response from DIPNR does little to change the status quo. Council has explored every avenue for increasing the number of release areas in the Strategy. Council should now decide whether it wishes to work with the existing strategy or take DIPNR's option of putting forward a staged release proposal involving a number of localities. Council has always had the option of reallocating the priorities in the Urban Strategy within the parameters set by DIPNR.

Any attempt at re-allocation will be problematic given the expectations of those landowners already in the strategy and the fact that it is a relatively small “pie” to be shared. There will be difficulties ensuring that any redistribution is equitable, as well as ensuring that the “pie” is not cut so thinly as to become financially unviable for everyone. However Council could write to each of the landowners involved inviting them to submit an estimate of the minimum number of lots that would be viable for development of their land to proceed before it makes a final a decision on any possible redistribution of the quota.

Recommendation (PLA22)

That Council:

- 1 Note the information in DIPNR’s letter.
- 2 Write to each of the landowners involved inviting them to submit an estimate of the minimum number of lots that would be viable for development to proceed in their area.

Report

Subject	Draft Lismore Regional City Plan
File No	S4
Prepared by	Strategic Planner
Reason	Preparation of the draft Regional City Plan
Objective	Council's endorsement to exhibit the draft Plan
Strategic Plan Link	Economic Development
Management Plan Activity	Strategic Planning

Overview of Report

This report seeks Council's endorsement to exhibit the draft Regional City Plan. The Plan identifies land in Lismore that has potential for residential, industrial and commercial development. The Plan also identifies road infrastructure and open space requirements that will be needed to service that development.

Background

Council adopted its Strategic Plan 2004 – 2012 in December 2004. The Strategic Plan identifies six strategic priorities that emerged from consultations with the community. A range of initiatives for achieving these priorities was also identified.

A key aim of the Strategic Plan is to promote Lismore's role as a regional centre. In order to maintain and enhance its regional city status, Lismore must have sufficient land set aside to cater for future residential, commercial, industrial and recreational needs. It is also important that Council plans for an integrated road system that meets the future needs of growth and development in an environmentally, socially and economically sustainable manner.

This plan - called the Regional City Plan - focuses on those priorities in the Strategic Plan that relate directly to land use planning. It identifies land that could potentially meet Lismore's long-term residential, commercial, industrial and recreational needs. The Regional City Plan differs from other Council plans and strategies in a number of ways. Unlike the Urban Strategy it has a timeframe of 20 years or more. It provides a guide for landowners seeking future rezoning for industrial and commercial purposes, however it does not provide a statutory basis for the lodgement of rezoning submissions for residential development. Rather it is intended to give expression to Council's vision for the future development of Lismore and the road and open space infrastructure that will be required to service new development.

The Regional City Plan identifies at a conceptual level where future road networks will be required to service residential, industrial and commercial areas. Areas are identified where further investigations of route options will be necessary. All route options identified in the Plan will require detailed assessment of environmental, social and economic factors prior to finalization of those routes.

A number of actions are identified which aim to achieve the vision set out in the Plan. The Plan also allocates a priority to those actions on the basis of the anticipated timing of the proposed release areas and other works.

It is envisaged that the Regional City Plan will dovetail with the proposed new Far North Coast Strategic Plan currently being prepared by the State Government. The Regional City Plan demonstrates that Lismore has the capacity to grow and develop and this will help to reinforce its role as the regional centre. It also provides a platform for drafting a new LEP for Lismore under the proposed State Government planning reforms. A copy of the draft Regional City Plan is attached separately to this report.

Comments

Financial Services

Not required.

Other staff comments

City works has been consulted during the preparation of the Regional City Plan.

Public consultation

Components of the Regional City Plan are an outcome of the public consultation process that commenced in 1996 with the 2020 Strategic Plan and was updated by the “Community Directions” process in 2003. The latter process involved five focus groups and over sixty participants culminating in the public exhibition of the Strategic Plan 2004 – 2012 and its adoption by Council in December 2004.

The Regional City Plan, with its focus on land use planning, is the first of the new plans to flow from the Strategic Plan. The concepts that underpin the Plan were the subject of a Councillor workshop held in October 2004. It is now recommended that the draft Regional City Plan be placed on public exhibition for an extended period of three months and that during that time, interested organisations such as Lismore Unlimited, LEDAP and the Real Estate Institute be sent copies of the Plan together with an invitation to attend a presentation on the Plan.

Recommendation (PLA21)

That Council place the draft Regional City Plan on public exhibition for a period of three months.

Report

Subject	Draft Development Control Plan No. 48 – Land at West Goonellabah
File No	S897
Prepared by	Strategic Planner
Reason	Close of exhibition period.
Objective	Council's resolution to adopt the DCP.
Strategic Plan Link	Quality of Life
Management Plan Activity	Strategic Planning

Overview of Report

This report summarises the outcome of the public exhibition of draft DCP 48 for undeveloped land located between Southern Cross University and Invercauld Road and recommends that the DCP now be adopted.

Background

At its meeting of December 14, 2004 Council resolved to exhibit a draft Development Control Plan (DCP 48) for the undeveloped 2(a) Residential lands located between Invercauld Road, Cynthia Wilson Drive, Southern Cross University and Ballina Road.

A site specific DCP for the area was considered desirable given that the lands are impacted by a number of constraints including slope, koala habitat, bushfire hazard and stormwater issues. As a number of landowners are involved, a co-ordinated approach to subdivision layout is required. The draft DCP provides for a link road connecting Parkwalk Drive and Kellas Street in the north to Highfield Terrace and Cynthia Wilson Drive in the south. This will provide an acceptable access and egress for the site as the current standard of the intersection at Invercauld Road and Ballina Road is unsatisfactory and unable to accommodate additional traffic generated by new development in this area.

A copy of the draft DCP as exhibited is attached.

Comments

Financial Services

Not required.

Other staff comments

City Works, Lismore Water and Council's Environmental Health Section were consulted throughout the preparation of this DCP.

Public consultation

The draft DCP was placed on public exhibition from January 24 to March 21, 2005. A copy of the draft Plan was also sent to all landowners within the DCP area.

One submission was received in response to the public exhibition. The submission, from the Friends of the Koala, supports proposals in the Plan to protect koala habitat. Because the area contains important koala habitat, and number of dog attacks on koalas have involved koalas entering fenced yards where the dog is restrained, the submission states that the only effective way to address this issue is to have a 'dog free' covenant in the area. The submission also suggests that roads be traffic calmed to reduce vehicle speeds to less than 40 kph.

It is acknowledged that even where dogs are restrained in a yard, they will impact on koalas if koalas manage to enter the yard. Excluding koalas from fenced yards can be difficult especially where there are existing trees and people plant additional shrubs and small trees in their garden. The draft DCP requires that all development must include measures to minimise the threat to koalas through prohibitions or restrictions on dog ownership. Given the high habitat values of this particular site, a prohibition on dog ownership may be more appropriate than providing the option of "restrictions". This is accepted practice in other areas where development has been carried out adjacent to important koala habitat. It can be achieved through conditions of subdivision consent and covenants on the title of blocks.

With regard to the road design and vehicle speed, all residential roads should be designed so as to create a safe environment not just for koalas but for children and the elderly as well. The accepted safe speed limit for suburban streets is 50 kph. Road fatalities involving koalas will be minimised providing the road design incorporates appropriate sight stopping distances for 50 kph and providing vehicle speeds do not exceed that limit. It is appropriate that roads be designed to have regard to these factors and that traffic calming devices be incorporated into the road design to keep vehicle speeds to 50 kph.

Conclusion

The points raised in the submission from the Friends of the Koala in relation to prohibiting dog ownership and speed control through traffic calming are considered to be supportable in view of the high koala habitat values of the site. It is therefore recommended that the draft DCP be amended to clearly state that future proposals should provide for a prohibition on the keeping of dogs in the area and that the design of roads is to incorporate traffic calming measures designed to restrict vehicle speeds to 50 kph.

Recommendation (PLA24)

That Council:

- 1 Adopt draft Development Control Plan No 48 as exhibited, but including the following:
 - a prohibition on the keeping of dogs in future subdivisions and developments in the area, and
 - a requirement that all roads are to incorporate traffic calming measures designed to restrict vehicle speeds to 50 kph.
- 2 Give public notification of its adoption in accordance with the Environmental Planning and Assessment Regulation 2000.

Report

Subject	Draft amendment No 7 to DCP 26 – Industrial Development Standards
File No	S545
Prepared by	Strategic Planner
Reason	Close of exhibition period
Objective	Council's resolution to adopt the draft DCP amendment
Strategic Plan Link	Economic Development
Management Plan Activity	Strategic Planning

Overview of Report

This report summarises the outcome of the public exhibition of draft Amendment No 7 to DCP 26 relating to the airport industrial estate and recommends that the DCP amendment now be adopted.

Background

At its meeting of February 8, 2005 Council resolved to exhibit an amendment to Development Control Plan (DCP) No. 26 - Industrial Development Standards - to include specific controls on future development of Council's airport industrial estate

LEP Amendment No.16, which rezoned the site to 4(a) Industrial, was gazetted on March 11, 2005. Following Council's adoption of the DCP amendment, a Development Application for subdivision of the land can now be determined.

The amendment contains site specific controls pertaining to storm water management, landscaping and flood related issues. Such controls will apply at the subdivision stage as well as to 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. There are limits to the amount of fill that can be placed on each of the 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 need to be aware of restrictions that apply to filling through the DCP.

