



## Ordinary Meeting

---

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at  
**The Channon Community Hall on March 8, 2005 at 6.30pm**  
and members of Council are requested to attend.

*Councillors are requested to attend at 6.00pm to meet informally with residents of the area.*

Paul G. O'Sullivan  
**General Manager**

March 1, 2005



# Agenda

---

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

February 8, 2005

Public Access Session

- Mr Andrew Morrissey re Report: Proposed Woolworths Service Station, Diadem Street..... 7
- Mr Bob Ingram re Report: Proposed Woolworths Service Station, Diadem Street..... 7
- Mr Laurie Stubbs re Report: Proposed renaming of part of Dunoon Road & Repentance Creek Road..... 14

Public Question Time

Condolences

Disclosure of Interest

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions ..... 1 - 6

Altering Order of Business

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

Reports

Proposed Woolworths Service Station, 99 – 103 Diadem Street, Lismore .....	7
Proposed renaming of part of Dunoon Road and Rosebank Road .....	14
Extension of development consent for recreation area at 229 Borton Road, Tullera .....	16
2004/05 Budget Surplus .....	24
Amendment No 22 to Lismore Local Environmental Plan – Lot 1 DP 973151, 364A Eltham Road, Eltham.....	28
Draft Lismore Local Environmental Plan Amendment No. 25 – 5 Apo Street, Goonellabah. ....	31
Goonellabah Leisure Centre .....	33
State of the Environment Report 2004.....	35
Airport Industrial Estate.....	38
February 2005 – Investments held by Council.....	41
Annual Policy Review .....	43

Lismore City Council

Meeting held March 8, 2005

Committee Recommendations

Traffic Advisory Committee 16/2/05 ..... 45 - 47

Documents for Signing and Sealing

Section 356 Donations .....48

Questions Without Notice

Confidential Matters – Committee of the Whole

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

## Notice of Motion

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

Councillor Swientek moves:

**That Council fund (as soon as possible) an attractive covered walkway linking Dawson Street and Brewster Street with the aim of integrating Lismore's CBD retail with Lismore Square.**

---

### Staff Comment

Group Manager-City Works

If we want people to walk between the Lismore Square and the CBD it is reasonable that we give them a covered walkway. This will give some reprieve from the elements of rain and sun both of which can be of a high magnitude in Lismore.

A walkway between Lismore Square and Dawson Street could be constructed without great difficulty. The total length is approximately 400m. It should be noted that not all of the lower section of Woodlark Street is covered .

Similar walkways have been constructed around schools, the University etc. Williams River Steel supply and erect similar structures for schools and have quoted a cost of \$241 per lineal metre for this type of walkway, i.e.

- 3m wide curved roof, no gutters
- Square tube gal posts
- Concrete footings
- Erection
- **Total cost for the 400 m is \$96,400**

It is anticipated that lighting will have to be added to complete the project

(04-11694: R6017,R6007)

## Notice of Motion

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

Councillor Irwin moves:

**That Council advise Rous Water that it does not support fluoridating our water supply, as the issue is highly contentious, has been canvassed in the past and nearly 70% of the community was then, and probably still is, opposed to it.**

---

### Staff Comment

Manager Environmental Health & Building Services

Although the fluoridation of Lismore's water supply may be controversial, it has not been considered by the current Council. In order for Council to make an informed decision on the issue, relevant information and facts from both sides of the debate should be presented for consideration by Councillors.

Manager Lismore Water

Rous Water have indicated that they will not take action without community consultation. They have held a workshop on February 16 with a number of experts providing information for and against fluoridation. A report on the proceedings will be tabled at the March Rous Council meeting with a view to resolving whether to commence community consultation on the issues.

(05-1538: S223)

## Notice of Motion

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

Councillor Swientek moves:

**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.**

---

### Comments

The local bus operators are not happy at all with losing their traditional site held for a considerable number of years. Lack of consultation, inadequate explanation and justification for the move has left the bus operators nonplussed, confused and angry. They feel that country people have been short changed by this decision and are significantly inconvenienced and disadvantaged by this decision.

To expect patrons to walk from the CBD to Trinity interchange is unreasonable with no safe pedestrian crossings to access the area and no toilet facilities once there, and of course the extra distance is a significant disincentive for patrons to use their service. Some operators have already indicated loss of patronage and business.

The argument that this is necessary from a parking perspective is not convincing given the fact that Council has recently acquired land on Woodlark Street, next to Denny's and flood scheme acquisition land opposite Singh's.

### Staff Comment

Group Manager-City Works

Parking spaces in and close to the CBD are the major concern for business in the CBD. Whenever Councillors and staff meet with CBD businesses parking is a major issue.

The current buoyant business activities is ensuring that all the available car parking is now heavily used. Frederick's carpark is now often full. Crowther Carpark is often near full. Council's rangers advise that parking is at a premium throughout the city.

Council's decision to move the bus operators out was made in November and implemented in January. It should be noted that several years ago Council advised the bus operators that Crowther Carpark was required for car parking. That decision was subsequently reversed - the increased business activity will make it extremely difficult for Council to reverse the decision again.

When Trinity interchange was constructed it was recognised that there was need for long term on street bus parking. Provision has been made for approximately 10 buses along Brewster Street near McDonald's.

The Mayor, Councillor Swientek and I met with approximately 12 bus operators on February 18. They were upset at not being able to use Crowther Carpark and wanted the situation to revert to what had been the case for the last 20 + years.

There appeared to be two major concerns:

- 1 They did not like having to park elsewhere and had a number of reasons why they should remain in Crowther Carpark.

## Notice of Motion

- 2 A number claim to assist country people who come into town and drop off parcels at the buses during the day.

### Country People

Greater use of the Transit Centre would appear to be one way of assisting country people. The Transit Centre operator already stores shopping and baggage for a number of people for a small charge. This can be expanded with the operator agreeing to accept LCC vouchers distributed by the bus operators. Hopefully this initiative will expand the use of the Transit Centre .

### Bus Parking

I do not believe that Council can continue to accommodate the buses in the existing Crowther Carpark. There is a proposal to construct carparking on Council owned land facing Zadoc Street behind Riordan Garage /and Johnston Suzuki. If Council believes that the southern section of Trinity is unsuitable for the buses it would be possible to construct this new carpark for bus use. This option would require funding in the current year or 05/06 year .

(05-1708: P9988 )

## Notice of Motion

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

Councillor Irwin moves:

**Although the Council in principle supports resource-sharing where it is to the benefit of Lismore, because this is a significant structural and policy issue for Council, we do not delegate authority to the GM to implement resource-sharing without obtaining prior approval in principle from the Council on a case-by-case basis.**

---

### Staff Comment

General Manager

Council previously resolved via a report and recommendation, in the context of Local Government Structural Reform (12/8/03):-

*That Council record in principle support for the concept of formally establishing progressive new resource sharing agreements with other Councils in the region on the understanding that such arrangements are targeted towards enhancing the efficiency, effectiveness and standard of operational activities for the Lismore Community.*

Since that time I have actively pursued inter-Council resource sharing opportunities of a management and operational nature and indeed received plaudits from the Council for my enthusiasm and enterprise. I trust Council will be cognisant of the advice provided by Dr Lindsay Taylor when considering the implications of this regressive Notice of Motion.

(05-1708: P9988)

## Notice of Motion

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

Councillor Dowell moves:

**That Council ban smoking within the new Memorial Baths swimming pool complex and erect signage to indicate that the designated area be smoke-free.**

---

### Staff Comment

Manager-Properties & Special Projects

As the Memorial Baths area will be accessed by a wide range of people, ranging from small children to competing athletes, but also spectators, it would be appropriate to incorporate a clearly designated smokers' area. Such a zone could be in the south-western corner of the site on the elevated grassed area. This area could have cigarette bins installed to ensure that the overall Baths facility will remain free of cigarette refuse. This arrangement would cater to the potential needs of those who may utilise the facility for non-sporting or cultural events.

To accommodate the intent whilst acknowledging the practicalities, an alternate resolution could be:

*That Council dedicate a specific 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.*

(05-1668: P6768,S228)

# Report

<b>Subject</b>	<b>Proposed Woolworths Service Station, 99 – 103 Diadem Street, Lismore</b>
<b>File No</b>	DA04/394
<b>Prepared by</b>	Projects Assessment Planner
<b>Reason</b>	Application requires Council approval, and has been 'called in' for Council determination.
<b>Objective</b>	Council's determination of the application.
<b>Strategic Plan Link</b>	Development Assessment
<b>Management Plan Activity</b>	Development Assessment

---

## Overview of Report

To erect a 4 pump 8 bay Service Station on two adjoining commercially zoned lots, also using part of adjoining Lismore Square land for access. (Petrol sales and Quick Stop Shop only, no workbays involved).

## Background

There are three small parcels of Commercially zoned land fronting Diadem Street which were part of the original Lismore Square rezoning, carried out in the late 1990's. The application proposes the initial commercial occupation of two of these allotments.

## Proposal:

To construct a Service Station on the land, consisting of 4 double sided pumps (8 filling bays) and attendant 'quick stop' sales point/shop of about 80m<sup>2</sup> GFA, and driveway access.

## Applicant:

Woolworths Ltd, per Petroleum Design and Management Pty Ltd, Sydney.

## Location:

Lot 3 DP 575191, Lot 1 DP 779811, Lot 1 DP 779810, being No's 99 – 103 Diadem Street, Lismore, respectively.

## Zoning:

Business 3(a) – use is permissible.

## Key Issues:

- New development of the land – introduction of Commercial use into a previous residential/open space environment.
- Resident Objections – 12 letters of objection, plus a petition containing some 196 signatures.
- Traffic management – a major issue with this development.
- Integration with Lismore Square now under construction – application relies upon use of the adjoining Lismore Square property, predominantly the delivery dock access roadway.

## 1. SITE/SITE HISTORY

The two sites are vacant lots, which were once residential properties until the 1990's when the land was rezoned to Commercial, and dwellings removed.

## 2. SURROUNDING PROPERTIES & ENVIRONS

The site adjoins Richards Oval, and the extended Lismore Square Shopping Centre, now under construction. Existing residences are located on the eastern side of Diadem Street, opposite the proposed site.

## 3. PROPOSAL

As stated above.

## 4. PUBLIC NOTIFICATION

12 letters of objection were received, plus a petition containing 196 signatures. Further analysis of these follows later in this report.

## 5. ASSESSMENT UNDER SECTION 79C OF THE E.P. & A ACT -

### 5.1 Any Environmental Planning Instruments

#### 5.1.1 State Environmental Planning Policies (SEPPS)

No issues.

#### 5.1.2 Regional Environmental Plan (REP)

No issues.

#### 5.1.3 Lismore Local Environmental Plan (LEP)

Use is permissible in the zone (Business 3(a)).

Cl. 22 requires flood consideration (discussed in Development Control Plan 7 below).

Cl. 19 of the Model Provisions sets out requirements for Service Stations. All these comply but care will need to be taken with footpath crossings (not to exceed 9 metres), and provision of "adequate landscaping".

### 5.2 Any Draft EPI that is or has been placed on Exhibition

There are no draft EPI's which would affect the application.

### 5.3 Any Development Control Plan

#### **Development Control Plan No. 7 (Flood Prone Lands)**

Site is located within a "High Flood Risk" area (NB Diadem Street is the 'boundary' between High Flood Risk, and Flood Fringe area). Development Control Plan 7 requires that at least 25% of the gross floor area be above 1 in 100 year level; also that an emergency flood refuge above 1 in 500 year be included in the design. As the only structure on the land will be the pay point/quick stop shop (of about 80m<sup>2</sup>) and it is proposed that the Service Station site will be consolidated into the adjacent Lismore Square site, suitable floor storage and emergency refuge will be more than adequately catered for up the adjacent ramp way to the large flood free areas in the Square. This aspect is acceptable, provided that site consolidation occurs prior to occupation.

