



## **NOTICE OF COUNCIL MEETING**

**An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, MARCH 9, 2004, at 6.00pm and members of Council are requested to attend.**

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

March 2, 2004

# **COUNCIL BUSINESS AGENDA**

March 9, 2004

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<b>OPENING OF MEETING AND PRAYER (MAYOR):</b>	
<b>APOLOGIES AND LEAVE OF ABSENCE</b>	
<b>CONFIRMATION OF MINUTES – February 10, 2004</b>	
<b>CONDOLENCES</b>	
<b>DISCLOSURE OF INTEREST</b>	
<b>MAYORAL MINUTES</b>	
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<b>SUSPENSION OF STANDING ORDERS</b> (Consideration of the Suspension of Standing Orders to debate matters raised during Public Access).	
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**NOTICE OF MOTION**

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

**That Council adopt as policy that all future General Manager salary packages be made public and that they be adopted and debated in open Council.**

**Comment**

It is general policy in most public companies and in a lot of local government authorities to make public the salary packages of the CEO's or general managers. Council should in future contracts stipulate that the salary package will be made public and that any increments will also be made public.

**COUNCILLOR** F F Swientek

**DATE** February 27, 2004

**MAYOR'S COMMENT:**

As Chairman of the Council Committee responsible for reviewing the performance of the General Manager, I have sought the advice of the professional consultant who has provided Council with independent advice on contractual matters such as this over many years.

Mr Byrne advises me that it is actually quite uncommon for the details of employment contracts to be made public in the manner envisaged by Councillor Swientek for a number of reasons:

- 1 Contracts of employment are usually the subject of negotiation and may incorporate elements which require sensitive discussion.
- 2 The General Manager at Lismore is employed on a contract which ties the salary package to performance standards set by the Council. Best practice in performance monitoring calls for both the Council and the General Manager to discuss in an uninhibited forum the issues of relevance. This would not be readily achieved in a formal debate at an open Council meeting.
- 3 In the event of a contractual dispute arising between the Council and the General Manager, it would be legally unwise to conduct an open debate on contractual matters.
- 4 For this reason, the Local Government Act (Section 10A) expressly permits a Council to debate matters pertaining to personnel issues in camera and they are not subject to the "public interest" requirements of Section 10B.

Lismore City Council has to date applied practice and procedures which recognise that the General Manager is accountable to the Council through the Mayor – it is the elected Council which is accountable to the community at large. A practice which would formally introduce parties outside the employment contract into a public debate about contractual performance is untenable and fraught with complications. There is a clear line of demarcation about the respective responsibilities and there are only two parties to the employment contract. That relationship needs to be respected and the current process in use at Lismore is the norm.

## **LISMORE CITY COUNCIL - Meeting held March 9, 2004**

### **Notice of Motion – General Manager Salary Package**

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Mr Byrne also points out that the Council is obliged to include the employment costs of senior staff in its Annual Report – this being the standard required by the Local Government Act and the standard observed by almost all Councils.

**NOTICE OF MOTION**

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

**That Council organise a deputation and information kit for the Minister of Police, Mr Watkins, to lobby for the establishment of a 24 hour police station in Goonellabah.**

**Comment**

Previous representations and requests through correspondence seem to have fallen on deaf ears. Recent events in Goonellabah have highlighted the need again for a permanent police presence in Goonellabah.

A much more serious and intense effort by way of a deputation by Council to the Police Minister is required as a matter of urgency to enhance public safety and law and order in Goonellabah.

Recent events have shown that police response time and intelligence is critical in protecting public safety in Goonellabah. The census data recently released has shown that Goonellabah census districts now have a larger population than East, North, South and Central Lismore and therefore warrants a visible and permanent presence in Goonellabah where response times to crimes can be effected more immediately.

Goonellabah is larger than Casino and Kyogle where both their towns have a permanent police presence. Alstonville, a fraction the size of Goonellabah with a relatively low crime rate, has a permanent police station.

Council should seek the support of local MP's Thomas George and Don Page and local residents and duty MLC's to support our lobbying effort.

**COUNCILLOR** F F Swientek

**DATE** February 24, 2004

**STAFF COMMENTS BY: Lilian Gomez, Community Safety Development Officer**

During the last year Council's Community Services Officers have participated in a number of meetings with police, residents and agencies at which the issue of a stronger police presence in Goonellabah has been raised.