The amendment also brings DCP 26 into line with the requirements for industrial development on flood prone land in DCP 7 (Flood Prone Lands).

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

Comments

Financial Services

Not required.

Other staff comments

City works and Council's Environmental Health Section had input into the preparation of the DCP amendment.

Public consultation

The draft DCP amendment was exhibited from February 21 to March 21, 2005. No submissions were received in response to the public exhibition.

Recommendation (PLA23)

That Council:

- 1 Adopt amendment No. 7 to DCP 26 as per the attachment.
- 2 Give public notification of its adoption in accordance with the Environmental Planning and Assessment Regulation 2000.

Report

Subject	Footpaths and Cycleways
File No	S342
Prepared by	Manager – Roads and Parks
Reason	Request from Council, Resolution No. 169/04, Item 3.
Objective	To provide Council with an update on the priorities and funding levels necessary for the footpath and cycleway network.
Strategic Plan Link	Infrastructure
Management Plan Activity	Urban Roads

Overview of Report

The report examines the funds required to bring Council's current footpath network up to a satisfactory standard and also the cost to expand the network to provide a desirable footpath network. The cost for these two standards is \$1.5M and over \$17.0M respectively. Both options are over current funding levels. Priorities and funding levels are recommended for consideration.

Background

Following a Supplementary Budget Workshop regarding the 2004/05 Management Plan, Council at its ordinary meeting held on September 14, 2004 resolved that -

"....3. City Works prepare a report for Council on a review of our footpath/cycleway plan and prepare a report on priorities and funding levels."

Council has previously recognised *"that adequate footpaths and cycleways are both essential for residents to participate fully in community life and to encourage alternatives to the use of cars, which in itself has important environmental and social outcomes including reducing demands for carparking infrastructure"*.

The issue of providing new footpaths should not be viewed in isolation. The need to maintain, replace and improve access and mobility of the existing footpath network must also be considered. Maintenance, replacement and improvement all impact on the budget required to provide a safe, satisfactory and sustainable footpath network.

Works required

1. Replacement of existing footpaths

Like all assets, footpaths have a limited life. If it is assumed footpaths have a life of approximately 50 years, therefore Council should budget to replace 1/50th (= 2%) of the network per year.

There is approximately 73km of existing footpath at an estimated replacement cost of \$10,220,000. One-fiftieth of this amount is approximately \$200,000 per year.

Inspection of the existing footpath network has found there is a large backlog of footpaths requiring replacement. The list of works has been estimated and prioritised. The value of outstanding work is estimated to be \$1.2 Million.

2. Repairs and Maintenance

In addition to replacement of footpaths at the end of their life, repairs and maintenance are also necessary to ensure the full life is reached.

Repairs and maintenance are required due to activities such as overloading damage, tree root damage, settlement of the subgrade, undermining, etc.

As part of Council's Footpath Risk Management Strategy a survey of all footpaths has been undertaken. Over 2,545 defects were identified. The estimated cost to rectify these defects is \$242,000.

3. Pedestrian Access and Mobility Improvements

The existing pedestrian network requires engineering works to provide a satisfactory level of access and mobility to pedestrians. Typical works include providing wheel chair friendly kerb crossings, providing pedestrian refuges, installing signage, providing fencing and bollards, etc.

Council's Pedestrian and Mobility Plan (PAMP) has identified a prioritised list of required projects. The estimated cost of these works is over \$1.5 Million.

4. New Footpaths and Cycleways.

The community has indicated it would be desirable to have more footpaths and cycleways. There are many areas within Lismore where the existing footpath network is inadequate.

Before Council builds new footpaths, the above issues of replacement, maintenance, repairs and mobility improvements of the existing network should be under control from a budgetary, sustainability and risk management perspective.

Also, in some areas of Lismore the other infrastructure within the road reserve, including the pavement and drainage, are in such poor condition it is not appropriate to invest in new footpaths. A new road design may require extensive reshaping of the footpath area. If a new footpath on the existing natural surface has been installed it may limit future road design options which may result in a less than optimal design or the need to replace the new footpath.

Some assumptions are required to determine the overall quantity of footpaths desired. The following assumptions have been made -

Street Type	Max Traffic Volume	Footpath Desired
Local Road	< 1,000	Footpath one side of road along half of roads
Collector	1,000- 2,000	Footpath one side of road
Arterial and Sub-Arterial	> 2,000	Footpath both sides of road

Using the above assumptions on Lismore's existing road network the total desirable length of footpath can be estimated -

Street Type	Length of Road	Length of Footpath Desired
Local Road	157	79
Collector	30	30
Arterial and Sub-Arterial	33	66
TOTAL		175km

If the existing length of footpath (73km) is subtracted from the total desirable length of footpath (175km), the shortfall or additional new footpaths desired can be quantified (ie, 102km).

The estimated cost of desirable additional new footpaths is \$14.3 Million.

The above analysis is for the Lismore urban area only. Additional funds would be required to address rural and village areas.

Priorities and Funding

Council's first priorities for reasons of public safety and risk management should be to repairs, maintenance and replacement. Next priority is improvements to access and mobility then to new footpaths.

The sources of funding outside Council cannot be ignored and must be taken into account when setting priorities. The NSW Roads and Traffic Authority (RTA) contributes 50% of funding to cycleways and pedestrian access and mobility projects. These projects are half price to Council and are seen as good value, therefore matching funds are typically provided by Council.

Priorities within project areas are set using risk management criteria. These areas include repairs, maintenance, replacement and PAMP.

Priority systems could be improved for new works including footpath and cycleway construction. Currently there is a cycleway plan which has been approved by Council and the RTA. Typically sub-networks in areas of Lismore are slowly expanded with funds being shared between Goonellabah and East Lismore of recent times. The cycleway plan is quite old and in need of review. A budget submission for the review and upgrading of the cycleway plan will be submitted as part of the upcoming budget process. Proposed cycleway projects are submitted as part of the budget each year.

The footpath construction programme of recent years has largely been used for repairs and replacement of existing footpaths. Therefore until additional funds are allocated specifically towards new footpaths, a detailed priority system is not needed.

Recommended Additional Funding

A summary of the cost to provide a satisfactory footpath network compared to Council's current funding and the resultant shortfall is shown below -

Footpath/ Cycleway Works required	Total Cost of Desired Works (\$)	Recommended Funds Required per Year by LCC over next 5 years (\$)	Existing Recurrent Council Funding (\$)	Shortfall (\$)
Replacement Programme - Ongoing	200,000 pa	200,000	0	200,000
Replacement Programme - Backlog	1,206,000	240,000	97,900	142,100
Repairs & Maintenance - Ongoing	50,000 pa	50,000	0	50,000
Repairs & Maintenance - Backlog	242,000	48,400	87,000	-38,600
New Footpaths / Cycleways	14,280,000	31,200	31,200	0
Improve Pedestrian Access and Mobility	1,548,000	23,000	23,000	0
TOTAL	\$17,526,000	\$686,200	\$239,100	\$353,500

The "Recommended Funds Required per Year" shown in the table above are derived from the following assumptions –

- Replacements represent the backlog funded over a 5-year period and ongoing replacement of 2% of the network per year (50-year life)
- Repairs and maintenance – the backlog funded over five years and ongoing maintenance of 0.5% of the replacement cost of the network
- New footpath / cycleways are not funded for the next five years only matching funds provided by the RTA for cycleways and PAMP is funded at a rate to match the RTA's contribution (current year \$31,200 + \$23,000).

The total shortfall in funding between the recommended level and current levels is \$353,500 pa.

Comments

Financial Services

Based on the information provided, Council currently 'short funds' the repairs, maintenance and replacement of the existing infrastructure by an estimated \$350,000 per annum. It is agreed that from a priority perspective, if additional funding is allocated it should firstly be applied to existing infrastructure rather than new infrastructure.

In regards to the provision of new footpaths and cycleways, consideration must be given to ensure that the proposed works are essential as in the long run they will impact on Council's maintenance budget. It is simply not sustainable to provide new infrastructure and not adequately fund its long-term repair, maintenance and replacement.

The consideration of a budget submission for this purpose, with all other submissions, during the Management Plan process is supported.

Other staff comments

Comment from Administrative Services Manager

This Council has been very proactive over recent years to ensure that its footpath network is being continually renewed. The problem we face is that the asset had been allowed to deteriorate to a point where considerable funds are required to bring it up to a suitable standard.

In October 2001 Council adopted a policy entitled Footpath/Cycleway Risk Management. Since this time Council has conducted regular inspections of its networks and developed consequential works programmes targeting the jobs with the highest risks. This inspection programme has reached a high level of sophistication using computer software.

In 2002/03 Council included in its budget an amount of \$100,000 specifically to fund this systematic maintenance. The hope was that if this funding could be maintained for five years the network would be free of "trip points". Regrettably the five-year programme has not eventuated. The annual allocation is now down to \$70,000.

On the positive side, the inspection system and resultant works programme has significantly reduced the number of footpath complaints and claims lodged with Council.

Community Services

During the consultations for Council's Social and Community Plan, the issue of footpaths came up for just about each target group:

Children: Improve Footpaths - Good footpaths were identified as a priority for families with prams and young children to ensure families have access to parks, services and facilities in the LGA. This is also an important health issue, with the recent focus on increasing levels of childhood obesity. In some areas, footpaths need maintenance, and in others, footpaths need to be built to ensure safety of pedestrians.