#### **Development Control Plan No. 18 (Off Street Parking)**

The Service Station does not have any work bays, nor eating areas. Council's DCP therefore requires 5/100m<sup>2</sup> GFA = 4 spaces only, and there are 4 spaces provided. This may be 'light on' in terms of employee parking and customers patronising the quick stop shop, but nevertheless it complies with Council's requirements. Had the site greater area available, no doubt additional parking facilities could have been provided. It is considered that as only one space will actually be available for general customers (one space disabled, one space for air and water and one space for employees) there should be at least six spaces from a practical viewpoint – especially as it is

stated that there may sometimes be two employees.

#### 5.4 Any Matters Prescribed By The Regulations

Nil

#### 5.5 The Likely Impacts of that Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality

The major impacts will be those related to traffic, traffic flow, access, integration with the adjoining Lismore Square development, potential effects (and change of neighbourhood character) upon the residents, particularly those on the opposite side of Diadem Street.

**Traffic** – This has been a difficult application to monitor. It has been before Traffic Advisory Committee on three consecutive occasions, with no definitive outcome other than that no traffic arrangement is really ideal. The principal problems here are the small size of the lot being developed, its proximity and “marriage by default” to the adjoining Lismore Square now under construction. Had there been full integrated traffic design and access flow concurrent with Lismore Square, it would have been easier, but the development of these three isolated and detached lots was not known at the time.

As a consequence, the Service Station relies upon the semi-trailer/delivery dock rampway for Lismore Square to gain either ingress or egress, as there is insufficient full manoeuvring room within the two Service Station lots (aggregate area 1,300m<sup>2</sup>) for required separate entrance/exits, and tanker manoeuvring.

Further, the principal external traffic concern is the number of turning movements onto/off Diadem Street in close proximity to each other – Lismore Square major entrance/exit, access to the bulky goods carpark, service delivery rampway, and the Service Station. To add to this, one additional allotment which adjoins the site (No. 105 Diadem Street) and for which there is as yet no known commercial use, will necessitate yet a further traffic access onto Diadem Street in very close proximity to the Service Station egress point.

In order to remove an undesirable ‘three-way’ movement of public traffic leaving the Square onto Diadem Street, turning again off into the Service Station, and then re-entering Diadem Street after filling, the Traffic Committee recommended that traffic flow into the Service Station be reversed, so that patrons leaving the Square can at least travel via the bulky goods carpark central driveway and then cross the service rampway into the Service Station.

Plans showing a reversal off the whole Service Station were submitted by the applicant, however further questions about delivery tanker manoeuvrability were then raised. Larger tankers will not be able to service the site, but the applicant has assured Council that the largest tankers that will use the site will include 17 metre articulated vehicles, or 19 metre B-doubles. Turning circles, although very tight, will cater for these vehicles.

Concurrent with traffic control in Diadem Street and in order to provide for tree plantation, Council’s City Works designed a median system which would extend from Lismore Square exit (opposite McKenzie Street, through to re-opened Magellan Street. This median would allow for left-turn only movement of traffic both into and out of the Service Station, and the delivery rampway.

This median was strongly opposed by the proponents, particularly as regards the “left-turn movement only”.

A further meeting to discuss the perceived traffic difficulties was then held (in Sydney) in December 2004. Arising from this meeting a further plan was developed providing for breaks in the median, to allow for both left and right exit movements from the Service Station, and introducing use of the delivery ramp for private vehicles – “The Sydney Plan”.

The applicant rejected any idea of being responsible for median construction beyond the frontage

of the two lots being developed, and adjacent to the delivery ramp.

This new plan, however necessitated the use of and relies upon the Lismore Square delivery rampway, by providing an exit from the carpark area from a point approximately 2/3 the distance towards Brewster Street, and allowing private vehicles to traverse the delivery laneway to access the Service Station. The use of the service lane and rampway for private vehicles (and originally, by Kirklands Buses) was strongly opposed by Council during the original Square Development Application assessment, and has not been supported since.

Further, the owner of Lismore Square has indicated that he does not condone traffic using the service laneway, for, amongst other reasons, insurance issues.

Council officers then consulted its own traffic management consultants (TTM) and jointly developed an amended traffic plan, believed to be the most acceptable plan under the circumstances. This plan ("the Council plan") was submitted to the applicants, urging their full consideration and acceptance. Woolworths 'have rejected' this plan, and request "the Sydney Plan" to proceed. It is the "Sydney plan" that proposes use of the service laneway and ramp for public access, which is not favoured by Council, or by the Lismore Square owner.

In summary, although Council officers believe that a reasonable and acceptable traffic plan has been developed, and could be supported, it has not been accepted by the proponents, principally because it does not cater for a right-turn exit onto Diadem Street, and it denies use of the service rampway. It should be made quite clear that NO plan is ideal in respect of traffic movement for this development, and every endeavour has been made to find a satisfactory one, but this appears to have reached a stalemate. Given this situation, and the fact that there is strong local resident objection to the development, it appears that refusal is the most appropriate course of action.

#### **5.6 The Suitability of the Site for the Development**

Given acceptable traffic movement, controls and site area, the commercially zoned location is quite appropriate for the development. Lighting, hours, landscaping etc would need to be controlled with any acceptable development on the site.

#### **5.7 Any Submissions made in Accordance with this Act or the Regulations**

As a result of public notification, there were 12 letters of objection lodged (consisting of six (6) individual letters, and six (6) "standard pro-forma" letters); and a petition containing about 196 signatures. Eight (8) of the letters emanated from residents of Diadem Street generally opposite the proposed development site.

Objections are summarised as follows:

1. There was no service station indicated on the Lismore Square Development plans.

(Response: This is correct, but the application is "stand alone" to the Square development application. There are three vacant commercially zoned lots fronting Diadem Street, which are available for ANY form of approved commercial development.)

2. The service station will be near playing fields.

(Response: Doesn't appear to have any adverse impacts.)

3. The service station will not create employment, as only one person these days operates, the customer does the work.

(Response: A statement of fact perhaps, but not a relevant factor in determining any approval.)

4. Job losses will occur in other service stations.

(Response: This may or may not occur, but the economics of assessing individual businesses are not a factor for determination.)

5 Fumes, Air Quality will be impaired

(Response: Construction would be in accordance with relevant Australian Standards, with designed venting and standard fuel storage. This applicant has submitted a comprehensive development application with quite detailed analysis of relevant issues, and these are assessed as being satisfactory.)

6 Noise – particularly at night.

(Response: Noise would come from two areas – hours of opening and deliveries. The applicant proposes 6am to midnight (Mon-Sat) and 7am to 10pm (Sundays) Given any conditioning, hours Mon-Sat should be cut back to at least 11.00pm at night. Deliveries should similarly be restricted, not between 11.00pm and 6.00am daily (7.00am Sundays)).

7 Visual Impact – The service station would be an ‘Eyesore’.

(Response: Woolworths Service Stations, especially when newly constructed, are usually clean, tidy and well maintained. It would be difficult to say that it would be an eyesore, unless it is considered that service stations generally are such. The biggest problem here is the restricted site area for the service station development, and hence restricted ability for good landscaping and screening.)

8 Contamination of Ground

(Response: See response to point 5 above.)

9 Increased Traffic Flow (especially at night). Residential Character will change

(Response: The traffic flow in the area is going to increase considerably with the completion of Lismore Square extensions, particularly with new entry/exit to Diadem Street, the closure of part of McKenzie Street and the new delivery dock access. It is doubtful that service station traffic itself will create further impact. Many of the service station patrons will already be shopping patrons of the Square. Night time may see some additional traffic, after the Square closes.)

10 Applicant should go to other existing service stations to develop.

(Response: This is not a Council consideration, and further, Council must assess the application in hand, and in respect of the proposed development site.)

11 Effects of Flooding – danger of contaminants will kill lawns and gardens

(Response: See response to point 5 above.)

12 Property Values will be affected

(Response: Values may possibly be affected, which may occur after development. The site is zoned Commercial, and is available for commercial development. The extensions to Lismore Square (not yet completed) and reasonable commercial development may even have a property value enhancement.)

13 Don't Need Discount Fuel

(Response: Not a Council consideration.)

14 Obstruction to Views over Parkland

(Response: View obstruction will not be a reason for denying development on these lands. Further, views would have been “affected” prior to demolition of residential development and vegetation which existed on these lots.)

15 Lismore doesn't need another Service Station

(Response: Not a Council consideration.)

## The Petition

The petition signed by approximately 196 persons canvasses as follows:

*“The development will impact upon our right to use and enjoy our land, and will have a detrimental impact upon the surrounding environment”*

(Response: The general import of the petition is covered in individual submissions above. A scan of addresses provided in the petition indicates that a great majority reside away from the immediate precinct of the development site.

## 5.8 The Public Interest

There would be a “public interest” served in having fuel sales handy to the (enlarged) Lismore Square Shopping facilities.

## 6. REFERRAL COMMENTS

### 6.1 Internal

#### 6.1.1 Manager Finance & Administration Comments

If this development application is approved, Council will need to meet its share of the median proposed for Diadem Street. The extent and design of the median has not been finalised so it is not possible to quantify the cost to Council.

### 6.2 External

- i) **Local Traffic Committee** – considered by the Committee on three separate occasions. Difficulty in assessing because of ‘constrictions’ of site, perceived inadequate manoeuvring area, traffic movements onto/off Diadem Street. Final recommendation was for reversal of traffic flows through the Service Station, which was subsequently agreed by the applicant.
- ii) **DIPNR (EPA)** – No specific controls, but recommending that Council assess the potential for offensive odour and noise from the activity.
- iii) **WorkCover NSW** – No specific issues – suggests safety during construction, compliance with relevant legislation regarding fuels etc, storage and also compliance with gas bottle filling (if this is to occur).

## 7. CONCLUSIONS

In terms of location, zone and proximity to the adjacent Lismore Square Centre the site is suited for use for a Service Station and the application, given its inherent difficulties and constrictions, has been well presented by the applicant's consultants. However because of the following:

- a) Minimal actual site area, and consequent necessity to utilise part of the adjoining land for access;

- b) Unresolved “best available design” for traffic access to and from the site;
- c) Unsupported use of the Lismore Square delivery/service ramp for public thoroughfare, by both Council and the Square owner;
- d) Constricted site amenity as regards tanker manoeuvring, vehicle parking and reasonable landscaping areas;
- e) Substantial objections from the adjacent neighbourhood; and
- f) Rejection of Council’s Traffic design which could be favourably support,

the proposal is recommended for a refusal.

## Recommendation (PLA06)

- A That 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 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.

# Report

<b>Subject</b>	<b>Proposed renaming of part of Dunoon Road and Rosebank Road</b>
<b>File No</b>	R3407
<b>Prepared by</b>	Manager Special Projects and Properties
<b>Reason</b>	Request by local residents
<b>Objective</b>	To obtain Council resolution to change the road name of part of Dunoon Road and Rosebank Road.
<b>Strategic Plan Link</b>	Infrastructure
<b>Management Plan Activity</b>	Roads

---

## Overview of Report

Council is being asked by local residents to rename part of Dunoon Road and Rosebank Road to Repentance Creek Road.

## Background

Council has received several letters from residents in Repentance Creek highlighting an anomaly in the road naming in their area. The road from Dunoon to the Local Government Area eastern boundary at Repentance Creek is currently known as "Dunoon Road". This road does not appear to be continuous where Rosebank Road branches off and there is an opportunity to clarify the road naming and make it more relevant to the areas through which it passes.

Accordingly, it is proposed that the names "Dunoon Road and Rosebank Road" be changed to "Repentance Creek Road" for the section of road shown in black on the accompanying sketch. This will have the effect that the road names emanating from the intersection of Rosebank road with Eureka Road will be relevant to the roads destination and is consistent with the resident requests.

## Comments

Financial Services

Not required.

## Other staff comments

Nil.