The Police Department's consistent response over the last year has been: the Department has insufficient funds for proactive policing, they rely on their data and intelligence and only send patrol cars to areas from where they get a high number of calls, there are not enough phone calls from Goonellabah to justify a stronger police presence.

The Police have consistently advised that unless residents report crime and follow through with written statements and court appearances, the effectiveness of police efforts is limited.

## **LISMORE CITY COUNCIL - Meeting held March 9, 2004**

### **Notice of Motion – Police Station in Goonellabah**

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At a neighbourhood meeting convened by Council staff last week to seek community feedback on possible improvements to recreation facilities, residents expressed their satisfaction about the recent increase in police presence. According to their reports, police are patrolling Goonellabah and getting out of their cars to talk to residents.

Community Services staff are committed to channelling their energies towards the Goonellabah Leisure Centre, to provide a physical space where young people can meet as well as positive activities for them such as Links to Learning and other appropriate educational programs.

Crime Prevention initiatives such as this do not promise a quick-fix solution to our social ills. They do however provide hope for the future and an investment in the structures that form our society. A lobbying exercise to the State Government for additional resources beyond a Goonellabah police station would be desirable.

## LISMORE CITY COUNCIL - Meeting held March 9, 2004

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<b>Subject/File No:</b>	NOISE MANAGEMENT IN THE MACADAMIA INDUSTRY (S234)
<b>Prepared By:</b>	Group Manager – Planning and Development
<b>Reason:</b>	To obtain Council support for the trialling of a Draft Industry Code of Practice
<b>Objective:</b>	Environmental Protection and Enhancement
<b>Management Plan Activity:</b>	Strategic Planning

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### **Background:**

As a consequence of ongoing noise complaints about on-farm macadamia dehusking and associated activities in rural parts of the LGA, Council's 2000 State of the Environment Report recommended review of the Lismore LEP to address the establishment of potentially offensive rural industries. However, subsequent discussions held in mid-2001 involving Council officers (GMPD & EDU Manager), the Executive Officer, Australian Macadamia Society (AMS) and NSW Ag. identified an alternative range of possible options to address the issue.

An Issues Paper was subsequently generated and finalised by August, 2001 with input from the AMS, which covered 3 key themes:-

1) An **Industry profile** which highlighted that:

- Australia is the world's largest producer & exporter of macadamia kernel
- The macadamia industry makes an annual economic contribution to the Northern Rivers Region of \$100M (inc. multipliers)
- Macadamia nuts presently account for less than 4% of total world tree nut consumption which suggests almost unlimited potential to expand market share
- The Industry Strategic Plan aims to double production by 2010, achieved through a) maturation of trees already planted and b) further tree plantings

2) **Reasons for Noise Problems**

- Historical development patterns leading to increased incidence of mixed land uses ie. agricultural v rural residential
- Nature of processing characteristics V's typically low background noise levels in rural locations
- Planning Consent not required for on-farm processing activities

3) **Options for Consideration**

Five options were identified for consideration:

- Maintain status quo ie. do nothing
- Amend LEP
- Develop Industry Code of Practice
- Effect better Strategic Planning
- Incorporate Code of Practice as part of LEP Control

Based on the issues raised, it was decided that, as a first preference, an industry Code of Practice should be developed because it would:-

- **Assist Existing & Prospective Growers** to make decisions about a) appropriate siting of buildings/equipment, and b) appropriate equipment purchases to meet identified noise performance standards.

## LISMORE CITY COUNCIL - Meeting held March 9, 2004

### Noise Management in the Macadamia Industry

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- **Assist Residents and the Wider Community** to understand the impacts of living in proximity to macadamia nut processing operations and about applicable noise standards
- **Enable LCC to implement appropriate responses** (ie. to breaches of a Code)
- **Assist Other Local Governments/Government Agencies** having responsibilities for regulating and advising on off-site impacts of agricultural activities

A Code of Practice-approach was also consistent with earlier work that the AMS had commissioned leading to a Code of Sound Orchard Practice (2000).

Over the next 12 months funding sources for the development of a Code were identified and secured. Contributions came from Council, the AMS, the then Lismore Living Centres Unit (under the former DUAP), and the Department of State and Regional Development (DSRD). Living Centres interest arose out of its broad charter to investigate land use conflicts in the Northern Rivers.