Strategy: To re-visit the footpath plan and liaise with City Works. Provide and maintain footpaths to parks to ensure access to parks and services.

Older People - Pedestrian Access - Walking is the only form of physical recreation for many older people. Some people avoid walking in certain areas because of the poor state of, or non-existence of footpaths.

Strategy: Annual footpath planning/building.

People with a Disability - Physical access to premises is an ongoing issue. People who use scooters and wheelchairs also require improvements to footpaths.

Strategy: Update/review the Disability Action Plan annually (this plan has improvement and building of footpaths as an item).

Culturally and Linguistically Diverse People - Improve footpaths and increase neighbourhood parks. Many community members do not have access to a private vehicle, which restricts their access and mobility and increases their reliance on public transport, walking and cycling.

Strategy: A key strategy is to "seek funding through future management plans". Revisit footpath plan and liaise and discuss with City Works.

Additionally, anyone who doesn't drive or who don't have cars, eg, young people, people with a disability, parents with prams, require footpaths. It was an issue consistently raised throughout the Social and Community Plan consultation process.

Priority should not just be given to maintaining the old footpaths but in building new footpaths, eg, connecting to say parks, essential services located in the CBD.

It is recommended that a certain amount of new footpath be built each year. The process for this could be along the lines of how the prioritisation was made for the maintenance of footpaths. It is further recommended that funding be applied for from the RTA for shared footpaths/cycleway.

Public consultation

The development of the Pedestrian Access and Mobility Plan (PAMP) and the Cycleway Plan were developed with input from the community. An updated Cycleway Plan will go through another round of consultation to ensure as much as possible that cycleways provide for the community's needs.

Any extensive footpath construction programme would also require extensive consultation.

Conclusion

To bring Council's footpaths up to a desirable standard, over \$17.0M is required –

- \$14,000,000 is required to provide new footpaths and cycleways
- \$ 1,200,000 is required to address the backlog of footpaths needing replacement
- \$ 242,000 is required to fix necessary repairs and there is over \$1.5M worth of desirable improvements for access and mobility.

Additional funds on top of this would be required to address rural and village requirements.

Clearly this is beyond Council's current resources. There is a need to prioritise works. To bring Council's existing network up to a satisfactory level, the backlog of replacement and repairs must first be addressed.

The "Recommended Funds Required" gives priority to repairs and replacements of the existing footpaths (both for addressing the current backlog and providing sustainable funding for ongoing maintenance).

There is a shortfall between existing funding and that recommended of \$353,500.

After a 5-year period the backlog of work will be completed then the existing footpaths will be in satisfactory condition and only \$250,000 per year is required to maintain this standard. Council can then look forward to investing in new footpaths and raising the overall standard of service for the community.

Recommendation (WOR2)

1. That Council notes that to bring our existing network up to a satisfactory standard, approximately \$1.5 Million is required, to expand the network to the desired standard over \$17.0 Million (2005 dollars), is required.
2. That during the next budget session Council examine ways to fund an additional \$350,00 per year for footpath works.

Report

Subject	Crime Prevention Plan
File No	S717
Prepared by	Community Services
Reason	To identify future directions and develop crime prevention strategies to be implemented in Lismore between 2005-2009
Objective	That Council endorses the amended Crime Prevention Plan
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

The draft Crime Prevention Plan 2005-2009 was endorsed in principle by Council at the November 2004 meeting and placed on public exhibition for a period of 42 days. The feedback received during that period of time has been incorporated into the Plan that is now resubmitted for final endorsement.

Background

To develop the Crime Prevention Plan in accordance with the Attorney General's Department's funding agreement, a specific model of development needs to be followed. Crime Prevention Plans that meet the Attorney General's model requirements can be endorsed as "Safer Community Compacts".

Having its initial Crime Prevention Plan endorsed by the Attorney General has enabled Council to access the Safer Communities Development Fund for the last five years. The Fund has been established to provide financial assistance to resource crime prevention strategies.

The first Crime Prevention Plan has been fully implemented and independently evaluated by Southern Cross University, with a recommendation for the continuation of crime prevention initiatives by LCC.

The Lismore Crime Prevention Plan has the overall aim **'to create a safer environment for all members of the community in the Lismore Local Government Area'**.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

There were two submissions received during the 42 days the plan was on public exhibition.

The first submission was a recommendation included in a review of the Jungle Patrol Community Safety Street Beat Program undertaken by the Regional Co-ordinator, North Coast Office of the NSW Premier's Department (Dec 2005).

Recommendation 7 of the said report is that “LCC be approached to include community safety initiatives in Nimbin (including Jungle Patrol Community Safety Street Beat Program) in the current Lismore City Council Crime Prevention Plan. An amendment reflecting this recommendation has been included as Project 12 – Rural villages and communities, on page 23.

The second submission was a letter from Northern Rivers Area Health Service (NRAHS), requesting more recognition for the work done by NRAHS in the field of community safety. A new paragraph was added under “Strategic Partnerships” on page 13 referring to ongoing partnership with NRAHS.

Conclusion

Endorsement of the amended Crime Prevention Plan by Lismore City Council is essential to addressing the social issues that give rise to crime and antisocial behaviour in our city.

Recommendation (COR09)

That Council endorse the (amended) five year Crime Prevention Plan 2005/2009.

Report

Subject	Application to close part of Gordon Blair Drive, Goonellabah – Goonellabah Leisure Centre
File No	R6575:S736:T25005
Prepared by	Manager Special Projects and Properties
Reason	To adjust property boundaries to facilitate Goonellabah Leisure Centre
Objective	To obtain Council resolution to road closure
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

Council is closing the unformed part of Gordon Blair Drive and providing an alternative road reserve approximately 40m to the west.

Background

Council has continued to work towards the issue of a tender for the construction of the Goonellabah Leisure Centre. Ancillary to the actual building but essential to the overall site works will be the construction of carparking areas, a skateboard bowl, Tucki Tucki Creek rehabilitation and site landscaping.

To accommodate these works on the site, Council has continued to negotiate with the adjoining land owners. These negotiations have been in accordance with Council's resolution of August 2001 and are nearing a conclusion. Consolidated Properties advised Council in February 2005 that *"further to past correspondence regarding the possible release of part of our land, being Lot 631 on DP810600, for the purposes of a roadway for the proposed Goonellabah Leisure Centre. We are in principle willing to finalise the transfer of the parcel, estimated to be approximately 2000m² in area, including the potential timing, costs and any other matters that may be applicable."*

To facilitate the proposed boundary adjustment it will be necessary to close part of the existing Gordon Blair Drive. The section of Gordon Blair Drive that is to be closed will be compensated for by the dedication of an alternative road reserve westerly of the current reserve on the Consolidated Properties land. This new road reserve will:

- a) ensure that Consolidated Properties retains road access on its eastern boundary;
- b) serve as a through traffic link between Ballina Road and Oliver Avenue, thereby ensuring that through traffic will not use neither Simeoni Drive or the proposed Leisure Centre Access road.

Comments

City Works

Traffic Engineers (Gennaoui Consulting) have carried out revised traffic modelling for roads in this area and advise that it is necessary to make provision for Gordon Blair Drive to be constructed to a minimum standard of two through lanes plus parking.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

The proposed road closure is consistent with prior Council resolutions in respect to the Goonellabah Leisure Centre and is necessary to allow the project to progress.

Recommendation (GM02)

- 1 That the application to close the southern part of Gordon Blair Drive, the subject of this report, be endorsed by Council and lodged with the Crown for gazettal as operational land.
- 2 That the General Manager and Mayor be authorised to sign and affix the Council seal to all documents necessary to give effect to the above resolution.

Report

Subject	Proposed renaming of part of Gordon Road, Koonorigan
File No	R3102
Prepared by	Manager Special Projects and Properties
Reason	Request by local residents
Objective	To obtain Council's resolution to rename part of Gordon Road Koonorigan
Strategic Plan Link	Infrastructure
Management Plan Activity	Roads

Overview of Report

Council is clarifying the residential address of properties southerly of No. 133 Gordon Road, Koonorigan by renaming this section of the road to Gordon Road South.

Background

Gordon Road, Koonorigan passes in a general north south direction between Koonorigan Road and Hayden Road. The road is unformed between No. 133 and No. 204. Since vehicles are unable to traverse this section of road, residents from No. 204 north must access their properties from Koonorigan Road, while residents from No. 133 south, must access their properties from Hayden Road.

Last year Council was contacted by residents in the southern part of Gordon Road who highlighted the difficulty visitors had in determining how to access their properties. This was particularly relevant to delivery and emergency vehicles. Council was asked to consider what opportunities there were for clarifying the addresses of those residents living on the southern side of the unformed section of Gordon Road.

Following consultation with residents and City Works, it is proposed that that part of Gordon Road which is accessed from Hayden Road be renamed Gordon Road South.

Comments

City Works

No comment.

Other staff comments

Not required.

Public consultation

The road renaming proposal was advertised and placed on public notification for 30 days. In addition to this, letters outlining the proposal were sent to the 11 residents whose properties front the subject section of Gordon Road and several statutory bodies.

Council received two letters and several telephone calls supporting the proposal. No letters of objection were received.

Conclusion

The power to name public roads is vested in Council under the Roads Act providing certain procedures are followed. The proposed road renaming outlined in this report is in response to a local community difficulty and has received support.