## Public consultation

A thirty day period of public notification closed on January 05, 2005. A total of nine (9) submissions were received during the period of public exhibition, all of which outlined their support for a change of name.

## Conclusion

Power to name public roads is vested in Council under the Roads Act 1993 providing certain procedures are followed. The proposed change outlined in this report is in response to a local community proposal. The proposal is supported by Council staff.

## Recommendation

1. Pursuant to Section 162 of the Roads Act 1993, rename that part of Dunoon Road and Rosebank Road which is north easterly from the Rosebank Road – Eureka Road intersection in the Parish's 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.

# Report

<b>Subject</b>	Extension of development consent for recreation area at 229 Borton Road, Tullera
<b>File No</b>	DA 03/128
<b>Prepared by</b>	Development Assessment Planner
<b>Reason</b>	Council Resolution
<b>Objective</b>	The determination of the application to extend the consent
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Activity</b>	Development Control

---

## Overview of Report

This report assesses the trial period for a recreational facility set up for disadvantaged children at 229 Borton Road, Tullera. The developer has now applied to amend the consent to allow the recreation area to operate on a permanent basis. The main feature of the original DA was the significant level of community objection. Much of this objection related to fear of increased crime, loss of security and loss of rural amenity. There has been a significant reduction in the level of community objection - 5 submissions received in relation to the proposed amendments in comparison to 184 objections originally.

## Background

### Precis Of Application

**Applicant:** Newton Denny Chapelle, Consulting Surveyors and Planners on behalf of Sheach Consultancy

**Zoning:** 1(a) General Rural Zone

**Location:** 229 Borton Road, Tullera, Lot 41 DP 603527. A locality plan is provided as map 1.

**Proposal:** Application under section 96 of the Environmental Planning and Assessment Act 1979 to allow the recreation area to operate on a permanent basis.

**Key Issues:** Resident objection.



**Map 1**

In 2003 Council approved the development application for the recreation area subject to a number of conditions, one of which was that the application have a 12-month trial period. A copy of the original report is attached.

The development approval established a recreation area on the property. The recreation area provides a facility for up to eight (8) children and their mentors to undertake outdoor activities at the property. These children reside in other dwellings remote from the property and are taken to the property for the day. The developer provides the following activities on the site:-

- Flying fox
- Climbing wall
- Rope walk
- Golf tees/greens
- Area for general activities (ball games).

The children are accompanied to the site by their mentor and are under supervision at all times.

Condition 6 prescribed the limitations of the trial period:-

6. *This consent is valid for a period of 12 months from the commencement of the use. The applicant shall notify Council of commencement in writing. Use of the site must cease 12 months after commencement, should an application for extension of this consent not be submitted to Council within the consent period.*

The applicant has complied with all other relevant consent conditions satisfactorily. The S96 application to delete Condition 6 was lodged on August 2, 2004, within the 12 month period.

## Comments

Financial Services

Not Required.

Other staff comments

The requirement of other sections of Council were incorporated into the original determination.

## Public consultation

The Application was exhibited in accordance with Development Control Plan No. 41. All 210 persons who originally made submissions (in 184 letters) were re-notified. The application was also advertised in the newspaper.

As a result of the exhibition five (5) letters of objection were received. Copies of the letters are provided in the attachments. The letters of objection raised the following points:-

1. The development has not been operating at full capacity so the trial period is not valid.
2. The dairy bails is being used as a residence.
3. The facility emits disturbing noise.
4. The developer is ignoring Council rules.
5. The vehicle access does not comply with conditions 9 and 10;
6. Noise from the lawn mower is disturbing.
7. The golf course is illegal.
8. Safety netting is required for the golf course to protect cars on Borton Road.
9. Complaints to Council about the operation were not registered.
10. Loud and terrifying noises coming from children, not normal noises of children but the sound of a child in real fear and pain.
11. There is potential for further expansion of the use.
12. Persons and dogs wandering onto other properties.
13. Borton and Bentley Roads are degrading as a result of the facility.
14. The effluent system is not adequate for the number of users.
15. Fencing complaints relating to stock.

As a result of these submissions, a mediation between the developer and the objectors was arranged. Three separate attempts were made to get the parties together with a professional mediator. Due to availability problems with all of the parties the formal mediation was not able to be held. A meeting was eventually conducted by the Development Assessment Planner so that the objectors could put forward their position to the developer. This meeting was attended by six of the objectors, the developer and his planning consultant.

Issues raised by the objectors in the meeting with staff and the developer included:-

- Dust from speeding vehicles
- People wandering in paddocks at night
- Operation of the deferred commencement consent
- Children are living there contrary to the consent
- Fencing and escaping stock
- Has all the work done on the property been approved?
- Sheds have been converted to dwellings
- Noise
- Change in lifestyle
- Vehicle movements
- Change in the social aspects of the community
- Rise in crime rate
- There is a feeling that people can move into the area and operate a business with no regard to the

rules

- Riparian rights (use of water from dams on golf greens)
- Disrespect of the rules
- Lawnmower noise (12 hours a day, high pitched noise)
- Proximity of golf course to road
- Screaming from a child in real fear or pain (didn't know what was happening or whom to call)
- No response from Council officers regarding the child screaming
- The local community is required to police this consent
- The 12 month trial should be done when the facility is operating at full capacity
- Weekend operation.

It was agreed that dust from vehicles was a problem but no agreement was reached as to the cause. Some of the causes may be:-

- Council not maintaining the road;
- Speeding vehicles, may or may not be from the site;
- Increase in traffic, may or may not be caused by the development.

The developer agreed to place a sign on the front gate requesting staff to drive slowly and to advise staff drive slowly. Any increase in vehicle movements relating to the development is not considered sufficient to cause a significant increase in the levels of dust generated from a gravel road.

The residents would like to have the Traffic Advisory Committee reduce the speed limit from 80km/h to 50 or 40km/h on Borton and Bentley Roads. This issue was referred for consideration.

The residents argued that there was a change in the social aspects of the community, i.e. a behavioural change (locking doors), not trusting people, there are more people in the area that they don't know. The residents claim that this change is as a result of the operation of the facility. This issue is linked with the rise in unreported crime claimed by the residents. Petty theft and vandalism were reported as the main issues with gates being left open, fences damaged, the objectors asserting that this was caused by the development. The developer said he could provide a log of attendance giving arrival and departure time for all children and staff to demonstrate that the children were not present when the incidents occurred at night. The residents did admit that there was no tangible evidence that the development directly caused the increase in unreported crime but maintained the assertion that the unreported crime and prowlers was caused by the development.

There is no tangible evidence that the development has caused an (unreported) increase in crime. This was confirmed verbally by the Crime Prevention Officer of the Local Area Command. Although the residents' perception that this area is unsafe is not denied, the attendance log kept by the developer demonstrating a child's attendance time and activities indicates that this assertion should not be accepted as a reason to deny the extension.

One of the residents' main complaints was in relation to the noise from the lawnmower used to maintain the recreation area. There is a high pitched tonal component to the noise that makes it offensive and the time of operation was discussed. The developer agreed to restrict the time of operation to minimise the impact on a shiftworker living in the locality and to reduce the number of days that the lawnmower was used. Some of the residents agreed that this was satisfactory. Others were not satisfied with this outcome and wanted the lawnmower use to cease entirely.

The noise of a child screaming in pain/fear was raised by the residents. The developer disputed the factual basis of this. However the developer has proposed a protocol for staff phone numbers to be made available should such an incident occur, so that residents could call and receive appropriate advice as to the status/ well being of a child. This has been included as part of the application to modify the consent.

The proximity of the golf holes to Borton Road and the potential for errant balls to strike passing vehicles was raised. It was acknowledged that this was an issue but that it could not be dealt with in the consideration of this application to amend the consent.

The residents wanted the trial extended as the facility hadn't been operating at full capacity for the 12 month trial. The developer conceded that he has never had the full eight children at the facility. He had never had more than four children there at any one time. The residents argue that Council cannot possibly gauge the impacts of a facility operating at 50% capacity. This argument is not accepted given the quantum of children involved i.e. impacts from eight children would not be significantly different to four.

Some issues raised do not relate to the DA, such as fencing and stock control. These were generally discussed but have little bearing on the application to extend the operation of the consent. There was some agreement on the outcomes (of which Council is not a party) but there was dispute as to the factual circumstances surrounding various incidents.

The residents raised a number of issues relating to compliance with the conditions of consent. These included:

- When did the 12 month trial start?
- Weekend operations
- Riparian rights (use of dams to water golf course)
- People living in the dairy bails?

The time compliance with the deferred commencement conditions was provided to the residents (24 September 2003).

The developer admitted to opening up the facility to a group of Scouts on Clean Up Australia Day, but denied any other weekend use other than that of personal use.

The residents asserted that the dam could not be used for watering the golf course. They were advised that this is a matter for the natural resource management arm of DPINR to deal with.

The residential occupation of the dairy bails was investigated by Council's Compliance Officer, with no further action required.

Despite the negotiations at this meeting some residents remain strongly opposed to this development and want the application refused.

As a result of the meeting the developer amended the Section 96 application to:

1. Delete condition 6 (making the consent permanent)
2. Impose a condition requiring a procedure for residents to contact staff (management plan) and for staff to advise the residents of any incidents on the property should the residents enquire.
3. Place a sign on the exit gate to the property requesting that staff drive slowly when leaving and travelling on Borton and Bentley Roads.
4. Provided agreement to the imposition of S94 charges for road upgrading.

## Conclusion

The application when considered against the relevant provisions of the Lismore Local Environmental Plan 2000 and the provisions of section 96 (1A) of the Environmental Planning and Assessment Act 1979 is acceptable. There are no valid reasons to refuse the application and it is recommended that Council approve the application to modify the consent as requested.

## Recommendation

That development consent DA 03/128 be amended as follows:

1 Delete condition 6

2 Add new condition 17 under the heading **Incident Management Protocol**

17 *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 condition 14A:

14A *The operation of a commercial lawnmower is restricted to a maximum of 3 times a week between the hours of 8am to 12pm.*

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

4 Add condition 9A:

9A *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.*

5 Add new condition 18 under the heading **Section 94 Contributions**

18 *Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the **date of payment**. The rates and amounts applying at the date of this notice, totalling **\$9,320**, are set out in the schedule for your information. Should the proponent wish to pay the Section 94 and Section 64 levies in one instalment, and the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid **within three months of the date of this amendment**.*

*Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI) on an annual basis.*

*The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.*

*If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.*

*GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.*

*The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.*

**Reason:** *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1999 as required by the increased population or activity. (EPA Act Sec 94)*

LISMORE CITY COUNCIL

DEVELOPMENT CONSENT NO: 2003/128

ADDRESS: 229 Borton Road, Tullera

**IMPORTANT TO NOTE**

The rates and amounts shown against the various items below are those applicable as at date of original consent. If these levies are not paid within twelve (12) months of the date of original consent, the rates shall then be increased on an annual basis in accordance with the prevailing Australian Bureau of Statistics Consumer Price Index (Sydney), as applicable at the time of payment.

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 18, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

The following Levies are charged under Section 94 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below.

*\* Note: For discount see Lismore Contributions Plan 2004*

Levy Area	Account No.	No. of ET's/m <sup>2</sup>	Cost Per ET/m <sup>2</sup>	Amount Payable
<b>Urban Roads</b>				
Urban Bushland	1655.1	2	1666	\$3,333
<b>Rural Roads</b>				
Borton Road	90430401	2	1258	\$2,516
Dunoon Road	90030620	2	1601	\$3,202
<b>SES</b>				
All areas	1695.1	2	55	\$110
<b>Rural Fire Service Plan</b>				
All areas	1690.1	2	80	\$160
<b>Total</b>				<b>\$9,320</b>

ET'S CORRECT - PLANNING SERVICES OFFICER ..... DATE ...../...../.....

LEVIES CORRECT - FINANCIAL SERVICES OFFICER ..... DATE ...../...../.....