Representatives of the above bodies formed the Project Steering Team and, following a call for expressions of interest in July, 2002, consultants, Australian Strategic Planning P/L. were appointed. In December, 2002, the consultants revised the Issues Paper and conducted 2 public meetings (Wollongbar & Lismore) seeking comment from growers and near neighbours to confirm that all relevant issues had been covered, and to enable preparation of a Draft Code of Practice.

From Jan-March, 2003, the Project Steering Team gave consideration to the Draft Code of Practice; the two principal components of the document being:-

- The identification of best practice measures including appropriate siting of buildings, use of noise-attenuating materials & construction techniques, appropriately designed bins, de-huskers, silo fans, etc.
- A proposal to use a noise regime which replaces the 'background +' approach contained in the EPA Industrial Noise Guidelines with 'absolute value' noise levels

The Project Steering Team accepted the consultant's recommendation to use an 'absolute value' noise level approach on the basis that it would give growers and equipment manufacturers a higher level of certainty in planning their activities. The approach was considered to be consistent with draft guidelines released by the EPA in November, 2002 which stated that:-

*'It may be appropriate for councils to develop their own policy or guideline for common sources of local noise in their own area, so that local preferences and community expectations can be taken into account. This is especially important where a noisy activity plays a key role in the local economy.'*

and

*'Developing a guideline or policy to address specific noisy activities can help provide certainty for people engaging in a noisy activity and for the local community. It can establish realistic and reasonable expectations for noise levels and how the activity should be carried out. When developing a guideline or policy for a specific activity it may be helpful for council to get input from the local community and any relevant industry association.'*

EPA Draft Noise guidelines for Local Government, Nov. 2003

## **LISMORE CITY COUNCIL - Meeting held March 9, 2004**

### **Noise Management in the Macadamia Industry**

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The Draft Code of Practice was placed on public exhibition for one month from March, 2003 via the Council & AMS web sites and through advertisements in Northern Star, with the intention that, following consideration by Council of any submissions received, the Draft Code of Practice would operate for a trial period for the 2003 harvest/processing season ie. April-September.

The Project Team also sought formal support from the EPA to trial the Draft Code of Practice because the 'absolute values' noise regime proposed varies from the EPA Industrial Noise Policy.

Despite the generous level of notification (which also included good media coverage on television and radio), only two (2) submissions were received:-

- Owners of macadamia operation, Tregeagle, submitting that the noise standards adopted should be more relaxed than those proposed by the Draft Code of Practice
- Owners of rural/residential property in proximity to commercial macadamia processing operation, Rocky Creek Dam Road submitting that the Draft Code of Practice was too lenient and grossly favoured the interests of industry over those of nearby residents.

The EPA stopped short of endorsing the trialling of the noise regime identified in the Draft Code of Practice and sought a response from the Project Steering Team on how the Draft Code of Practice was considered to perform in a complementary fashion to the EPA Industrial Noise Policy.

Importantly however, the EPA did express support for the Council/industry initiative in responding to a local environmental noise issue. The EPA's response led the Project Steering Team to the conclusion that a trialling of the Draft Code of Practice over the 2003 harvest/processing season should be deferred to enable the EPA's concerns to be addressed. To this end the Project Steering Team and the consultant met with the Director of the EPA's Noise Policy Unit and his senior officers in Sydney in June, 2003, where it was agreed that further in-the-field noise testing would prove beneficial in justifying the 'absolute noise value' approach proposed by the Draft Code of Practice. The EPA assisted with the loan of field noise data loggers and the AMS funded the engagement of an acoustic engineer to conduct additional noise sampling.