Recommendation (GM01)

That:

- 1 Pursuant to Section 162 of the Roads Act 1993, Council rename that part of Gordon Road northerly from its intersection with Hayden Road northerly to, and including residence No. 133 as Gordon Road South.
- 2 Relevant authorities and residents be notified accordingly together with a formal notice being placed in the NSW Government Gazette.

Report

Subject/File No	Purchase of Council Plant – Excavator for Quarry
File No.	T25013
Prepared by	Fleet Manager
Reason	To inform Council of the purchase by open tender of a major plant item.
Objective	To seek Council's approval for the purchase of one (1) new 33 Tonne (Approx.) Excavator for LCC's Quarry
Strategic Plan Link	Infrastructure
Management Plan Activity	1.12 - Plant Operations

Overview of Report

This report recommends the purchase of 1 additional excavator for production activities at Lismore Council's Northern Rivers Quarry. The recommended plant is a Caterpillar 330CL purchased from Westrac for \$362780 (incl. GST)

Background

Tenders closed on December 21, 2004 for the supply of one (1) new 33 tonne approximate operating weight excavator, which will be stationed at the Council Quarry, Blakebrook. This machine will be used for loading of 'raw shot rock' on the quarry floor and occasional stripping of overburden.

Current operation at the quarry utilises the following mobile machinery:-

- 32 tonnes payload quarry dump truck used for hauling raw material from the quarry floor to the processing plant.
- 16 tonnes operating weight 'face loader' used for loading the raw material onto the dump truck.
- 16 tonnes operating weight 'stockpile/sales loader' used for loading trucks with the stockpiled finished products (aggregate, pre-coat, metal dust, roadbase, etc.).
- 8 tonne operating weight loader used to fill conveyor bins used to load the 'hot mix plant'.
- 30 tonnes operating weight dozer used for stripping the overburden material prior to drilling for explosive charges.

During the last 12 months the quarry management has trialled alternate methods of production by purchasing an older Council 24 tonne excavator for stripping overburden and loading the dump truck with raw material at the quarry floor, this trial proved to be successful so a 33 tonne excavator was hired for 6 months to further prove that this method of operation is successful.

As a result of this trial, the dozer has been shipped to the waste facility in Wyrallah Road, along with the older 24 tonnes excavator, where they are used for stripping and reclaiming gravel to use as cover on the tip face and the hired 33 tonne excavator has been retained until this tender is complete.

The results of the 33 tonne machine have shown that productivity can be improved by using alternate work methods, and with the proposed upgrade to the crushing plant, the faster loading cycle times will be a necessity, rather than preferred.

There are many different types of excavators of the required size on the Australian market, with the following being offered in this tender:

Full technical and tender evaluation details are also listed in the attachments marked as ‘Attachment A & B – Tender T25013

	Excavator make	Supplier
1.	Sumitomo SH330-3	BT Equipment of Rocklea Qld
2.	Sumitomo SH330LC-3	BT Equipment of Rocklea Qld
3.	Volvo EC330B	CJD Equipment of Acacia Ridge Qld
4.	Hitachi 330LC	Hitachi Construction Machinery Aust of Rocklea Qld
5.	Hitachi ZX350*****	Hitachi Construction Machinery Aust of Rocklea Qld
6.	Kobelco SK330LC-6	Chesterfield of Acacia Ridge Qld
7.	Komatsu PC300LC-7	Komatsu Australia of Rocklea Qld
8.	Case CX330	McDonald Murphy of Rocklea Qld
9.	Caterpillar 330CL	Westrac of Grafton NSW
10.	Caterpillar 330CL (Low hours machine)	Westrac of Grafton NSW

All 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), Phil Klepzig (Quarry Manager & Acting Waste Manager), Andrew Ritchie (Acting Quarry Manager) and Quarry operators 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 excavator evaluations are listed in ‘Attachment B’

Key Points to Consider:

- Best loading cycle times for operational needs.
- Purchase best possible machine to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer, especially for single production machinery.
- Operator comfort with ‘Ergonomic Design’ and operating considerations (OH&S).
- Ability to keep machine working with minimal maintenance and repair time.
- Functionality of machine to load raw material at quarry face and stripping overburden duties.
- Complete warranty on machine.

Summary of the Evaluation

Evaluation Criteria	Evaluation Total %
<u>BT EQUIPMENT</u> <i>Sumitomo SH330-3</i>	87.4%
<u>BT EQUIPMENT</u> <i>Sumitomo SH330LC-3</i>	85.1%
<u>CJD EQUIPMENT</u> <i>Volvo EC330B</i>	78.4%
<u>HITACHI CONSTRUCTION MACHINERY</u> <i>Hitachi 330LC</i>	87.7%
<u>CHESTERFIELD</u> <i>Kobelco SK330LC</i>	70.7%
<u>KOMATSU AUSTRALIA</u> <i>Komatsu PC300LC</i>	86.8%
<u>HITACHI CONSTRUCTION MACHINERY</u> <i>Hitachi ZX350H</i>	86.5%
<u>McDONALD MURPHY</u> <i>Case CX330</i>	70.8%
<u>WESTRAC</u> <i>Caterpillar 330CL (Used)</i>	88.2%
<u>WESTRAC</u> <i>Caterpillar 330CL (New)</i>	88.5%

Other Group Comments

Group Manager – Business & Enterprise

The use of the excavator on the site was undertaken as a trial to ascertain the potential to reduce hire costs for contract excavators and to improve productivity through loading and some overburden removal. The trials have shown that the excavator is more versatile and efficient in loading than the existing loaders historically used. The excavator is not as mobile and this has seen increased utilisation of the sales loader.

The overall outcome of the trials to date has shown that the operations can be more productive while reducing operating costs through the inclusion of this plant in the quarry fleet. As a consequence of this it is proposed to rationalise the number of loaders and the proceeds of any sale will be ultimately offset against the cost of the excavator. This would be expected to be in the order of \$70,000.

With regard to the actual item of plant chosen the Caterpillar is seen to be the best plant in these conditions from a tender conformance and capability perspective. This overcomes the limitations with regard to the price. The used Caterpillar plant was thoroughly considered however this plant has a limited warranty compared to the new plant and this limitation is critical in an operating environment where reliability is essential.

On this basis I support the recommendation.

Manager – Quarry

The use of the excavator to load from the shot rock muck pile has proven very successful reducing turn around times for the haul truck, improving safety, reducing stress on machinery and staff, reducing running costs and increasing versatility. Prior to this trial a contract excavator had been hired on an almost continual basis to carry out drainage, development and stripping works.

Over the last few months staff have reviewed the performance of five excavators at the Blakebrook Quarry site. They have ranked the machines from best performance as – Caterpillar, Hitachi, Komatsu, Sumitomo, and Volvo.

This ranking is based on ability to dig, loading cycle times, stability on the muck pile, ease of operation, operator comfort and overall impression.

The experience with other equipment at the quarry in recent years would rank on site service and spare parts capabilities as - Caterpillar, Hitachi, and Komatsu.

For my part it is a close call between the Caterpillar and the Hitachi. Both machines could do the job. In the end I am recommending the Caterpillar because:

- ❖ Slightly better operational performance in the trials
- ❖ Track record with Cat equipment backed by Westrac's huge commitment to spare parts and service
- ❖ Slightly better cycle times will become an issue when the plant upgrade proceeds and there is a second haul truck in play
- ❖ Operator functionality and performance preference.

Manager-Finance Comments

"There are sufficient funds within reserves available to fund the purchase of this additional excavator. There will no impact on the operating surplus"

Conclusion

The quarry operation of Lismore City Council (Northern Rivers Quarry) have played an important function within Council and general retail sales for many years, the demands for increased productivity are noted by quarry management and the purchase of this machine will, in fact, help to increase the production flow, especially with the feed of raw 'shot rock' from the quarry face to the primary crusher.

Particular note of this was taken by the quarry staff evaluations. As this machine will be the **only** machine loading 2 dump trucks eventually, the need for reliability and product support is critical. Consultation with the users of these machines (Northern Rivers Quarry & Asphalt – Business & Enterprise Group) resulted in the replacement machine to be the machine that will give the highest productivity and product support from the supplier.

There were many productivity figures given by suppliers which is why a short list was made and those machines actually worked in the LCC quarry for a set given time-frame where digging capabilities, loading cycle times, stability, fuel consumption and operator comfort/visibility/operation were all considered and evaluated.

While the original purchase cost of the machine is important, the operational needs are also important, and as the lifespan of these machines with Lismore City Council will be a minimum of 5-6 years, the ability to be able to use the machine for those years with minimal interruptions is paramount.

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, Business & Enterprise – Quarry section and LCC Fleet staff have inspected the machines that were short-listed by Quarry staff & Management. All of those staff and users who inspected those machines available were convinced that the Caterpillar 330CL is the better purchase for the LCC application as required.

Recommendation (GM06)

Council purchase one (1) only **New Caterpillar** excavator as tendered (T25013) from **Westrac, Grafton NSW** for the cost of \$362,780.00 including GST.

Report

Subject	March 2005 – Investments held by Council
File No	S178
Prepared by	Principal Accountant
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	Leadership by Innovation
Management Plan Activity	Financial Services

Overview of Report

Council investments as the 24th March 2005 total \$36,407,236 subject to the final values of funds held under Managed Funds being advised shortly.