Total levies at current rates (actual amount to be calculated when final plan submitted).

A COPY OF THIS ADVICE MUST BE PRESENTED WHEN MAKING PAYMENT DATE:

RECEIPT NO: CASHIER:

**COUNCIL USE ONLY**

**Cashier to Note:**

This section must be completed by the Manager-Finance and Administration, the Principal Accountant or the Financial Accountant prior to receipt.

I hereby certify that the fees payable have been checked to ensure that;

- a) the number of ET's is in accordance with the development application;
- b) the cost per ET is in accordance with the relevant Lismore Contributions Plan and/or Section 64 Plan applicable, as at the date of development application approval;
- c) the Consumer Price Index has been applied to the schedule of Section 94 fees and Section 64 fees, where the period between the date of consent and the date of payment is in excess of twelve (12) months.

.....  
FINANCIAL SERVICES OFFICER

...../...../.....  
DATE

# Report

<b>Subject</b>	<b>2004/05 Budget Surplus</b>
<b>File No</b>	S880
<b>Prepared by</b>	Manager, Finance & Administration
<b>Reason</b>	Requested by Council resolution 17/05
<b>Objective</b>	For Council to consider options as to how surplus funds can be usefully applied.
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Activity</b>	Financial Services

## Overview of Report

The report provides information on options on how to usefully apply the 2004/05 surplus of \$363,600, while acknowledging that it is impossible to adequately list and examine all alternatives. Given the high priority to major capital works, such as the Lismore RSL Club and Goonellabah Leisure Centre, preference is for surplus funds to be reserved for this purpose.

## Background

Council at its February 8, 2005 meeting when considering the December 2004 Quarterly Budget Review Statement report resolved: -

*17/05 1 Council adopt the December 2004 Quarterly Budget Review Statement subject to the \$313,600 surplus applied to reducing loans being suspended and a report being brought to Council examining options as to how these funds can be usefully applied.*

As a result, the reported operating surplus to December 31, 2004 is \$363,600.

The purpose of this report is to provide information to Council to assist in the determination of how the surplus funds can be usefully applied.

## Options

Realistically, the options for Council to usefully apply surplus funds are so many that it is impossible to adequately list and examine them all. With this clearly in mind, the following information has been prepared for consideration on options, which relate to Council priorities, topical issues or logical application: -

### Major Capital Works

Council has undertaken extensive major capital works in recent years to improve community facilities and infrastructure including the Lismore Levee, Lismore Library, Molesworth Street, Memorial Baths and Keen Street. In addition, the acquisition and renovation of the Lismore RSL Club, and construction of the Goonellabah Leisure Centre are planned. In total, this equates to a \$24.4 million investment by Council with a significant portion being loan funds.

From a prudent financial management perspective, minimising the amount of loan funding is preferred so as to reduce interest costs. Based on current loan terms and conditions (15 years – 6.5%), the interest costs for a \$300,000 loan is \$174,100 over the life of the loan or \$11,600 per annum.

Given that we are likely to invest in the Lismore RSL Club and Goonellabah Leisure Centre because they are high priorities for Council, and a large part of the funding will be from loans, a very supportable option is for the surplus to be applied to these projects and reduce loan borrowings.

## Events

Council has been very successful in attracting events to Lismore. While the social and economic benefits for Lismore are generally thought to be very positive, there is a direct cost impact to Council. In most cases, a budget is approved by Council such as for the Northern Rivers Herb Festival, Lismore Lantern Parade, Northern Stars, North Coast National Show, SCU 10 Year Celebrations, Australian Country Cricket Championship and Masters Games. However, experience suggests that these budgets have been inadequate to meet demands, or notification of success being received after the budget process. For example, the following is a summary of 'additional' costs incurred for some recent events and planned future events: -

<i>Australian Country Cricket Championships (January 2005)</i>	
<i>Event management</i>	<i>\$15,400</i>
<i>Field preparation, etc</i>	<i><u>\$30,400</u></i>
<i>Total</i>	<i>\$45,800</i>
<i>Unfunded</i>	<i>\$22,800</i>

<i>NRL – Eels V Sharks (February 2005)</i>	
<i>Event management</i>	<i>\$*</i>
<i>Field preparation, etc</i>	<i><u>\$30,000</u></i>
<i>Total</i>	<i>\$30,000</i>
<i>Unfunded</i>	<i>\$30,000</i>
<i>* Not separately costed.</i>	

<i>Rugby League – City v Country (May 2005 - Estimated)</i>	
<i>Event management</i>	<i>\$*</i>
<i>Field preparation, etc</i>	<i><u>\$30,000</u></i>
<i>Total</i>	<i>\$30,000</i>
<i>Unfunded</i>	<i>\$30,000</i>
<i>* Not separately costed.</i>	

Given the success rate of application and costs associated with events, the allocation of additional funds from the surplus to meet these costs warrants special consideration.

At the same time, as \$52,800 in expenditure for the ACCC and NRL games are unfunded, and an estimated \$30,000 is to be incurred for the City v Country match, a total of \$82,800 will need to be funded from the surplus. This will be reported as part of the March 2005 Quarterly Budget Review Statement.

## Urban Sportsground Development Fund

Council provides a recurrent budget of approximately \$85,000 for the development of urban sportsgrounds. Currently, City Works is updating the estimates with a view to them being considered for funding from the 2004/05 Urban Sportsground Development Fund (USDF) as a priority and this has been communicated to the sporting clubs affected.

To ensure greater transparency and clarity for sporting groups, the LDSA at its March meeting is to consider a draft policy, which basically provides guidelines for which the USDF should be allocated.

Once this policy is finalised and adopted by Council, access to the USDF by sporting clubs could be advertised. If due to existing project commitments, extra funding is not available in 2004/05, the applications will be considered as part of 2005/06 Management Plan or future USDF programs.

## Footpaths & Cycleways

Council at its September 14, 2004 meeting resolved

*169/04 3 City Works undertake a review of our footpaths/cycleways plan and prepare a report on priorities and funding levels.*

This resolution was in response to a number (4) of public submissions to the 2004/05 Management Plan requesting Council consider providing footpaths/cycleways on Richmond Hill Road, High Street, Diadem Street and at Eltham. City Works are in the process of preparing a report for consideration by Council at the April 2005 meeting.

Council considered a similar report in August 2003 and resolved to examine ways to fund an additional \$320,000 per year for footpath improvements. There was a submission to the 2004/05 Management Plan for this purpose, but it did not have sufficient priority for funding.

## Maintenance Service Levels

There is always a demand for increasing the level of service for maintenance works on roads, parks and recreational areas. While this is possibly achievable in the short term, it is not sustainable as there are higher priorities, which require funding such as major capital works.

If this were a priority, to implement a sustainable increase in funding for maintenance works, Council would need to review its recurrent operations with the objective to reduce the funding impact from existing works and/or services.

## Operating Surplus

Given the size of Council's general fund budget (\$58.7million), it is essential that an operating surplus be maintained to provide flexibility to meet any unplanned funding variances. These variances can be positive or negative and include revenues and expenses. The preferred approach is conservative and a minimum-operating surplus of \$50,000 is recommended.

The other issue that needs to be considered is that there is still six months financial performance to occur and report on to June 30, 2005. While expectations are positive, situations like events can occur and will need to be funded from the surplus. The allocation of the surplus to major capital works also increases flexibility if the surplus is required at a later date to meet unplanned costs. The reason being that funding for major capital works is planned well in advance and normally includes loan funding, which can be taken up at any time during the financial year.

## Comments

### Other staff comments

N/a

### Public consultation

N/a

## Conclusion

As indicated, it is not possible to prepare and examine a comprehensive list of options as to how the surplus funds can be usefully applied. Based on what are clearly Council priorities, topical issues or logical application, information on major capital works, events, urban sportsgrounds development fund, footpaths and cycleways, maintenance service levels and operating surplus has been prepared.

From a financial perspective, the allocation of surplus funds, above the minimum-operating surplus, to major capital works is the supported option. This option potentially provides the best return for Council

as the Lismore RSL Club & Goonellabah Leisure Centre are very clearly high priorities requiring funding now. In addition, any reduction in the amount borrowed will reduce future interest costs and therefore allow more funding for other purposes over the longer term. It also increases flexibility to manage unplanned negative variances during the remainder of 2004/05, if required.

## Recommendation (COR07)

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.

# Report

<b>Subject</b>	Amendment No 22 to Lismore Local Environmental Plan – Lot 1 DP 973151, 364A Eltham Road, Eltham
<b>File No</b>	S892
<b>Prepared by</b>	Strategic Planner
<b>Reason</b>	Completion of consultation with government agencies and public exhibition period
<b>Objective</b>	Council's adoption of LEP Amendment No. 22
<b>Strategic Plan Link</b>	Quality of Life – Encourage sustainable development
<b>Management Plan Activity</b>	Strategic Planning

## Overview of Report

This report advises on the outcome of the public exhibition of the rezoning proposals for Lot 1 DP 973151, 364A Eltham Road, Eltham and recommends that Council adopt the LEP amendment and forward it to the Minister for gazettal.

## Background

### Précis

- Subject land:** Lot 1 DP 973151  
364A Eltham Road, Eltham
 

**Applicant:** Newton Denny Chapelle

**Owner:** BJ Teale, KL Teale & CA Scheibel

**Proposal:** To amend the Lismore Local Environmental Plan 2000 to enable rural residential subdivision to occur on the subject land

At its meeting of August 10, 2004, Council resolved to prepare an amendment to the Lismore LEP to enable rural residential subdivision on Lot 1 DP 973151, 364A Eltham Road, Eltham. The Eltham Road site has an area of 22.2577ha and extending Federation Drive will provide access to the proposed 9 rural residential lots. A plan of the proposed subdivision is included as an Attachment 1.

The rezoning submission for Eltham Road was lodged in accordance with the provisions of the Lismore Rural Housing Strategy (RHS).

### Consultation with Government Agencies

Following Council's resolution to prepare the Plan, the proposal was referred to relevant government agencies in accordance with the requirements of s62 of the *EP&A Act*. Where additional information or requirements been requested by these agencies these have been complied with.

## Comments

### Financial Services

On the basis that all the road upgrading works will be funded by the developer, the recommendations are supported.

### Other staff comments

City Works, Lismore Water and Council's Environmental Health section originally assessed the proposals. Issues raised in the public submissions relating to the road surface, traffic, wastewater and safety have been further assessed by these sections and their response has been incorporated into this report and its recommendations.

### Public consultation

The draft LEP amendment and master plan were publicly exhibited for sixty four days from December 13, 2004 to February 14, 2005. Owners adjoining the property were also notified of the rezoning proposals by letter.

In response to the public exhibition, 1 submission was received. A copy of the submission is separately attached. A summary of the issues raised in the submission, together with planning comments, is provided as follows:

#### Eltham Road:

1. The existing road at Federation Drive is breaking up, there is erosion on edges and the current turning circle appears to be too small.

**Comment:**

*As stated in the Draft LEP 22 Instrument (attachment 2) Federation Drive will be upgraded to a 6 metre wide seal on an 8 metre formation from the property boundary to the intersection with Johnston Road. The upgrade is to be completed prior to release of the subdivision certificate for any lot proposed.*

2. The existing road has no kerb and gutter and with an increase in children there is a safety risk if no kerb and gutter is included in the road upgrade.