By August, 2003 the additional noise testing had been completed and provided to the Project Steering Team and the EPA for consideration. The following key findings emerged:-

- Although the 'absolute value' noise levels measured were above those in the EPA Industrial Noise Policy, they could be supported given the limited number of days/year when dehusking and associated activities takes place (<20 days/year to approx.60 days/year depending on farm size)
- The night time figure of 40dBA recommended in the Draft Code of Practice should be reduced to 35 dBA within a 5-year period
- Overall, noise levels from stationary nut machinery exceed acceptable environmental & occupational noise goals and the industry should be working towards significant reduction in noise level outputs of equipment

In November 2003 the EPA responded, commenting that it was impressed with the coverage and practical content of the additional work, that the discussion was within the framework established by the EPA Industrial Noise Policy, and that the AMS should be congratulated for the proactive approach taken. The EPA also reminded Council that the choice to adopt alternative noise criteria to those in the EPA Industrial Noise Policy remains with Council and that community consultation is integral before adopting/trialling alternative noise criteria (noting that Council has already done so).

### Manager - Finance & Administration Comments

No financial impact

### Public Consultations

As previously mentioned, a number of consultative exercises have already been conducted including 2 public meetings in December, 2002, and, the release of the Draft Code of Practice for 1 month from March-April, 2003, for public comment.

It is also intended that, before Council makes any final decision on whether the Code obtains permanent status, it should be trialled for the 2004 macadamia harvest/processing season ie. from April to September. This trial should be publicised, with comments and observations invited from growers and near neighbours alike, so that Council has the benefit of such feedback when reviewing the Code following the completion of the 2004 season.

### Other Group Comments

N/A

### Author's Response to Comments from Other Staff

N/A

### Conclusion

While the level of complaint concerning noise generated by on-farm macadamia nut processing operations has not been high within the LGA to date, **industry strategic objectives aim to double nut production in the region by 2010** both through existing plantings coming to maturity and through further plantings. Although macadamia farming also occurs in the Tweed, Byron and Ballina LGAs, **Lismore has by far the largest area under planting, such that industry expansion will substantially increase the potential for noise conflicts and impacts unless the issue is tackled in a proactive and pre-emptive manner.**

The Code of Practice approach has been pursued as a first preference because of the importance of achieving 'buy in' and co-operation from the macadamia industry, including growers and equipment manufacturers.

The use of an 'absolute value' noise approach is acknowledged as a departure from the 'background +' approach contained in the EPA industrial Noise Policy, however, its use, at least for trial purposes, has been supported by the EPA following additional noise testing, and is deemed consistent with the EPAs encouragement for Councils to develop their own policies or guidelines for common sources of local noise in their own areas.

The Code's development has occurred with input from the local community and the relevant industry association and it is recommended that the Draft (previously circulated to all Councillors approximately 10 days ago) be trialled for the 2004 harvest/processing season ie. April to September to enable further public input prior to any decision about its ultimate usage.

Importantly, it is recommended that, for the purposes of the trial period, the application of the 'absolute values' noise levels contained in the Draft Code of Practice should be limited to the assessment and response of noise complaints received, and, should not be utilised as a basis for setting consent conditions on any DA involving commercial macadamia nut processing that may be determined during the trial period (unlikely though possible).

The AMS is keen to see the Code of Practice used in other macadamia growing regions in Northern NSW and Queensland, and is mindful that this may depend on the success or otherwise of its trialling in the Lismore LGA. It is also important that the AMS continues to actively promote to its members (and prospective members) the best practice elements of the Draft Code of Practice particularly those that relate to the appropriate siting of buildings, the use of noise-attenuating materials & construction techniques, appropriately designed bins, de-huskers, silo fans, etc.

**Recommendation (PLA07)**

1. That Council resolve to trial the *Draft Code of Practice for Noise Management of On-farm Processing of Macadamia Nuts* during the 2004 harvest/processing season which runs from April to September
2. That the above be publicised via an appropriate media strategy.
3. That, during the trial period, the noise standards contained in the *Draft Code of Practice for Noise Management of On-farm Processing of Macadamia Nuts* be used only in the assessment of, and responses to, noise complaints but not in relation to the setting of consent conditions for any DA for a commercial macadamia processing operation which may be received and determined during the trial period.
4. That the Australia Macadamia Society be asked to continue its promotion of the best practice measures contained in the *Draft Code of Practice for Noise Management of On-farm Processing of Macadamia Nuts*.
5. That officers report back to Council at the conclusion of the trial period with such report incorporating all written comments/submissions received from the public (including growers) during the trial period.