Interest rates reported over the period of March 2005 are 6.02% in comparison to 5.91% for March 2004.

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

- | | |
|---|--------------|
| <i>Confirmation of Investments – 28th February 2005</i> | \$34,864,080 |
|---|--------------|

The amount is higher than the estimate reported for February 2005 due to additional valuation movements in funds held under Managed Funds and investments maturing. Actual interest returns for February increased to 6.02% from the reported rate of 5.86%
- | | |
|--|--------------|
| <i>Estimate of Investments – 31st March 2005</i> | \$36,407,236 |
|--|--------------|

Some variation is expected on the final balance of Managed Funds. The final valuation of these funds is not made until after the end of the month. The current rate of return on investments for March 2005 was 6.02% compared to 5.91% for the same period last year. Indications are that general rates will strengthen in April 2005.

A summary of Council's investments in graphical form has been included as 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, Local Government (Financial Management) Regulation 1999 and Council's investment policies.

Recommendation

The report be received and noted.

Report

Subject	Delegations under the Food Act 2003
File No	S222
Prepared by	Environmental Health Officer
Reason	New powers and functions under the Food Act 2003
Objective	To seek a resolution by Council to delegate to the General Manager powers under the Food Act 2003.
Strategic Plan Link	Economic Development
Management Plan Activity	Commercial Premises Management

Overview of Report

The Food Act 2003, which commenced in February 2004 contains a number of new powers and functions including the service of prohibition orders and the appointment of authorised officers.

The NSW Food Authority has notified councils that the legality of the service of prohibition orders and the appointment of authorised officers delegated to the General Manager will only be valid by council resolution.

In addition, the Food Authority advised that the Food Regulation 2004 prescribes the Director-General as the "appropriate enforcement agency" for the purposes of the Food Standards Code. The Director-General has exercised his power of delegation to the general manager of a local council with respect to certain functions of the Food Standards Code. To access this delegation, Council must advise in writing that the Council consents to delegation of the functions, and approves the delegation specifically to the General Manager.

Background

NSW Food Authority and Food Act 2003

The Food Act 2003, which commenced in February 2004 contains a number of new powers and functions, including the service of prohibition orders (section 60) and the appointment of authorised officers (section 114).

A Prohibition Order can be issued if an Improvement Notice has not been complied with, to prevent or mitigate a serious danger to public health, if the premise is unclean/unfit, or if the Food Standards are not being complied with. The Prohibition Order generally takes the form that: food for sale is not permitted to be handled on a premises, part of a premises, or vehicle, or that specified equipment is not to be used in relation to food for sale. Penalties have been substantially increased up to \$50,000 in the case of an individual to \$250,000 in the case of a corporation.

The NSW Food Authority has notified councils that the legality of the service of prohibition orders (section 60), and the appointment of authorised officers (section 114) being exercised by the general manager of a local council is in question.

The doubt was raised due to debate surrounding Section 110(2) of the Food Act, which states that functions conferred on an enforcement agency (ie council) cannot be delegated. The Food Authority

sought legal advice and it has been determined that Section 377(1) of the Local Government Act allows the governing body (i.e. the Councillors) to **resolve** to delegate such functions to the general manager. Delegation to the general manager is only valid by council resolution. Therefore, to ensure the legality of implementing such functions, the Food Authority has advised councils, pursuant to Sections 377 and 378 of the Local Government Act, to resolve to exercise the delegation of the Food Act functions to the General Manager.

The Food Authority advised that the Food Regulation 2004 prescribes the Director-General as the “appropriate enforcement agency” for the purposes of the Food Standards Code. The Director-General has exercised his power of delegation to the General Manager of local councils under Section 109E(1)(d) of the Food Act with respect to certain sections of the Code being, Standard 3.2.2 (clauses 15 and 17), and Standard 3.2.3 (clauses 10 and 14) which relate to alternate hand washing requirements, and the construction of floors of food premises, subject to two statutory conditions as follows:

- section 109E(4), of the Food Act requires the written consent of the Council for the functions to be delegated; and
- the Local Government Act, section 381(3), requires such delegations to the General Manager to be approved by the council.

In addition, the Food Act permits the delegate to sub-delegate these specified functions if authorised in writing by the Food Authority.

Therefore, it is recommended that Council approve the NSW Food Authority's delegation to the General Manager for certain functions of the Food Standards Code and advise the Food Authority of Council's consent.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

Lismore City Council through the Environment Health and Building Section, has a long history of pursuing Food Safety responsibilities under the Food Act 2003 (previously Food Act 1989) and Pure Food Act 1908. Council should continue to participate in the administration of food safety surveillance for the protection of public health in the community. Support of the recommendations of this report will allow Council to continue its active role in food safety surveillance with the appropriate legislative powers under the Food Act 2003, Food Regulation 2004 and Food Standards Code.

Recommendation (PLA1)

That :

- 1 Pursuant to Section 377(1) of the Local Government Act 1993, Council delegate to the General Manager the power to appoint authorised officers under Section 114 of the Food Act 2003.

- 2 Pursuant to Section 377(1) of the Local Government Act 1993, Council delegate to the General Manager the power to serve Prohibition Orders under Section 60 of the Food Act 2003.
- 3 Pursuant to Section 381(3) of the Local Government Act 1993, Council approve the NSW Food Authority's delegation to the General Manager to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and Standard 3.2.3 (clauses 10 and 14) and advise the Food Authority of Council's consent.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON MARCH 16, 2005, AT 10.00 AM.**

	Present	Councillors Merv King (<i>Chairperson</i>), John Hampton and Jenny Dowell, Messrs Thomas George, MP, John Daley (LUO), Michael Baldwin (<i>RTA</i>), Snr Const Steve Hilder (<i>Lismore Police</i>), together with Mrs Wendy Johnson (<i>Road Safety Officer</i>), Messrs Bill Moorhouse (<i>Group Manager–City Works</i>) and Bill MacDonald (<i>Co-Ordinator-Traffic & Law Enforcement</i>).
	In Attendance	Ms Jyllie Jackson – Lismore Lantern Parade.
TAC12/05	Apologies	Nil
TAC13/05	Minutes	The Minutes of the Traffic Advisory Committee Meeting held on February 16, 2005, were confirmed by Council on March 8, 2005, excluding Clause TAC10/05 – Trinity Catholic College.

Disclosure of Interest

Nil

Business Arising

Dalley Street – Traffic management plan (*Refer Minute No. TAC3/05 of meeting held February 16, 2005*)

Mr Moorhouse advised that preliminary investigations indicate there may be sufficient road width to allow parking on both sides of Dalley Street, between Dibbs Street and Wyrallah Road, and not staggered as previously suggested. Investigations are continuing.

(R7426)

Correspondence / Reports

Richmond Hill Ratepayers' Association; requesting an action plan be prepared for short and long-term aims of reducing vehicle speeds on Richmond Hill Road.

The Committee was advised that 60 kph signs existed every 500m to 1,000m and this was considered adequate to convey the message to motorists. Snr Const Hilder advised that Police Officers have and would continue to carry out patrols along Richmond Hill Road. It was noted that by far the majority of motorists caught speeding were local residents who were well aware of the existing speed limit. He pointed out that the issue of placing the camera car was being investigated but under current criteria was not allowed. Mrs Johnson suggested that the speed trailer could be placed at several locations along the road. This device appeared to have a positive impact on motorists' driving habits.

In the longer term it was pointed out that once the Pineapple Road extension onto Bangalow Road was completed, this would ease the pressure on Richmond Hill Road from through traffic.

TAC14/05 **RECOMMENDED** that the Association be advised that Police Officers would continue to patrol Richmond Hill Road and that investigations were underway into gaining approval to have the camera car located on Richmond Hill Road. Further, that Council's speed trailer be placed at several locations along the road. (05-1431:R1012,S352)

Bulzomi Bus Lines; requesting permission to extend its school bus service by continuing further along James Gibson Road, turning into Corndale Road and Arthur Road, before returning and resuming its existing bus route.

As a result of an inspection of the proposed route and the drop-off and turnaround area at the intersection of Corndale and Arthur Roads, it was felt that the application should be refused. It was impossible for the bus to turnaround in a full forward movement and any reversing at this intersection would be extremely dangerous.

TAC15/05 **RECOMMENDED** that the application to extend the bus route be refused.
(05-1623:R3902,R3801,R3502)

NSW Roads & Traffic Authority; advising that there are no funds available in 2004/05 programmes for the upgrade of the intersection of Bangalow Road (MR65) and Howards Grass Road, Lismore.

The RTA's rejection was noted. Mr Moorhouse asked Mr Baldwin if the RTA might consider part-funding the proposed intersection upgrade if Council was able to also contribute.

TAC16/05 **RECOMMENDED** that a letter be written to the RTA requesting consideration of part-funding the proposed intersection provided Council could also find its share.(05-1796:R4101,R4401)

D Casey; drawing attention to the intersection of James and May Streets, Dunoon, and suggesting a solution to the current pedestrian and parking problems.

An inspection of the location confirmed that the area generally in the vicinity of the Dunoon Garage and May Street intersection was considerably congested. Much of the problem was being contributed to by the owner of the garage who parks many of the vehicles awaiting work, out on the roadside due to the lack of off-street parking. Cars parked opposite the garage in front of No. 96 James Street were also in danger of being hit by through traffic due to a narrowing of the roadway at that point. The owner of No. 96 James Street had been consulted and had agreed to the erection of 'No Stopping' signs between the two driveways, effectively prohibiting parking in this area. 'No Stopping' signs to confirm the regulatory setback at the intersection of James and May Streets were also considered warranted. The owner of the garage had also been consulted and made aware of other residents' concerns and advised that any vehicles parked onstreet must be registered and parked in accordance with any signed directions.