**Comment:**

*Kerb and gutter in rural areas is only required where the gradient adjacent to the road is such that scouring of the table drain will occur. The proposed 9-lot rural residential subdivision and road upgrade does not require kerb and guttering as the gradient does not exceed the requirements for kerb and gutter in rural areas.*

3. Consideration should be made to incorporate the proposed subdivision in the Clunes wastewater upgrade.

**Comment:**

*The lot sizes for the proposed rural residential subdivision are of adequate size to incorporate onsite wastewater management systems. Due to the distance of the site from Clunes it is not reasonable that this site be considered for incorporation into the Clunes wastewater system*

4. Will the proposed subdivision be supplied with electricity by underground power lines.

**Comment:**

*The electricity supply for the proposed subdivision will continue with overhead power lines as this is the existing source of power supply to the current development on Federation Drive.*

5. Written notification was not given.

**Comment:**

*Notification of the proposed rural residential subdivision was completed as required by Council's Policy. Residents adjacent to the existing lots were notified in writing and an advertisement was placed in the paper giving people sixty four days to place a submission.*

## Conclusion

The submission for Eltham Road was lodged in accordance with the provisions of the Lismore Rural Housing Strategy (RHS). The proposed 9-lot rural residential subdivision on Lot 1 DP 973151, 364A Eltham Road, Eltham is an extension of the existing rural subdivision. The upgrading of Federation Drive, in accordance to the Draft LEP 22 Instrument should address the issues raised in the submission.

## Recommendation (PLA03)

That Council:

- 1 Adopt LEP Amendment No. 22 as attached to this report; and
- 2 Use its delegations under section 69 of the EP& A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan, and
- 3 Adoption of 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.

# Report

<b>Subject</b>	<b>Draft Lismore Local Environmental Plan Amendment No. 25 – 5 Apo Street, Goonellabah.</b>
<b>File No</b>	S912
<b>Prepared by</b>	Strategic Planner
<b>Reason</b>	Receipt of rezoning submission
<b>Objective</b>	Resolution to prepare draft LEP amendment for public exhibition.
<b>Strategic Plan Link</b>	Encourage sustainable development
<b>Management Plan Activity</b>	Strategic Planning

## Overview of Report

This report advises Council of the receipt of a rezoning submission to enable the urban residential subdivision of land in Apo Street, Goonellabah and recommends that Council proceed with the preparation and exhibition of a draft LEP amendment.

## Background

### Précis

<b>Subject land:</b>	Lot 178 DP 811350 5 Apo Street, Goonellabah
<b>Applicant:</b>	Newton Denny Chapelle
<b>Owner:</b>	NSW Department of Education & Training.
<b>Proposal:</b>	Rezoning to enable urban residential subdivision.

Council is in receipt of a rezoning submission that seeks an amendment to the Lismore LEP to enable subdivision of Lot 178 DP 811350, 5 Apo Street, Goonellabah for urban residential purposes. A site locality plan is attached to this report.

The site is currently zoned 5 Special Uses (Education) Zone and was purchased by the Department of Education and Training in 1990 as a site for a future primary school. Following substantial upgrading of the Goonellabah Public School, the Department now considers the site to be surplus to its requirements. The applicant also claims that sufficient space is available on the Kadina High School site to accommodate a new primary school should the need arise in the future.

The land is just over 3 ha in area and is bordered by existing residential development to the north, south and west. Adjoining vacant lands to the east are also zoned 2(a) Residential and have a current consent for residential subdivision. The land is mostly cleared and gently sloping and generally free of environmental constraints. The full range of urban services is available to the site. Accordingly the most appropriate alternative use for the site is considered to be urban residential.

A subdivision layout has been lodged with the rezoning submission which indicates a potential lot yield of 27 lots for the site. Some amendments to the layout will be required to achieve better stormwater drainage outcomes as required by City Works. The subdivision layout as submitted will not be incorporated into the rezoning and a revised layout addressing these issues will be required at the Development Application stage.

The site is not identified in the Lismore Urban Strategy as a potential urban residential site. This is because, at the time of preparation of the Strategy, it was assumed that the land would be developed for the purposes of a primary school. However, given the potential lot yield of the site, the rezoning is not considered to constitute “significant urban growth” which triggers the requirement under clause 38 of the North Coast Regional Environmental Plan that it be part of an urban release strategy.

Council has resolved that the rezoning of all land for urban residential purposes be by way of addition to Schedule 4 of the LEP. This will enable a “sunset clause” of twelve months to be applied to the rezoning to ensure that the proponent lodges a Development Application within that timeframe. This will help to ensure that, following the rezoning, development proceeds in a timely manner and the site does not contribute to Council’s undeveloped urban land stock.

## Comments

Financial Services

Not required

## Other staff comments

City Works has assessed the engineering aspects of the proposal. It has no objection to the rezoning but has some concerns with respect to the subdivision layout submitted with the proposal. These concerns relate to road layout and the undesirability of having all stormwater draining to a cul-de-sac.

Lismore Water has also assessed the proposal and will require the proponent to undertake a sewer modelling analysis of the proposal to assess the impact of the subdivision upon existing infrastructure and sewer pumping stations within the catchment. This will be required at the Development Application stage.

## Public consultation

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

## Recommendation (PLA04)

That Council resolve to:

- 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.

# Report

<b>Subject</b>	<b>Goonellabah Leisure Centre</b>
<b>File No</b>	T25005
<b>Prepared by</b>	Manager Special Projects and Properties
<b>Reason</b>	To advise Council of the status of the project
<b>Objective</b>	To obtain Councils continued support for this project
<b>Strategic Plan Link</b>	Quality of Life
<b>Management Plan Activity</b>	Community Services

## Overview of Report

The Project Steering Committee has considered the tenders received for the Goonellabah Leisure Centre and is seeking further and better particulars prior to making a recommendation in regard to the award of the Design and Construct tender for this project.

## Background

At its June 2004 meeting, Council resolved;

*“that the Project Steering Committee proceed to:*

- a) prepare specifications and call tenders for the design and construction of Stage 1 of the Centre;*
- b) prepare specifications and call tenders for the management of the centre.”*

In accordance with this resolution, staff prepared a detailed specification brief and called for “Registrations of Interest” for a ‘design and construct’ tender for the proposed centre. Ten registrants expressed an interest and following an examination of their capacity to undertake the tender, four companies were asked to submit a formal tender.

The tender assessment criteria adopted by the committee were:

- Functionality
- Total price
- Aesthetic amenity
- Landscape integration
- Quality safety and environmental

All four Tenderers put forward a proposal and made verbal presentations to the Committee on November 25, 2004. The Operations Manager of the YMCA was present during the presentation and assessment period and his experience was of great benefit to the Committee.

It was considered that two of the proposals offered good value to Council and additional information was sought from those Tenderers so that the best proposal could be ascertained. Following receipt of the additional information the Committee has made the following recommendations:

- 1 That Council continue to pursue Consolidated Properties to get legal tenure of that part of their land that is required for the project to proceed. This includes the dedication of an 18m wide road corridor.
- 2 That Council obtain a quote from the preferred tenderer to take their design to the next level of detail to have certainty in regard to both the price and level of finishes that are proposed. Said fee to form part of their final tender price if their proposal is adopted.
- 3 That if a satisfactory outcome (in respect of price and/or level of finish) is not achieved from the preferred tenderer, the whole tender process be abandoned and recommenced.
- 4 That the other three tenderers be advised that Council is seeking further and better particulars from “another” tenderer and the process is not yet complete or reported to Council.
- 5 That Councillors be advised of the committees recommendations.
- 6 That end users and the YMCA be provided with a copy of the more detailed plan when it becomes available and their views and comments be sought again prior to a final recommendation being reported to Council.

The above recommendations of the Committee are being undertaken by staff.

## Comments

### Financial Services

At this stage, insufficient design and costing information is available to confidently recommend a preferred tenderer to Council. Consequently, the approach taken to provide clarity on these issues is supported prior to Council considering the acceptance of any tender for this project.

### Other staff comments

Nil.

### Public consultation

Nil.

## Conclusion

The tender process has led to the receipt of a good holistic proposal which integrates Goonellabah Leisure Centre into an improved environmental outcome for Tucki Tucki Creek while providing those elements which the community have identified as being required.

## Recommendation

That Council note the report and 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.

# Report

<b>Subject</b>	State of the Environment Report 2004
<b>File No</b>	S900
<b>Prepared by</b>	Manager Environmental Health & Building Services
<b>Reason</b>	Presentation of Council's 2004 State of the Environment Report
<b>Objective</b>	Adoption of the State of The Environment Report to satisfy Council's reporting requirements under the provisions of the Local government Act, 1993
<b>Strategic Plan Link</b>	Natural environment
<b>Management Plan Activity</b>	Environmental Protection & Enhancement: Fulfil Comprehensive State Of The Environment Report

## Overview of Report

Council in December 2004 endorsed the draft 2004 State of the Environment Report to be placed on public exhibition for a 2-month period. This report advises Council of submissions received and recommends that the report be adopted and recommendations attached be considered in Council's 2005/06 management plan deliberations.

## Background

The *Local Government Act, 1993* highlights environmental responsibilities of Councils, including a requirement to have regard to the protection of the environment in carrying out their responsibilities and to properly manage, develop, protect, restore and enhance and conserve the environment of the area for which they are responsible. These provisions are closely linked to the requirement under the Act for Councils to prepare State of the Environment Reports (SOE) in relation to the following environmental sectors:-

- Land
- Atmosphere
- Water
- Biodiversity
- Waste
- Heritage

Council's SOE Report 2004 is a comprehensive report as recognised under the provisions of the Local Government Act. It is produced every four years with supplementary reports annually.

SOE Reporting is intended to enable a Council to assess its environmental management responsibilities and projects. In addition it emphasises the need to analyse and review data already collected. The compilation of data can assist Councils in making informed environmental decisions. Where environmental data gaps or current environmental practises are identified as requiring review and recommendations for each environmental Sector, made it is anticipated that Councils will consider these issues and prioritise them through the management plan process.

The *Local Government Act* states that Councils must consider their most recent comprehensive SOE when preparing the draft management plan. The legislation requires a Council to be well informed about

environmental circumstances of its area and to apply the principles of Ecological Sustainable Development (ESD) through the strategic management plan process.

Attached to this report is Appendix One – Summary of Recommendations from the Draft 2004 SOE Report to be considered by the relevant Council Groups in the management plan and budget process.

## Public Consultation

The draft 2004 SOE was placed on public exhibition for a two-month period from 14 December 2004. Notice of the exhibition period was placed in Council's Info Link during December and January. The draft report was distributed to Council's libraries and placed on Council's webpage. The Big Scrub Environment Centre was advised of the report and invited to comment.

As a result of exhibition Council received one submission from Friends of the Koala (FoK). Pertinent comments from FoK to the draft SOE are as follows:-

- Council should develop a mapping project to plot all properties involved in the land for Wildlife program, as well as other conservation agreements.  
**Comment:** *A map has been prepared of Land for Wildlife properties. Consideration of Conservation agreements & covenants is also part of the Bushland Management Officer's role and will be explored where appropriate.*
- In regard to the proposed Pilot Student Covenanting Program auspice by the Nature Conservation Trust and Southern Cross University, we trust that Lismore City Council will be a collaborating member.  
**Comment:** *LCC is a collaborating partner in the proposed Nature Conservation Trust project.*
- Council work with DIPNR to identify "hotspots" so that closer satellite photography can be employed annually to identify smaller areas of vegetation and keep an eye on clearing.  
**Comment:** *The responsibility for dealing with vegetation clearing in the rural area lies with DIPNR. Council has no legislative control in this area.*
- Council work with the CMA and agree to share the PVP developer information so that small remnant, threatened species habitat, riparian zones and slopes that are currently not protected are protected as No Go Zones  
**Comment:** *Part of Council's submission to DIPNR regarding the Draft Native Vegetation Act and Regulations requested the sharing of Property Vegetation Plan (PVP) information. This has also been sought by the LG&SA's in their submission.*
- Council should actively pursue funding to be available as grants to assist landholders in weed removals.  
**Comment:** *Successful grant funding for landowners doing weed control is more likely to be forthcoming when landowners participate in Landcare groups or similar. Council's Bushland Management Officer is currently contacting landowners involved in koala habitat restoration (including weed control) to promote and assist with grant funding applications. This includes landowners in Landcare groups and those involved in the Land for Wildlife Program. Council also works with Far North Coast Weeds (the local noxious weeds authority) to achieve weed control on private lands.*
- Council should take a proactive role in providing accessible and accurate information on compliance requirements and authorities so that landholders and contractors are well informed and members of the public who are concerned about land clearing can report suspected breaches.  
**Comment:** *Control of land clearing in the rural area is a Catchment Management Authority (CMA)*

and DIPNR responsibility. Detailed information on the compliance requirements and roles of these regulatory authorities is proposed as part of Council's Planning & Development website review.