**Subject/File No:** AMENDMENT TO LISMORE LOCAL ENVIRONMENTAL PLAN –  
296 STONY CHUTE ROAD, NIMBIN  
(S883)

**Prepared By:** Strategic Planner – Bruce Blackford

**Reason:** Receipt of rezoning submission

**Objective:** Resolution to prepare draft amendment to LEP

**Management Plan Activity:** Strategic Planning

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**Précis**

**Subject land:** Lot 4 DP 1048778  
296 Stony Chute Road  
Nimbin

**Applicant:** Balanced Systems Planning Consultants

**Owner:** I Chaussivert

**Purpose:** To amend the Lismore Local Environmental Plan 2000 to enable Community Title subdivision to occur on the subject land.

**Background:**

Council is in receipt of a rezoning submission for Lot 4 DP 1048778 Stony Chute Road, Nimbin to enable rural residential subdivision. The submission is accompanied by a Locality Development Guideline consistent with the requirement of the Rural Housing Strategy. The rezoning will permit the creation of 26 rural living lots and one neighbourhood lot under the Community Land Development Act. A residue lot is to be created under Torrens Title. The submission is lodged in accordance with the provisions of the Lismore Rural Housing Strategy (RHS) 2002 which has been prepared consistent with the requirements of clause 20 of the North Coast Regional Environmental Plan.

**Description of Proposal**

The site has an area of 89ha and is located on the northern side of Stony Chute Road approximately 3km from the Nimbin Road intersection. The 26 rural living lots will range in size from 0.3ha to 1.7 ha and will occupy about 22% of the total site area. The neighbourhood lot will have an area of 61ha and the residue lot fronting Stony Chute Road will have an area of just over 8ha. Access to the rural living lots and neighbourhood lot is to be via a single access road from Stony Chute road.

An extract from the RHS showing the location of the land and a plan of the proposed layout is included in the attachments.

**Consistency with Rural Housing Strategy**

The site is located within one of the preferred localities identified in the RHS as having potential for closer rural settlement. Because of the site's particular environmental attributes the RHS identifies community title as the preferred form of subdivision. This will better enable protection and enhancement of the system of drainage lines and riparian areas that traverse the property. Environmentally sensitive areas have been located within the neighbourhood lot and the proposal contains a comprehensive programme of environmental repair to be implemented on a staged basis.

## **LISMORE CITY COUNCIL - Meeting held March 9, 2004**

### **Amendment To Lismore Local Environmental Plan – 296 Stony Chute Road, Nimbin**

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A 'Locality Development Guideline' is required for all closer rural settlement areas to ensure coordination of road layout, infrastructure provision and riparian protection and repair between properties identified in the RHS for closer rural settlement. The RHS also provides that land approved for rural residential subdivision in accordance with the strategy shall be rezoned by way of inclusion within a schedule to the LEP. The Schedule is to include a three year "sunset clause" together with conditions that ensure that any future development application for subdivision is consistent with the adopted locality development guideline.

#### **Masterplan**

It is intended that the Locality Development Guideline be exhibited and adopted as a Master Plan in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. The subject land is isolated from other land identified for potential closer settlement in the Nimbin area and thus the Master Plan applies to the subject site only. The Master Plan contains details of the subdivision design and is a means of ensuring that future development applications are consistent with the design concept submitted with the rezoning submission. Under the EP&A Regulations, a Master Plan is a prescribed matter to be taken into account by the consent authority when determining a development application under S79C of the Act. The Master Plan can be exhibited concurrently with the LEP Amendment and comes into effect when adopted by Council.

#### **Manager - Finance & Administration Comments**

Not required

#### **Public Consultations**

Opportunity for public consultations is provided during the public exhibition period for draft LEP amendments and master plans for which there is a statutory minimum exhibition period of twenty eight (28) days.

#### **Other Group Comments**

City Works and Environmental Health have assessed the proposal and have no specific requirements at the rezoning stage.

#### **Author's Response to Comments from Other Staff**

Not required.

#### **Conclusion**

The proposal complies with the requirements of the Lismore Rural Housing Strategy and the North Coast Regional Environmental Plan.

#### **Recommendation (PLA05)**

That Council resolve to:

- 1) Prepare an amendment to Lismore Local Environmental Plan 2000 to include Lot 4 DP 1048778 Stony Chute Road 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 agencies pursuant to s62 of the EP&A Act.
- 4) Advertise the draft LEP amendment for a period of twenty eight days following consultations with Government agencies.
- 5) Exhibit the Master Plan for adoption by Council prior to gazettal of the LEP amendment.