TAC17/05 **RECOMMENDED** that 'No Stopping' signs be erected in front of No. 96 James Street, Dunoon, between the two driveways. Further, that 'No Stopping' signs be erected on the south-eastern corner of James and May Streets, 10.0m back from the intersection in each street.
(05-1974:R1501,R1505)

J Stevens; requesting a marked pedestrian crossing be installed on Rous Road, Goonellabah, due to the difficulty experienced by pedestrians in crossing the road through the continual stream of traffic, and particularly during school zone hours.

It was noted that a number of pedestrian refuges existed along Rous Road and these were generally considered appropriate given that pedestrian activity at any one location was not particularly high. It was suggested that Mr Stevens might be eligible for free travel for his Daughter due to her circumstances. This would be further investigated.

TAC18/05 **RECOMMENDED** that Mr Stevens be advised that the existing pedestrian refuges were considered the most appropriate device. (05-2253:S342,R6610)

Luxury Paints Pty Limited; requesting consideration be given to the introduction of time limited parking in the vicinity of its business due to the area being parked out regularly by all-day parkers.

Mr MacDonald advised that he had met with the business representative onsite and it had been suggested that 2-hour parking be introduced just in front of Luxury Paints as residences existed each side.

TAC19/05 **RECOMMENDED** that four or five 2-hour parking spaces be marked and signposted in front of Luxury Paints at No. 139 Dawson Street. (05-2525:S353,R6017,P2982)

General Business

Woodlark Street – Parking Zone Beside Former Parry’s Office Supplies Building

As part of the flood levee works and associated roadworks, an indented parking bay was established on Woodlark Street beside Planet Music. After discussions with the owner of the building, it was suggested that this area be signposted as a ‘No Parking’ zone.

TAC20/05 **RECOMMENDED** that a ‘No Parking’ bay be introduced on the northern side of Woodlark Street in front of Planet Music. (R7329)

Nesbitt Lane – ‘No Parking’ Zone

Mr MacDonald advised that he had liaised with the Manager of Williams the Shoeman about the problems being experienced with motorists parking in front of their back gate and blocking their access. An inspection revealed that ‘No Stopping’ signs existed along the western side of Nesbitt Lane with one sign right beside their driveway. It was suggested to the owner that an additional sign on their chainwire gate by them may assist in reinforcing the message. Council’s Rangers have also been made aware of the situation and will continue to patrol the area. (R7323)

Dunoon Road – B-Double Access

Lismore Freight Services had requested approval for B-Double access on Dunoon Road. An inspection revealed that sufficient space existed in the right-turn storage lane to the facility and also a turnaround area within the property was large enough to cater for all turning movements to be conducted in a full forward movement. It was noted that approval had already been given for B-Doubles to gain access along Tweed Street to the saleyards and the current proposal was only for another 500m-1,000m along Dunoon Road.

TAC21/05 **RECOMMENDED** that approval be granted for an extension of the B-Double access plan up to the driveway of Lismore Freight Services at No. 92 Dunoon Road. (R3407)

Lismore Lantern Parade – Saturday, June 18, 2005

Ms Jyllie Jackson was present for this item and tabled a letter and traffic management plan.

Ms Jackson outlined the proposal and noted that the major changes included a request to –

- o prohibit parking along the eastern side of Molesworth Street, between Magellan and Conway Streets
- o the closure of Victoria Street all day, and
- o the allocation of some parking in the Rowing Club Carpark for stallholders.

Road closures along the route would be put in place at approximately 5.00pm with the parade commencing at 5.30 pm.

Ms Jackson also requested consideration be given to closing Nesbitt Lane between 10.00 am and 4.00 pm to be used by stallholders with the intention to link this area with additional facilities in Spinks Park. This was not generally seen as a problem on a Saturday afternoon provided businesses in the immediate area raised no objection.

It was noted that LUO had proposed to hold its mid-year sale on the same Saturday and Sunday as well. Although some parking would be affected, mainly Fredericks Carpark, this was not seen as a major problem.

TAC22/05 **RECOMMENDED** that approval for the parade and associated closures and restrictions be granted. (05-3260:S823)

Ballina Road, Goonellabah – Extension of 60 kph Zone

A local resident, GM Murphy, had requested that the 60 kph speed zone on Ballina Road be permanently extended to a point past the new roundabout being constructed at the Holland Street intersection. The Committee noted that it had always been intended to review the existing speed limit along Ballina Road once a roundabout had been installed.

TAC23/05 **RECOMMENDED** that the existing 60 kph zone be extended to a point east of Holland Street with '60 kph Ahead' signs to be positioned further east again. (R6408,R6461)

Installation of Kerb and Gutter - Kyogle Street, South Lismore, and Provision of Signposted Drop-Off Area for New Preschool

Mr MacDonald advised that he had spoken with Mr Ross McFarlane, the acting principal in Mr Bates' absence, in response to an email forwarded to Mr Thomas George, MP, and advised him that the above measures had been included as conditions of development approval for the preschool. Council was yet to obtain confirmation or payment from the Dept of Commerce for the works. Mr McFarlane was going to pursue the matter. (R6925)

Country Buses in Crowther Carpark

It was noted that Council had resolved that four spaces be found in the Crowther Carpark for bus parking with investigations to take place into the provision of a further two. Mr Moorhouse advised that it was intended that the four spaces be provided parallel to the southern side of the Browns Creek Drain. There may be space for a further two buses along the drain if the existing recycle station was removed altogether from the carpark. The Committee was advised that country bus operators were currently parking in various locations on the peripheral of the CBD and some in bus zones that are not intended for all-day bus parking.

In early negotiations it was agreed that buses would be parked along the western side of Brewster Street, north of Laurel Avenue, in the bus interchange area. This was still considered the most appropriate location and is large enough to cater for the balance of buses that were not parked in the Crowther Carpark. It was suggested that any approval for the additional bus spaces in the Crowther Carpark should be conditional upon the balance of operators using the southern section of the bus interchange at Brewster Street.

- TAC24/05 **RECOMMENDED** that apart from the four bus spaces already resolved by Council to be provided, two additional spaces could be provided in the area currently occupied by the recycling facility if it was removed altogether. Further, that the additional two spaces be conditional upon the other bus operators using the southern end of the bus interchange at Brewster Street instead of in signposted bus zones that were intended for regular use by all bus operators. (P9988)

Late Night Bus Pick-Up Point

Mrs Johnson requested consideration be given to introducing a part-time bus zone on the northern side of Woodlark Street in front of Mary Gillhoughley's Pub that could be used for the late night bus service. Parking in normal business hours would remain unchanged.

- TAC25/05 **RECOMMENDED** that a bus zone with times being 7.00 pm to 7.00 am be introduced on the northern side of Woodlark Street, west of Keen Street, with parking unchanged in normal business hours. (R7329)

Closure

This concluded the business and the meeting terminated at 12.05 pm.

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:

Licence Agreement – Council and Robyn Barrett (t/a Dairy Delite Café & Takeaway)

Footpath restaurant licence – 1/53 Woodlark Street, Lismore for 2 years from 1/11/04 to 31/10/06.
(P10330)

Lease Agreement – Council and Lismore & District Workers Club

Lismore Heights Workers Bowling Club carpark on road reserve, High Street – 5 years from 1/10/04 to 30/9/09.
(P26780)

Section 356 Donations

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

Budget: \$2,700 To date: \$2,376.56

41RNSWR – support for soldier to travel to Gallipoli and France in
September – 90th anniversary of raising of 2nd Division
(05-2484: S164)

\$100.00

Women, Earth & Change Network – subsidise fees for women to attend
Conference at Dorrroughby Environmental Education Centre
(05-3117: S164)

\$50.00

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

Budget: \$8,100 To date: \$4,681.15

Northern Rivers Writers' Centre – primary schools event 3/8/05

In accordance with policy. (Subject to increased fees & charges from July 1)

\$51.60

c) Banners – Policy 1.4.14 (GL2033.8)

Budget: \$700 To date: \$965.00

Australian Red Cross "March is Red Cross Calling – Uralba Street site –
7-13/3/05*In accordance with policy.*

(05-2086: S374)

\$145.00

d) Council Contributions to Charitable Organisations**Waste Facility – Policy 5.6.1 (GL2033.15)**

Budget: \$6,000 To date: \$4,068.12

Animal Right & Rescue

\$17.91

Challenge Foundation

\$74.55

Five Loaves

\$59.36

Friends of the Koala

\$26.18

LifeLine

\$110.00

Saint Vincent de Paul

\$45.45

Salvation Army

\$91.00

Westpac Life Saver Rescue Helicopter

\$37.91

\$462.36

St Vincent De Paul December 2004 - February 2005**\$158.36****e) Miscellaneous – (GL2033.3)**

Budget: \$30,500 To date: \$26,106

Donation of computer to Richmond River Historical Society -
residual lease value

\$330.00

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.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE CHANNON COMMUNITY HALL ON TUESDAY, MARCH 8, 2005 AT 6.30PM.