- The inclusion of the results of Virginia Seymour's Koala study of the North-Eastern reaches of the Lismore LGA in Council's mapping program and their incorporation into the models used by the NP&WS.

**Comment:** A copy of the report has been offered to Council.

- Council develop a database to include wildlife carer records, particularly of threatened species, for use in its mapping program.

**Comment:** This is best left to Friends of the Koala and similar organisations. Council's Bushland Management Office, however, is planning to facilitate a community survey of Koala locations in the Lismore LGA in July (Save the Koala month & day).

- Council develop a public campaign/brochure targeting soil sedimentation and its effects from clearing rural areas.

**Comment:** Community information on sedimentation (of waterways) from rural clearing, is proposed as part of Council's website review.

- Council develops a Comprehensive Koala plan of Management for the whole LGA, in line with other jurisdictions such as Port Stephens and Coffs Harbour.

**Comment:** A Koala Plan of Management has previously been rejected for the South East part of the Lismore Local Government Area.

## Comments

### Financial Services

From a financial perspective, where specific funding requirements exist that are not part of a recurrent budget, it is proposed that a funding submission is to be made for consideration by Council during the preparation of the 2005/06 Management Plan

## Conclusion

Pursuant to the Local Government Act, Council must consider the most recent comprehensive SOE report in the preparation of its draft management plan and the recommendations scheduled in the SOE Report should therefore be referred to the 2005/06 Management Plan process.

## Recommendation (PLA05)

- 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.

# Report

<b>Subject</b>	<b>Airport Industrial Estate</b>
<b>File No</b>	S865
<b>Prepared by</b>	Manager Special Projects and Properties, Manager Finance and Administration
<b>Reason</b>	To provide information in regard to development costs and staging options for the subdivision of the Airport Industrial Estate.
<b>Objective</b>	Obtain Council resolution
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Activity</b>	Property

## Overview of Report

The Airport Industrial Estate will cost approximately \$3.835 million to develop. Profit will be achieved over time, however, because development costs are substantial, a staging option is proposed to reduce the short-term cash flow risks. This course of action requires Council approval as it involves the allocation of \$3,358,100 in reserve funds immediately to commence development.

## Background

As reported to Council at its ordinary meeting of February 8, 2005 it is anticipated that the rezoning of the subject land at South Lismore will be signed by the Minister in March 2005.

Accordingly, a Development Application has been lodged for the subdivision and detail engineering designs have been undertaken. These activities allow Council to accurately determine development costs for the subdivision and allow it to develop financial models for an appropriate development strategy.

## Development Costs

Initial development costs for the whole eight lot proposal can be categorised as:

<b>Total eight lot proposal</b>	
• Infrastructure costs (including water/sewer/road/drainage etc)	\$2,400,000
• Fill costs	\$900,000
• Electricity provision	\$100,000
• Survey/Legal/Agent/etc	\$150,000
• Section 94/64	\$100,000
• External consultancy	\$5,000
• Contingency	\$180,000
<b>TOTAL COST</b>	<b>\$3,835,000</b>

## Land sale projections

Council has for some time been registering the details of those parties who express an interest in purchasing one of the subject industrial lots. A review of this register shows that Council has very keen purchasers for at least two of its proposed lots and reasonable expectations of selling another two.

It is not likely that all eight lots will sell in the short term as their very size and value limits the number of purchasers in the market. The strategy is not to develop sites in a piecemeal fragmented approach, but rather provide large quality development sites.

## Construction program

Given the above information, it would be prudent to develop the subdivision in stages as each stage will generate a profit in its own right and will generate funds for the successive stage. This would limit Council's financial exposure throughout the development.

Staged development does lead to an increase in establishment costs for the civil works however on this site, being in such close proximity to the works area, this would be minimal.

## Financial considerations

In simplistic terms, based on the estimated development costs and anticipated sale proceeds, the sale of all lots in the Airport Industrial Estate will generate a profit. Details of total development costs, staged development costs, sale proceeds and cash flow projections have been provided to Councillors in confidence under the constraints of Section 10A(2)(d).

From a cash flow perspective, the challenge is to best match development and sales to minimise the period of a cash overdraft. This is essential as development costs are quite substantial (\$3.835 million) and importantly, sales can fluctuate depending on range of factors over which Council has no control.

After consideration of appropriate staging, land sales projections, construction program and possible cost deferral information, it is proposed to immediately develop five (5) lots (Stage 1 and complete the infrastructure works for Stage 2). The balance can be undertaken when there is sufficient positive cash flow or when sales clearly obvious.

If this staged approach is adopted, the following are important financial considerations: -

- Council will expend \$3.358 million immediately in the development of Stage 1 and infrastructure works for Stage 2.
- This expenditure will require short term funding from Council's internal reserves. The specific reserves are not identified, but Council has a reported \$9.9 million in internal reserves as at December 31, 2004.
- The break-even point is the sale of four (4) lots.
- The risk for Council is that the sale of the fourth lot will not occur on a timely basis and therefore the internal reserves will not be available for the purpose anticipated.

To further minimise Council's risk, it is planned to proceed to exchange contracts with at least two (2) proposed buyers with minimal conditions to exclude financial consideration before commencing the proposed works. If this could not be achieved, further direction would be sought from Council.

## Comments

N/a

## Other staff comments

N/a

## Public consultation

N/a

## Conclusion

The total cost of development (\$3.835 million) is substantial. To minimise the cash impact, it is proposed to best match development with demand by constructing Stage 1, which includes five (5) lots, and the infrastructure works for Stage 2.

In the short term, funding will need to come from internal reserves, but this will be returned in full by the sale of the fourth lot. This is anticipated within a period of two years.

## Recommendation (GM05)

- 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.

# Report

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

## Overview of Report

Council investments as the 28th February 2005 total \$34,854,315 subject to the final values of funds held under Managed Funds being advised shortly.

Interest rates reported over the period of February 2005 are 5.86% in comparison to 5.95% for February 2004. This rate may change due to the result of Managed Funds.

## 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 – 31<sup>st</sup> January 2005</i> | \$31,795,756 |
|---|--------------|

The amount is higher than the estimate reported for January 2005 due to additional valuation movements in funds held under Managed Funds and an investments maturing. Actual interest returns for January increased to 6.04% from the reported rate of 5.92%
- |   |              |
|---|--------------|
| <i>Estimate of Investments – 28th February 2005</i> | \$34,854,315 |
|---|--------------|

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 February 2005 was 5.86% compared to 5.95% for the same period last year. Indications are that general rates will strengthen in March 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

<b>Subject</b>	<b>Annual Policy Review</b>
<b>File No</b>	S9
<b>Prepared by</b>	Administrative Services Manager
<b>Reason</b>	Council requirement
<b>Objective</b>	To ensure Council policies remain relevant.
<b>Strategic Plan Link</b>	Leadership by innovation.
<b>Management Plan Activity</b>	Finance & Administration

## Overview of Report

Annual review of Council policies.

## Background

Council has adopted a policy which requires that Council's policies be reviewed annually, with any proposed changes being reported to Council. This requirement is separate to the statutory review requirements that apply to such documents as the Expenses & Facilities Policy or Code of Conduct.

Whilst policy documents are reviewed on a stand alone basis when required, the annual review ensures policies remain relevant.

### Policy Nos.

#### **1.4.5 Citizen membership of Council committees and disclosure of interest**

#### **1.2.3 Duties and responsibilities of committee/panel chairpersons**

**Comment:** *These policies will be submitted to the Strategic Plan Standing Committee for consideration in conjunction with the committee review.*

#### **1.2.6 Councillor access to Council documents**

**Comment:** *The policy echoes to a degree the requirements contained with Council's Code of Conduct and the Local Government Act. Its structure is more procedural than policy in nature but its retention as a policy gives greater direction to staff than would a procedure on the more general advice found in the Code or Act.*

#### **1.2.16 Managing conflicts of interest**

#### **1.2.17 Provision of information to and interaction between Councillors and staff**

**Comment:** *The provisions contained within these policies are now included in the Code of Conduct adopted at the last Council meeting. As a result they can be deleted.*

## 9.1.3 Expanded houses

### **Comment:**

*Manager-Planning Services*

*The contents of this policy have been reviewed and incorporated in DCP 14 Residential Development, adopted by Council on 12/10/04. Accordingly the policy is redundant and should be deleted.*

## Comments

Financial Services

Not required.

## Other staff comments

Various staff members have participated in the review process.

## Public consultation

Not required.

## Recommendation (COR06)

- 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.

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

### Present

Councillors Merv King (*Chairperson*), John Hampton and Jenny Dowell, Ms Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Messrs Michael Baldwin (*RTA*), Snr Const Steve Hilder (*Lismore Police*), John Daley (*Lismore Unlimited*) together with Mrs Wendy Johnson (*Road Safety Officer*), Messrs Bill Moorhouse (*Group Manager–City Works*) and Bill MacDonald (*Co-Ordinator-Traffic & Law Enforcement*).

TAC1/05

### Apologies

An apology for non-attendance on behalf of Mr Thomas George, MP, was received and accepted and leave of absence granted.

TAC2/05

### Minutes

The Minutes of the Traffic Advisory Committee Meeting held on December 15, 2004, were confirmed by Council on February 8, 2005.

---

### Disclosure of Interest

Nil

### Business Arising

Nil

### Correspondence / Reports

**Dr GM Boyce; drawing attention to the insufficient onstreet parking spaces available on Dalley Street, East Lismore, for persons wishing to access St Vincent's Hospital or medical specialists on Dalley Street, and requesting that a 1hr parking restriction be imposed during business hours and a 40 kph speed limit be introduced within the hospital and medical precinct.**

**Dr GM Boyce; requesting a disabled parking space be provided in front of No. 23 Dalley Street.**

---

An inspection of the property in question revealed there were five (5) car parking spaces at the rear of the property and at least another two (2) at the front of the premises. With some additional works an additional disabled space could be provided onside at the front of the property. This was seen as far more acceptable due to the narrow width of Dalley Street and the danger that would exist for persons trying to get out of a vehicle parked on the kerbside. There was no guarantee that the space would be left for Dr Boyce's clients in any case. It was clear that traffic volumes along Dalley Street were increasing and it was felt there was a need for some type of overall traffic management programme to be developed that could address issues of speed, available onstreet parking, time limits and access to properties.

TAC3/05

**RECOMMENDED** that this matter be referred to Council's Design Services Section for investigation and preparation of a traffic management plan and estimate that would address the above issues. (04-13243,05-11,05-169:R7426)

**NSW Roads & Traffic Authority; responding to Council's request for pedestrian lights to be installed on Ballina Street near the Keen Street intersection.**

---

Mr Baldwin confirmed that an analysis of existing traffic conditions indicated the warrant for the installation of pedestrian lights could not be met. It was pointed out, however, that due to concerns of safety, there were many pedestrians who chose not to cross the Highway and that a warrant may never be met as a result. Mr Moorhouse suggested that a change in tack was required and that investigations should take place into opening the intersection of Ballina and Keen Streets and installing intersection control lights that would incorporate a pedestrian phase as well. This would also relieve pressure on the roundabouts at Molesworth and Dawson Streets and provide additional gaps for motorists using those facilities, as well as addressing the issue of pedestrians' inability to cross Ballina Street.