**Subject/File No:** AMENDMENT TO LISMORE LOCAL ENVIRONMENTAL PLAN –  
18 DOUGAN ROAD, CANIABA  
(S882)

**Prepared By:** Strategic Planner – Bruce Blackford

**Reason:** Receipt of rezoning submission

**Objective:** Resolution to prepare draft amendment to LEP

**Management Plan Activity:** Strategic Planning

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**Précis**

**Subject land:** Lot 1 DP 263257  
18 Dougan Road  
Caniaba

**Applicant:** Newton Denny Chapelle

**Owner:** W & V Sheaffe

**Purpose:** To amend Lismore LEP 2000 to enable subdivision of Lot 1 DP 263257 to create three allotments.

**Background:**

Council is in receipt of a rezoning submission for Lot 1 DP 263257 Dougan Road, Caniaba to enable the subdivision of the land into two village lots and a residue lot. The submission is lodged in accordance with the provisions of the Lismore Village Development Strategy which identifies part of the site as future village.

**Description of Proposal**

The site has an area of 6ha. Approximately 2.3ha is located within the 1(b) Agricultural Zone and the remaining area is within the 1(a) General Rural Zone. The land is located to the south of Caniaba Road and has frontage to Dougan Road along its western boundary. The proposed lots will have areas of 7,924m<sup>2</sup> and 8,315m<sup>2</sup> with a residue lot of 4.37ha in the 1(a) zone. The smaller lot contains an existing dwelling house while the remaining area comprises grazing land with a farm shed and small dam.

An extract from the Village Development Strategy showing the location of the land and a plan of the proposed layout is included in the attachments.

**Consistency with Village Development Strategy and DCP 35**

The majority of the site is located within the Caniaba Village Investigation Area as identified in Council's Village Development Strategy.

The site is identified in Development Control Plan No. 35 (Caniaba Village) as being partly within the village residential area and partly within a proposed open space area. The two proposed village lots are substantially larger than the minimum lot size for village residential nominated in DCP 35. This is because it is not economically feasible to connect the lots to the sewer and so effluent disposal systems will have to be accommodated on-site. The part of the site nominated in the DCP as future open space is not required as public open space but will be developed at a low density as it will contain the residue 4.37ha lot.

**Infrastructure Requirements**

It is not economically feasible to provide water and sewer services to the site. New dwellings will therefore need to harvest roof water as their primary source of potable water and will be required to provide individual on-site effluent disposal systems.

All new village development in Caniaba will generate additional traffic movements which in turn will generate requirements for the upgrading of local roads. Dougan Road is an unsealed road that will need to be upgraded to a five metre wide seal with one metre gravel shoulders. This requirement can be dealt with as a condition of consent applied to a future subdivision application when the land has been rezoned. Additional traffic movements on Caniaba Road will attract Section 94 contributions for rural road upgrading which can also be applied at the subdivision consent stage.

The proposal will also result in increased traffic movements at the intersection of Dougan Road with Caniaba and Fredericks Roads. The intersection currently functions as a rural cross road which is an undesirable situation in terms of traffic safety. A condition of consent pertaining to the approval for the Perradenya Estate approval is for a single lane roundabout to be constructed at the intersection. This will adequately address the traffic safety situation. It is therefore recommended that subdivision of the subject land should not proceed until such time as the roundabout is constructed. Rather than hold up the rezoning process, it is proposed that the rezoning occur by listing the land in Schedule 4 of the LEP so as to permit subdivision to create three lots. A condition of the rezoning will be that construction of the roundabout is completed prior to the release of the linen plan.

Because the Caniaba Village Investigation Area comprises multiple land parcels in multiple ownership, rezoning submissions in this area are likely to be received on an ad hoc basis. Consequently it is recommended that future rezonings in this area also be dealt with by means of addition to Schedule 4 of the LEP. When a significant part of the Investigation Area has been rezoned in this manner, an amending LEP could change the zoning of the area to 2(v) Village.

**Manager - Finance & Administration Comments**

Not required

**Public Consultations**

Opportunity for public consultation is provided during the public exhibition period for draft LEP amendments for which there is a statutory minimum exhibition period of twenty eight (28) days.