Present

Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager; Group Managers- City Works, Planning & Development, Business & Enterprise; Acting Group Manager- Corporate & Community Services (Wendy Adriaans), Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Planning Services, Manager-Environmental Health & Building Services, Administrative Services Manager and Team Leader-Administrative Support.

**Apologies/
Leave of
Absence
Minutes**

Nil

25/05

The minutes of the Ordinary Meeting held on February 8, 2005, were confirmed.
(Councillors Chant/Hampton)

Public Access Session

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

Peter Oleson re Notice of Motion – Fluoridation of Water

Mr Oleson spoke against the introduction of fluoride in the water supply. He questioned the validity of scientific studies supporting flouridation and claimed many had been subsequently discredited.
(05-1538: S223)

Brendon White re Notice of Motion – Fluoridation of Water

Mr White outlined the process being followed by Rous Water on investigating this issue. He urged Council to continue with the process.
(05-1538: S223)

Bob Marsh re Notice of Motion – Bus Parking – John Crowther Carpark

Mr Marsh gave a brief outline of the history and service provided by rural buses. He detailed problems with the relocation and urged that they be reinstated to the John Crowther Car Park.
(05-1708: P9988)

Andrew Morrissey re Report – Proposed Woolworths Service Station, Diadem Street

Mr Morrissey raised issues concerning the impact of the development on the surrounding residential areas, including noise, lights, traffic issues and safety. He urged refusal of the application.
(D04/394)

Bob Ingram re Report – Proposed Woolworths Service Station, Diadem Street

Mr Ingram spoke on behalf of the applicant in support of the proposal. He claimed all planning issues had been addressed by the applicant including issues raised by objectors. He referred to a modified traffic movement plan (Sydney plan) which he claimed should be adopted. (D04/394)

Laurie Stubbs re Report – Proposed renaming of part of Dunoon Road and Repentance Creek Road

Mr Stubbs claimed overwhelming support for the renaming of the road. (R3407)

Helen Robinson re Report – Extension of development consent for recreation area at 229 Borton Road, Tullera

Ms Robinson claimed concern by residents over the proposal. Chiefly, issue was raised over the trial period and intensity of use of the development. She urged an extension of the trial. (D03/128)

David Yarnall re Report – 2004/05 Budget Surplus

Mr Yarnall urged careful consideration of the expenditure of the surplus. He favoured its expenditure on projects rather than loan reduction. (S880)

Disclosure of Interest

S459

Councillors Henry (business association with the retail petrol industry) and Chant (owner of property in the area) declared an interest in Report – Proposed Woolworths Service Station, 99-103 Diadem Street.

Notice of Motions

Covered Walkway – Dawson Street to Brewster Street

Formal notice having been given by Councillor Swientek it was **MOVED** that Council fund in the 2005/06 budget an attractive covered walkway linking Dawson Street and Brewster Street with the aim of integrating Lismore's CBD retail with Lismore Square. (Councillors Swientek/Irwin)

AN AMENDMENT WAS **MOVED** that Council consider funding in the 2005/06 budget an attractive covered walkway linking Dawson Street and Brewster Street with the aim of integrating Lismore's CBD retail with Lismore Square. (Councillors Tomlinson/Henry)

On submission to the meeting the AMENDMENT was **DEFEATED**.

Voting Against: Councillors Irwin, Swientek, Chant, Graham, Crimmins, Hampton and Meineke.

26/05 Formal notice having been given by Councillor Swientek it was **RESOLVED** that Council fund in the 2005/06 budget an attractive covered walkway linking Dawson Street and Brewster Street with the aim of integrating Lismore's CBD retail with Lismore Square. (Councillors Swientek/Irwin)

Voting Against: Councillors Tomlinson, King, Henry and Ekins. (04-11694: R6017,R6007)

Fluoridation of Water

27/05

Formal notice having been given by Councillor Irwin it was **RESOLVED** that Lismore Council request Rous Water that if it is considering approving fluoridation of the water supply it not make a decision until it has consulted with its constituent councils.

(Councillors Irwin/Dowell)

Voting Against: Councillors King, Graham, Henry and Meineke.

(05-1538: S223)

Bus Parking – John Crowther Carpark

Formal notice having been given by Councillor Swientek it was **MOVED** that Council restore forthwith the bus parking bays in the John Crowther Carpark and restore the traditional use rights to the local bus operators and their patrons.

(Councillors Swientek/Meineke)

AN AMENDMENT WAS **MOVED** that the issue of bus parking in the Crowther Carpark (including alternative sites) be referred to the Public Transport Advisory Panel and the Traffic Advisory Committee.

(Councillors Tomlinson/Dowell)

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

Voting Against: Councillors Irwin, Ekins, Swientek, Crimmins and Meineke.

A FORESHADOWED AMENDMENT WAS **MOVED** that -

- 1 Council provide 4 bus parking spaces in the Crowther Carpark and investigate the possibility of increasing it to 6 spaces.
- 2 Use of the spaces to be determined by the coach companies.
- 3 That Council consult further with bus companies and the Public Transport Advisory Panel about future arrangements which may best meet their and the public's needs .

(Councillors King/Graham)

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

Voting Against: Councillors Tomlinson, Dowell, Chant, Hampton and Henry.

28/05

RESOLVED that -

- 1 Council provide 4 bus parking spaces in the Crowther Carpark and investigate the possibility of increasing it to 6 spaces.
- 2 Use of the spaces to be determined by the coach companies.
- 3 That Council consult further with bus companies and the Public Transport Advisory Panel about future arrangements which may best meet their and the public's needs .

(Councillors King/Graham)

Voting Against: Councillors Chant and Hampton. (05-1708: P9988)

Resource sharing

29/05

Formal notice having been given by Councillor Irwin it was **RESOLVED** that whilst Council in principle supports resource-sharing, because it has policy and structural implications, the Council's policy is that resource-sharing must be approved by the Council prior to implementation.

(Councillors Irwin/Ekins)

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

(05-1739: S43)

Smoke-free zone – Memorial Baths

Formal notice having been given by Councillor Dowell it was **MOVED** that Council ban smoking within the new Memorial Baths swimming pool complex and erect signage to indicate that it is a smoke-free area.
(Councillors Dowell/Irwin)

AN AMENDMENT WAS **MOVED** that Council dedicate an appropriate non-modelling smokers' area at the Memorial Baths swimming facility and nominate the remainder of the facility as "smoke-free". Signage to be erected to advise the public of the status of the relative areas.
(Councillors Crimmins/Hampton)

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

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell,

- 30/05 **RESOLVED** that Council dedicate an appropriate non-modelling smokers' area at the Memorial Baths swimming facility and nominate the remainder of the facility as "smoke-free". Signage to be erected to advise the public of the status of the relative areas.
(Councillors Crimmins/Hampton)
Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell,
(05-1668: P6768,S228)

Adjournment

At this juncture (9.15pm) the meeting adjourned for supper to enable discussion with local residents in accordance with policy.

The meeting resumed at 9.34pm.

Reports

Proposed Woolworths Service Station, 99-103 Diadem Street, Lismore

S459

Councillors Chant (owner of property in the area) and Henry (business association with the retail petrol industry) declared an interest in this matter and left the chamber during discussion and voting thereon.

- 31/05 **RESOLVED** that the report be received and Council, as the consent authority, refuse Development Application 2004/394 for the erection of a Service Station on the site, for the following reasons:
- 1 The site is not considered sufficient in area (nor has an adequate street frontage) to provide for adequate 'on site' development amenity, including set backs, landscaping, off street parking, and acceptable self contained ingress and egress.
 - 2 The site has to rely upon adjoining land (subject of another development) for traffic access.
 - 3 The development should not be reliant upon superimposing public traffic access onto a designed exclusive service/delivery dock rampway on the adjoining development.
 - 4 There is no approval from the adjoining landowner to utilise the adjoining land beyond Lot 3 DP 575191 (No. 99 Diadem Street), and in any case the use of further lands in the proposed adjoining Lismore Square have not been notified in this application.

- 5 The site, by virtue of its physical location and relationship with the adjoining, approved, and under construction major shopping centre complex creates perceived traffic conflicts, problems and issues irrespective of which of the submitted designs or amended designs are used, particularly having regard to turning movements, use of adjacent service delivery laneway, car parking laneway, various possible median configurations, one-way systems and the (as yet) unknown future commercial development and vehicular requirements for the adjoining Lot 2 DP 368623, No. 105 Diadem Street.
- 6 The proposed public traffic use of the dedicated service delivery laneway on adjoining property may result in potential traffic conflicts with semi trailers or service delivery vehicles.
- 7 Potential for adequate on site landscaping and visual screening is too limited, given the minimalist site area available, particularly having regard to the need for adequate screening and amenity protection to existing residences in the immediate vicinity of the development site.
- 8 It is considered there is inadequate practical off-street parking available in terms of the proposed use – given that at least three of the four spaces provided are for ‘specific single’ purposes (air and water bay, handicapped, and employee parking).
- 9 The public interest – proximity to residential properties, and objections received.
(Councillors Swientek/Irwin)
(D04/394)

Proposed renaming of part of Dunoon Road and Rosebank Road

32/05

RESOLVED that the report be received and –

- 1 Pursuant to Section 162 of the Roads Act 1993, Council rename that part of Dunoon Road and Rosebank Road which is north easterly from the Rosebank Road – Eureka Road intersection in the Parishes of Clunes and Whian Whian as Repentance Creek Road.
- 2 Relevant authorities be notified accordingly, along with formal notice being placed in the NSW Government Gazette.