- TAC4/05 **RECOMMENDED** that TTM Consultants be requested to investigate the above proposal and provide a report that would confirm, or otherwise, the appropriateness of the introduction of the above measures. (04-13491:S342,R6002)

**H & Mrs J de Vries; drawing attention to the increased traffic volumes and vehicle speeds on Stony Chute Road following its upgrade to a bitumen seal and requesting a speed limit of 60 kph be imposed, preferably for the total length but particularly for the section between Cullen and Campbell Roads.**

---

Stony Chute Road was no different to many other rural roads where motorists were required to drive to conditions. The section of road in the vicinity of de Vries' property offered reasonable sight distance of oncoming traffic and could be improved by some clearing of vegetation close to the driveway. A reduced speed limit was not considered appropriate.

- TAC5/05 **RECOMMENDED** that the writers be advised a reduced speed limit was not considered warranted. (04-13727:R2105)

**Ms G Lockton; expressing concern for the excessive speed of traffic on Lockton Road and requesting a reduced speed limit be imposed.**

---

Lockton Road was in the same category as Stony Chute Road and a reduced speed limit was not considered warranted.

- TAC6/05 **RECOMMENDED** that the writer be advised a reduced speed limit was not considered warranted. (05-129:S352,R4204)

**NSW Roads & Traffic Authority; advising of the unavailability of funds to upgrade the intersections of Barker and Atfield Streets with the Bruxner Highway at South Gundurimba.**

---

It was noted that the intersections would be monitored and consideration given to their inclusion in future programmes.

- TAC7/05 **RECOMMENDED** that the residents of South Gundurimba be advised in accordance with the information contained in the letter from the RTA. (05-317:R4807,R4823,R4822)

**Mrs J Eggersdorf; requesting traffic movements be reviewed at the intersection of Trinity Drive and Mountain View Drive to improve pedestrian and traffic safety.**

---

TAC8/05 **RECOMMENDED** that a double white centre line be painted on Trinity Drive from Mountain View Drive for a distance of 20m–30m. (05-675:R6529)

## General Business

### **Tregeagle Road, Tregeagle – Potential blackspot near No. 416**

---

In response to the concerns of a local Tregeagle resident, Mrs B Bryant, Snr Const Hilder advised that there had been one fatality and one serious accident within the area in question in the past 18 months. One accident was alcohol related and the other speed. Both drivers were from the area and should have been aware of prevailing conditions. The corner in question, below Grennan Road, was not particularly sharp but the installation of guideposts around the bend may assist. Snr Const Hilder advised that he had spoken with Mrs Bryant and relayed the circumstances of the accidents, and that Police Officers would include the area in their patrols when able.

TAC9/05 **RECOMMENDED** that guideposts be installed around the bend on Tregeagle Road, below Grennan Road. (R5301)

### **Proposed multifunction sports centre – Trinity Catholic College**

---

A plan of the proposed development was tabled at the meeting. It was noted that a roundabout was proposed for the intersection of Dawson and Leicester Streets. Some concerns were expressed that the number of parking spaces was inadequate to meet the needs of the users of the facility. Restricting traffic movements to left-turns into and out of the parking area and the eastern leg of Orion Street would reduce conflict with through traffic on Dawson Street. It was suggested that provision should also be made for direct pedestrian access from the new carpark to the facility.

TAC10/05 **RECOMMENDED** that a centre median be constructed along the centre of Dawson Street through its intersection with Orion Street to prohibit right-turn movements.

TAC11/05 **FURTHER RECOMMENDED** that provision be made for direct pedestrian access, particularly for students, from the new carpark to the facility. (D041109)

## Closure

This concluded the business and the meeting terminated at 11.50am

---

**CHAIRPERSON**

---

**TRAFFIC AND  
LAW ENFORCEMENT OFFICER**

## Section 356 Donations

**a) 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

**b) 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

**c) 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

**d) 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

## 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 COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, FEBRUARY 8, 2005 AT 6.03PM.**

- Present** Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Strategic Planner, Acting Manager-Economic Development & Tourism, Manager-Community Services, Fleet Manager, Administrative Services Manager and Team Leader-Administrative Support.
- 1/05 **Apologies/ Leave of Absence** Leave of absence was approved for Councillor Chant for the period February 10-14, 2005.  
(Councillors Irwin/Crimmins)
- 2/05 **Minutes** The minutes of the Ordinary Meeting held on December 14, 2004, were confirmed.  
(Councillors Hampton/Dowell)

**Public Access Session**

**Hugh Bond re report Lismore Meals on Wheels Services Inc.**

---

(See Minute No. 4/05)

Mr Bond outlined the level of service provided by Meals on Wheels and the need to relocate from the Lismore Base Hospital due to its redevelopment. He sought financial support in excess of \$18,900 recommended in the business paper.

(05-485: P17487)

**Peter Bellew re report –land reclassification - Richards Oval**

---

(See Minute No. 5/05)

Mr Bellew spoke against the reclassification of this land. He raised issues of stormwater, flooding and loss of open space as arguments against the commercial development of the site. (P25245)

**Brian Sharkey re report - land reclassification - Richards Oval**

---

(See Minute No. 5/05)

Mr Sharkey, on behalf of the Workers Soccer Club, expressed concerns that any development should be compatible with their use of the oval, not result in a loss of identity for the Club nor have an adverse impact on its revenue raising activities.

(P25245)

**Peter Bellew re report Draft LEP amendment No. 23 – miscellaneous amendments**

---

(See Minute No. 6/05)

Mr Bellew deplored the attempt by staff to bury the reclassification of Lismore Park in a miscellaneous amendment to the LEP.

He urged Council to protect Lismore Park from the reclassification, citing its history, the importance of open space to the city and the need for Councillors to control what happens in this space.

(S894)

## Disclosure of Interest

### **S459**

Councillors King & Graham (members of Management Committee) declared an interest in the report North Coast National A& I Society.

## Altering Order of Business

3/05 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access:

- Lismore Meals on Wheels Services Inc.
- Land Reclassification - Richards Oval
- Draft LEP Amendment No. 23 – Miscellaneous Amendments

(Councillors Irwin/Meineke)

## Reports

### **Lismore Meals on Wheels Services Inc.**

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

- 1 That Council provide a bridging loan of \$50,000 to Lismore Meals on Wheels Services Inc. for a service at the Goonellabah Community Centre on the condition Council receives a written guarantee from the Department of Ageing, Disability and Home Care.
- 2 Delegate to the General Manager the negotiation of suitable terms and conditions with Lismore Meals on Wheels Services Inc. in regards to the release, security and repayment of the bridging loan.
- 3 Council write to the Minister for Ageing, Disability & Home Care Services, John Della Bosca requesting that the process of consideration of the grant application be expedited

(Councillors Tomlinson/Irwin)

AN AMENDMENT WAS MOVED that the report be received and –

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

(Councillors Hampton/Graham)

On submission to the meeting the AMENDMENT was DEFEATED.

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

4/05 **RESOLVED** that the report be received and Council –

- 1 That Council provide a bridging loan of \$50,000 to Lismore Meals on Wheels Services Inc. for a service at the Goonellabah Community Centre on the condition Council receives a written guarantee from the Department of Ageing, Disability and Home Care.

- 2 Delegate to the General Manager the negotiation of suitable terms and conditions with Lismore Meals on Wheels Services Inc. in regards to the release, security and repayment of the bridging loan.
- 3 Council write to the Minister for Ageing, Disability & Home Care Services, John Della Bosca requesting that the process of consideration of the grant application be expedited.

(Councillors Tomlinson/Irwin)

**Voting Against:** Councillor Chant  
(05-485: P17487)

### **Land reclassification – Richards Oval**

---

5/05

**RESOLVED** that the report be received and noted.

(Councillors Irwin/Tomlinson)  
(P25245)

### **Draft LEP amendment No. 23 – miscellaneous amendments**

---

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

- 1 Prepare an amendment to Lismore Local Environmental Plan 2000 to include miscellaneous amendments as outlined in this report, excluding item 17 of the Conclusion, 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 Irwin/Dowell)

AN AMENDMENT WAS MOVED that the report be received and –

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

(Councillors Hampton/Swientek)

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

**Voting Against:** Councillors Irwin, Tomlinson, Ekins and Dowell.

6/05

**RESOLVED** that the report be received and Council –

- 1 Prepare an amendment to Lismore Local Environmental Plan 2000 to include miscellaneous amendments as outlined in this report, pursuant to section 54 of the EP&A Act 1979.
- 2 Advise the Department of Infrastructure, Planning and Natural Resources that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.

- 3 Consult with relevant Government and other agencies pursuant to s62 of the EP&A Act.
- 4 Advertise the draft LEP amendment for a period of twenty eight days following consultations with Government agencies.

(Councillors Hampton/Swientek)

**Voting Against:** Councillors Irwin, Tomlinson, Ekins and Dowell.

**Dissenting Vote:**

Councillors Irwin and Dowell.

(S894)

### **North Coast National Agricultural & Industrial Society**

---

#### **S459**

Councillors King and Graham declared an interest in this matter and left the chamber during discussion and voting thereon.

Deputy Mayor Councillor Chant assumed the chair.

7/05 **RESOLVED** that the report be received and Council –

- 1 Give in principle support to the inclusion of \$15,000 in the 2005/06 Management Plan for a contribution towards the 2005 North Coast National Show.
- 2 Provide a guarantee of \$50,000 to the North Coast National Agricultural & Industrial Society to November 2005.
- 3 The General Manager be delegated the authority to negotiate with representatives of the North Coast National Agricultural & Industrial Society the terms and conditions associated with the approved guarantee of \$50,000.

(Councillors Hampton/Irwin)

**Voting Against:** Councillor Ekins.

8/05 **RESOLVED** that in future the A & I Society be urged to investigate alternatives to a Council guarantee, such as a secured overdraft to deal with their cash flow issues.

(Councillors Tomlinson/Swientek)

**Voting Against:** Councillor Meineke.

(05-347: P4,S874)

At this juncture the Mayor resumed the chair.

### **Lismore RSL Club**

---

9/05 **RESOLVED** that the report be received and noted and any decision in relation to the property be determined after consideration of the financial evaluation report.

(Councillors Tomlinson/Hampton)

(P2693,S840)

### **Airport Industrial Estate**

---

A MOTION WAS MOVED that the report be received and –

- 1 Council adopt as a base rate, \$76.00 per m<sup>2</sup> for the sale of that area of land that is filled to the 1:100 year flood height for each of the lots available in the proposed industrial subdivision on the extension of Krauss Avenue at South Lismore.
- 2 Council seek market value for that area of land which is unable to support buildings, due to flood planning constraints.
- 3 Council authorise the General Manager, to conclude negotiations of the sale of industrial lots to be created on Lot 532 in Deposited Plan 825959 and Lot 2 in Deposited Plan 577321 for a sale price as outlined in this report.

- 4 The General Manager and Mayor be authorised to apply the Common Seal of Council to contracts for the sale of the industrial lots to be created on Lot 532 in Deposited Plan 825959 and Lot 2 in Deposited Plan 577321, together with other documents relevant to the creation and sale of these lots.
- 5 The financial details as provided to the meeting be provided to the Councillors.  
(Councillors Chant/Graham)

AN AMENDMENT WAS MOVED that the report be deferred pending a financial report impact statement on Council's budget and justification for the proposed pricing of lots.  
(Councillor Swientek)  
The amendment LAPSED for want of a seconder.