(Councillors Irwin/Tomlinson) (R3407)

Extension of development consent for recreation area at 229 Borton Road, Tullera

33/05

RESOLVED that the report be received and development consent DA03/128 be amended as follows:

- 1 Condition 6 be amended to read -
 - 6 *This consent is valid for a period of 18 months from the commencement of the use. Use of the site must cease 18 months after commencement, should an application for extension of this consent not be submitted to Council within the consent period.*
- 2 Add new condition under the heading **Incident Management Protocol**
The developer shall prepare a protocol for dissemination of information about incidents on the site by staff to concerned residents. The protocol shall include contact details and responses for staff. The protocol shall be provided to all staff and a copy shall be provided to the resident objectors. The protocol shall be submitted to Council for approval prior to referral to the resident objectors.

Reason: *To minimise the impact of the development on the community*

- 3 Add new condition:

The operation of a commercial lawnmower is restricted to a maximum of 3 times a week between the hours of 8am to 12 noon.

Reason: *To minimise the noise impact of the development*

- 4 Add new condition:
The developer shall place a sign on the gate post visible to vehicles exiting the property that requires staff to minimise vehicle speed.
Reason: *To minimise the vehicle noise and dust from the development.*
(Councillors Irwin/Swientek)
(D03/128)

2004/05 Budget Surplus

A MOTION WAS MOVED that the report be received and the amount of \$313,600 be held over and considered in the 2005/06 budget process.
(Councillors Tomlinson/Irwin)

AN AMENDMENT WAS MOVED that the report be received and Council allocate \$313,600 to a major capital works reserve with the objective for these funds to be applied to the acquisition and refurbishment of the Lismore RSL Club, and the design and construction of the Goonellabah Leisure Centre.
(Councillors Hampton/Graham)

On submission to the meeting the AMENDMENT was DEFEATED.

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

- 34/05 **RESOLVED** that the report be received and the amount of \$313,600 be held over and considered in the 2005/06 budget process.
(Councillors Tomlinson/Irwin)
Voting Against: Councillors Swientek, King, Graham and Hampton.
(S880)

Amendment No. 22 to Lismore LEP – Lot 1, DP 973151, 364A Eltham Road, Eltham

- 35/05 **RESOLVED** that the report be received and Council -
- 1 Adopt LEP Amendment No. 22 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.
 - 3 Adopt the Federation Drive, Eltham, rezoning submission prepared by Newton Denny Chapelle as a Master Plan, including the following reports:
 - Federation Drive Locality Development Guidelines prepared by Place Design Group dated June 2004,
 - Proposed Rural Residential Subdivision at Federation Drive, Eltham On-Site Sewage Management Strategy prepared by Newton Denny Chapelle dated March 25, 2003 and
 - Ecological Assessment Report for Federation Drive prepared by Place Design.
- (Councillors Irwin/Meineke)
(S892)

Draft Lismore LEP amendment No. 25 – 5 Apo Street, Goonellabah

- 36/05 **RESOLVED** that the report be received and Council –
- 1 Prepare a draft amendment to Lismore Local Environmental Plan 2000 to include of Lot 178 DP 811350 Apo Street, Goonellabah 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.
- (Councillors Swientek/Henry) (S912)

Goonellabah Leisure Centre

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

- 1 Council endorse the proposal of the Committee to seek further and better particulars of the preferred tenderer to ensure certainty in regard to both price and finishes for the project.
- 2 Council obtain a feasibility of cost benefits/losses of a 3 court centre; that operational projections be made comparing a 2 and 3 court facility.

(Councillor Swientek)

The motion LAPSED for want of a seconder.

- 37/05 **RESOLVED** that the report be received and noted and Council endorse the proposal of the Committee to seek further and better particulars of the preferred tenderer to ensure certainty in regard to both price and finishes for the project.
(Councillors Irwin/Graham) (T25005)

State of the Environment Report 2004

- 38/05 **RESOLVED** that the report be received and -
- 1 That Council's State of the Environment Report 2004 be noted and accepted as satisfying the reporting requirements of the Local Government Act.
 - 2 That the Summary of Recommendations attached as Appendix One to this report be considered by the respective Budget Managers in Council's 2005/06 Management Plan and Budget process.

(Councillors Dowell/Crimmins)

(S900)

Airport Industrial Estate and Supplementary Report

- 39/05 **RESOLVED** that the report be received and –
- 1 Council allocate \$3,358,100 from internal reserves for the development of Stage 1 and infrastructure of Stage 2.
 - 2 Prior to physical works commencing, two (2) contracts of sale with buyers are to be exchanged with no conditions specifically relating to buyer finance.
 - 3 The Mayor and General Manager be authorised to sign and affix the Council seal to land transfer, subdivision documents and plans as may be necessary to give effect to this resolution.
 - 4 That Council not call tenders for the development of its Airport Industrial Subdivision and acknowledge that the civil works shall be undertaken by City Works.

(Councillors Chant/Hampton)

Voting Against: Councillor Ekins. (S865)

February 2005 – Investments held by Council

- 40/05 **RESOLVED** that the report be received and noted.
(Councillors Irwin/Crimmins) (S178)

Annual Policy Review

- 41/05 **RESOLVED** that the report be received and –
- 1 Policies 1.4.5 and 1.2.3 be submitted to the Strategic Plan Steering Committee for consideration in conjunction with the committee review.
 - 2 The words “*and Code of Conduct*” be added to the end of the sentence in Policy 1.2.5.
 - 3 Policies 1.2.16, 1.2.17 and 9.1.3 be deleted.
- (Councillors Irwin/Chant) (S9)

Committee Recommendations

Traffic Advisory Committee 16/2/05

- 42/05 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted, excluding Clause TAC10/05.
(Councillors Irwin/Chant)

Clause TAC10/05 – Trinity Catholic College

- 43/05 **RESOLVED** that until the roundabout is constructed the median strip not be constructed along the centre of Dawson Street through its intersection with Orion Street to prohibit right-turn movements.
(Councillors Irwin/Swientek) (D04/1109)

Documents for Signing and Sealing

- 44/05 **RESOLVED** that the following documents be executed under the Common Seal of Council:

Deed of agreement between Spring Valley Development Group Pty Ltd and Council

This agreement sets out the cost sharing arrangement between the developer of the Heather Avenue subdivision and Lismore City Council for the construction of a new sewer pump station.

With the construction of this new pump station Council's existing pump station at Eucalypt Drive will be decommissioned.

(D02/699)

(Councillors Hampton/Graham)

Section 356 Donations

- 45/05 **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.

Mayor's Discretionary Fund (GL2033.26)

Budget: \$2,700 To date:\$1,789.56

- Joseph, Blake and Wade Scofield – National In-line Hockey tournament in Melbourne from March 25. (\$50 each) \$150.00

Representative Selection – Policy 1.4.10 (GL2033.6)

Budget: \$1,100 To date:\$1,288.00

- Gary Watson from Lismore Model Flying Club – Australian team for World F3C championships in Zamora, Spain
In accordance with policy. \$337.00

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

Budget: \$8,100 To date:\$4,681.15

- Lismore Neighbourhood Club –weekly concession for Fountain Room to 30/6/05
In accordance with policy. (05-965) \$34.12p.w.
- Lismore Symphony Orchestra Inc. performance 2/4/05
In accordance with policy. (05-1158) \$51.60
- Northern Rivers conservatorium Arts Centre Inc. – concession for dance studio.
In accordance with policy. (05-1516) \$82.50p.m

Banners – Policy 1.4.14 (GL2033.8)

Budget: \$700 To date: \$495.00

- B'nai B'rith Courage to Care – one week 28/2/05 to 6/3/05 in Uralba Street
In accordance with policy. (05-1403: P20696) \$145.00
- Helicopter Awareness Week - one week 30/5/05 to 5/6/05 in Carrington Street
In accordance with policy. \$90.00
- Harmony Day – one week 21/3/05 to 27/3/05 in Carrington Street
In accordance with policy. \$90.00

Council contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (G.2033.15)

Budget: \$6,000 To date:\$3,447.40

Animal Right & Rescue	\$27.45	
Challenge Foundation	\$58.76	
Five Loaves	\$110.00	
Friends of the Koala	\$15.05	
LifeLine	\$110.00	
Lismore & Dist Police Boys Club	\$5.53	
Saint Vincent de Paul	\$40.91	
Salvation Army	\$110.00	
Westpac Life Saver Rescue Helicopter (Councillors Chant/Hampton)	<u>\$22.00</u>	\$499.70

Matter of Urgency

- 46/05 **RESOLVED** that the following matter be admitted to the business paper as a matter of urgency.

Sale of Airport hangar site to Stonebanks

(Councillors Hampton/Graham)

S459

Councillor Meineke declared an interest in this matter (company involved in Airport activities) and left the chamber during discussion and voting thereon.

- 47/05 **RESOLVED** that Council sign and seal the sale of land contract for Lot 25, DP 1035497 to Mr P Stonebanks for the sum of \$48,900 plus GST.
(Councillors Irwin/Crimmins) (05-2229: P27943,T24029)

Closure

This concluded the business and the meeting terminated at 10.53 pm.

CONFIRMED this 12TH of APRIL, 2005 at which meeting the signature herein was subscribed.

MAYOR