- 10/05 **RESOLVED** that the report be received and –
- 1 Council adopt as a base rate, \$76.00 per m<sup>2</sup> for the sale of that area of land that is filled to the 1:100 year flood height for each of the lots available in the proposed industrial subdivision on the extension of Krauss Avenue at South Lismore.
  - 2 Council seek market value for that area of land which is unable to support buildings, due to flood planning constraints.
  - 3 Council authorise the General Manager, to conclude negotiations of the sale of industrial lots to be created on Lot 532 in Deposited Plan 825959 and Lot 2 in Deposited Plan 577321 for a sale price as outlined in this report.
  - 4 The General Manager and Mayor be authorised to apply the Common Seal of Council to contracts for the sale of the industrial lots to be created on Lot 532 in Deposited Plan 825959 and Lot 2 in Deposited Plan 577321, together with other documents relevant to the creation and sale of these lots.
  - 5 The financial details as provided to the meeting be provided to the Councillors.  
(Councillors Chant/Graham)
- Voting Against:** Councillors Ekins and Swientek.  
(S865)

#### **Draft amendment No. 6 to DCP 26 – Industrial Development Standards**

---

- 11/05 **RESOLVED** that the report be received and -
- 1 Council exhibit the draft amendment No. 6 to DCP 26 for a period of 28 days.
  - 2 That an additional sentence be included at the end of the first paragraph under Clause 4 Landscaping, Appendix 2: *This design is to enhance rather than screen the estate from the Bruxner Highway.*  
(Councillors Irwin/Meineke) (S545)

#### **Application to close part of Keerrong Road, Keerong**

---

- 12/05 **RESOLVED** that the report be received and –
- 1 That the application to close that part of Keerrong Road which falls fully within Lot 272 in Deposited Plan 841848 and is described in this report, be closed and transferred to the adjoining landowner.
  - 2 That, as compensation for the land transfer outlined in recommendation No. 1 herein, Lot 4 in Deposited Plan 565670 be dedicated to Lismore City Council as public road.
  - 3 That legal, survey, registration costs, and the like associated with the road closure and dedication be borne by Council.
  - 4 That the General Manager and mayor be authorised to sign and/or affix the Common Seal of Council to the land transfer documents, the plan registration documents and the road closure documents as may be necessary to expedite this resolution.  
(Councillors Hampton/Graham) (P19438,P24738)

**Purchase of Council plant – two backhoe loaders**

---

- 13/05 **RESOLVED** that the report be received and Council purchase two (2) only JCB – 4CX Precision Control backhoe-loaders as tendered (T25009) from Construction Equipment Australia of Rocklea, Qld complete with 'JB Swivel and Manual Quickhitch' for the cost of \$353,872.20 including GST (\$172,936.10 each) and accept their 'trade-in' offers for LCC machines Fleet Numbers 227 (\$60,500.00) & 228 (\$58,300.00).  
**Note:** All prices include GST.  
Total changeover cost to Council including GST \$235,072.20.  
(Councillors Chant/Crimmins) (T25009)

**Payment of expenses and provision of facilities policy**

---

- 14/05 **RESOLVED** that the report be received and –
- 1 That clause 3.3 of Council's Payment of Expenses and Provision of Facilities Policy be changed as follows:  
**3.3 Spouse/Partner**  
*Where the attendee is accompanied by his/her spouse/partner no objection is raised subject to Council not being involved in any additional costs.*
  - 2 Council is of the opinion that the proposed change is not substantial and that public notice of the proposed change is not required.  
(Councillors Irwin/Swientek)  
**Voting Against:** Councillor Graham.  
(04-13738, S38)

**Code of Conduct**

---

- 15/05 **RESOLVED** that the report be received and –
- 1 That Council adopt the Model Code of Conduct as provided by the Department of Local Government.
  - 2 That Mr Tony Pagotto be appointed as the "independent" person on the Conduct Committee.  
(Councillors Hampton/Chant) (05-8: S38)

**Management Plan review 2003/2006 – December quarter 2004**

---

- 16/05 **RESOLVED** that the report be received and its contents noted.  
(Councillors Irwin/Hampton) (S4)

**December 2004 quarterly budget review statement**

---

A MOTION WAS MOVED that the report be received and –

- 1 Council adopt the December 2004 Quarterly Budget Review Statement
- 2 This information be submitted to Council's Auditor.  
(Councillors Irwin/Crimmins)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Council adopt the December 2004 Quarterly Budget Review Statement subject to the \$313,000 surplus applied to reducing loans being suspended and a report being brought to Council examining options as to how these funds can be usefully applied.
- 2 This information be submitted to Council's Auditor.  
(Councillors Tomlinson/Ekins)

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

**Voting Against:** Councillors Graham and Hampton.

- 17/05 **RESOLVED** that the report be received and –
- 1 Council adopt the December 2004 Quarterly Budget Review Statement subject to the \$313,000 surplus applied to reducing loans being suspended and a report being brought to Council examining options as to how these funds can be usefully applied.
  - 2 This information be submitted to Council's Auditor.  
(Councillors Tomlinson/Ekins)
- Voting Against:** Councillor Hampton.  
(S880)

### **January 2005 – Investments held by Council**

---

- 18/05 **RESOLVED** that the report be received and noted.  
(Councillors Irwin/Meineke) (S178)

## Committee Recommendations

### **Traffic Advisory Committee 15/12/04**

---

- 19/05 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.  
(Councillors Irwin/Chant) (S352)

## Documents for Signing and Sealing

- 20/05 **RESOLVED** that the following documents be executed under the Common Seal of Council:
- 1 **S88B Instrument – Variation to existing water supply easement.**  
As part of the Nimbin Water supply Council has renegotiated the easement between Falls Road and Cecil Street, Nimbin. This negotiation requires that Council extinguish the existing easement and create a new substitute easement.
  - 2 **Partial surrender of lease – Council & Nimbin A & I Society**  
Partial surrender of land leased by Nimbin A & I Society from Council so that Council can construct a metered filling station at Nimbin.  
(04-13297: P20568)
  - 3 **Sale of Lot 736, Oliver Avenue, Goonellabah**  
Council has negotiated a sale price of \$100,000 for Lot 736, Oliver Avenue, Goonellabah, being the last stage of its industrial subdivision. This price is above market value for industrial lots in Goonellabah.  
(P28324)
  - 4 **Sale of Lot 35 Bristol Circuit, Goonellabah**  
Council has negotiated an offer of \$115,000 for the purchase of Lot 35 in the next stage of the Bristol Circuit residential subdivision. The price is consistent with the value ascribed to the lot when the multi list agents visited the site.  
(05-1056: P28714)  
(Councillors Irwin/Chant)

## Section 356 Donations

- 21/05 **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.

# Council Minutes February 8, 2005

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

Budget: \$2,700 To date: \$1135.01

- |   |          |
|---|----------|
| • APN News & Media -Asian Tsunami Disaster Appeal       | \$500.00 |
| • Kids in Community Awards – sponsorship                | \$200.00 |
| • Freedom Ride – 40 years on – promoting reconciliation | \$100.00 |

## Hardship Claims Lismore Water – Policy 6.1.2 (GL8201.13)

Budget: \$12,200 To date: \$142.76

- |  |  |                   |
|--|--|-------------------|
| • J & M Herne – 41 Caniaba Road<br>In accordance with policy.    |  | \$1,054.16        |
| • KB & EA McAnelly – 27 James Road<br>In accordance with policy. |  | \$265.98          |
| • E E Foot – 99 Rous Road<br>In accordance with policy.          |  | \$376.65          |
| • A Boyd – 8 Jasmyne Street<br>In accordance with policy.        |  | <u>\$4,249.26</u> |
|  |  | \$5,946.05        |

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

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

- |   |  |                 |
|---|--|-----------------|
| • Lismore Neighbourhood Club<br>In accordance with policy.        |  | \$288.63        |
| • Jehovah's Witnesses<br>In accordance with policy.               |  | \$236.37        |
| • Rotary Club of Summerland Sunrise<br>In accordance with policy. |  | \$140.00        |
| • RED Inc.<br>In accordance with policy.                          |  | \$28.64         |
| • Northern Rivers Conservatorium<br>In accordance with policy.    |  | \$88.91         |
| • Lismore Swing Dance Camp<br>In accordance with policy.          |  | <u>\$789.60</u> |
|   |  | \$1,650.40      |

## Banners – Policy 1.4.14 (GL2033.8)

Budget: \$700 To date: \$495.00

- |  |  |          |
|--|--|----------|
| • Westpac Rescue Helicopter – one week from July 4, 2005<br>In accordance with policy. |  | \$145.00 |
|--|--|----------|

## Council Contributions to Charitable Organisations - Waste Facility – Policy 5.6.1 (GL2033.15)

Budget: \$6,000 To date:\$2,351.47

### December 2004

- |                                      |  |                |
|--------------------------------------|--|----------------|
| Animal Rights & Rescue               |  | \$21.73        |
| Challenge Foundation                 |  | \$110.00       |
| Five Loaves                          |  | \$64.45        |
| Friends of the Koala                 |  | \$10.91        |
| Life Community Op Shop               |  | \$7.27         |
| Lifeline                             |  | \$110.00       |
| St. Vincent de Paul                  |  | \$25.91        |
| Salvation Army                       |  | \$66.00        |
| Westpac Life Saver Rescue Helicopter |  | <u>\$10.00</u> |
|                                      |  | \$426.27       |

### January 2005

## Council Minutes February 8, 2005

Animal Rights & Rescue	\$69.73	
Challenge Foundation	\$87.04	
Five Loaves	\$110.00	
Friends of the Koala	\$3.64	
Life Community Op Shop	\$12.00	
Lifeline	\$110.00	
St. Vincent de Paul	\$104.82	
Salvation Army	<u>\$99.00</u>	\$596.23
<b>Asian Tsunami Disaster Appeal (GL2033.27)</b>		
APN News & Media – Asian Tsunami Disaster Appeal (Councillors Irwin/Graham)		\$4,500.00

### Matter of Urgency

22/05      **RESOLVED** that the following matter be admitted to the business paper as a matter of urgency.

#### **Proposed purchase of land (Confidential)**

(Councillors Irwin/Graham)

### Confidential Matters – Committee Of The Whole

23/05      **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters:

#### **Item 1 - Lismore RSL Club**

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

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

#### **Item 2 - Purchase of property – 153 Gundurimba Road, Monaltrie**

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

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

#### **Item 3 - Proposed purchase of land**

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

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

(Councillors Irwin/Meineke)

### Resumption of Open Council

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Committee of the Whole, had RECOMMENDED

**Item 1 - Lismore RSL Club**

---

- 1 That Council authorise expenditure up to the amount recommended in Committee of the Whole to purchase the RSL property as described in this report at the forthcoming auction or in subsequent negotiations and the land be classified operational.
- 2 That the General Manager and Mayor be authorised to use the Common Seal of Council and sign conveyance and contract documents as may be necessary to effect the purchase.
- 3 That Council authorise negotiations to continue for the purchase of the Winsome Hotel up to the amount recommended in Committee of the Whole and that the General Manager and Mayor be authorised to affix the common seal of Council and sign conveyancing and contractual documents as may be necessary to effect the purchase and that the land be classified operational.
- 4 That the General Manager and Mayor be authorised to affix the common seal of Council and sign documents for the Winsome Hotel which will create a long term tenure for the Soup Kitchen at a commercial rent. (P2693,S840)

**Item 2 - Purchase of property – 153 Gundurimba Road, Monaltrie**

---

That Council:

- 1 That Council acquire Lot 2 DP 701077 at a price consistent with independent valuation and authorise completion of the Contract for Sale and all relevant documents under Seal.
- 2 Classify the land as operational, in accordance with Section 31(2) of the Local Government Act (1993).
- 3 Apply the Seal to the Licence Agreement with Lola Marjorie De With. (P13978)

**Item 3 - Proposed purchase of land**

---

- 1 The Council bid for the land situated at 28a Cathcart Street, Lismore at the public auction to be held on March 5, 2005, up to and including the amount contained within the body of the report.
- 2 That should Council be successful in purchasing the property, it be classified as operational land.
- 3 That the Mayor and General Manager be authorised to sign and affix the Council seal to land transfer documents in relation to the proposed acquisition of this land. (P2078)

24/05 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and adopted.  
(Councillors Irwin/Graham)

**Closure**

This concluded the business and the meeting terminated at 10.02 pm.

CONFIRMED this 8TH of MARCH 2005 at which meeting the signature herein was subscribed.

---

**MAYOR**