**Other Group Comments**

The submission has been referred to Environmental Health, City Works and Water & Sewerage for comment. Issues raised by these groups have been incorporated into this report and recommendations.

**Author's Response to Comments from Other Staff**

Not required.

**Conclusion**

The proposal complies with the requirements of the Village Development Strategy and the North Coast Regional Environmental Plan.

## **LISMORE CITY COUNCIL - Meeting held March 9, 2004**

### **Amendment To Lismore Local Environmental Plan – 18 Dougan Road, Caniaba**

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#### **Recommendation (PLA06)**

That Council resolve:

- 1 Pursuant to section 54 of the EP&A Act 1979, to prepare an amendment to Lismore Local Environmental Plan 2000 to include Lot 1 DP 263257 Dougan Road Caniaba in Schedule 4 of the LEP with a condition that the proposed roundabout at the intersection of Dougan Road and Caniaba Road be constructed prior to the release of the Final Plan of Survey.
- 2 To 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 To consult with relevant Government agencies pursuant to s62 of the EP&A Act.
- 4 To advertise the draft LEP amendment for a period of twenty eight days following consultations with Government agencies.

**Subject/File No:** LISMORE FLOOD LEVEE SCHEME, PROPERTY ACQUISITION –  
131 BRIDGE STREET, NORTH LISMORE  
(LW:TMI:P1334)

**Prepared By:** Manager Special Projects & Properties, Lindsay Walker

**Reason:** Richmond River County Council has requested Councils assistance with this property.

**Objective:** Obtain Council approval to proceed with acquisition.

**Management Plan Activity:** Emergency Services

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**Background:**

The abovementioned property, being Lot 5 in Deposited Plan 7359 is situated in the area identified in Council's Development Control Plan (DCP) No. 7 as being a "high hazard" area.

The property has a floor level of 9.98m AHD and the 1 in 100 flood level in this region of North Lismore is 12.6m AHD. It can be seen that the property is subject to significant inundation during major floods.

The purchase of 131 Bridge Street is consistent with the provisions of Clause 4.5.6 of the Lismore Floodplain Management Plan. In preparing this report and determining eligibility, staff considered the following matters:

- The dwelling is described in the valuation report as being "in poor condition throughout" and that "amenities including the kitchen are basically poor".
- The property is eligible for house raising under the Lismore Levee Scheme, however the dwelling would be approximately 5m above the ground level should it be raised. Such a high level is not acceptable either on aesthetic or social grounds.
- The property is not immediately surrounded by any adjoining dwellings and backs onto the Richmond River High School oval. Its removal will not leave a "gap" in the residential character of this area.
- The subject Lot 5 is located in a natural drainage flow. Stormwater flows easterly across the lot in most rain events and cause poor lot amenity.

**Valuation**

A recent State Valuation Office indicates that the property is valued at \$115,000.00, however the property owner has other evidence to indicate that the valuation should be higher. Following negotiations it was considered that \$120,000.00 would be an acceptable purchase price.

**Manager - Finance & Administration Comments**

Based on a 2:1 subsidy under the scheme, Council's share would be approximately \$40,000. Sufficient funding exists within the current allocation to meet this cost.

**Public Consultations**

Not required.

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**Other Group Comments**

Acting Group Manager City Works

City Works have no objections to the proposed acquisition.

**Author's Response to Comments from Other Staff**

Not required.

**Conclusion**

Given the poor aesthetic and social outcome which would be achieved if this dwelling were to be raised, coupled with its general poor siting, it is considered that purchase will lead to a more acceptable outcome for all parties.

The purchase of 131 Bridge Street, North Lismore is consistent with Council's adopted Floodplain Management Plan.

**Recommendation (GM02)**

1. That Council authorise the General Manager or his delegate to purchase 131 Bridge Street, North Lismore, being Lot 5 in Deposited Plan 7359.
2. That Council contributes its one-third funding contribution for the purchase of Lot 5 in Deposited Plan 7359 for an agreed price of \$120,000.00, together with all reasonable legal costs from the Voluntary Floodplain Acquisition fund.
3. That the General Manager and Mayor be authorised to sign and apply the Common Seal of the Council to the Contract for Sale and property transfer documents as necessary.

**Subject/File No:** APPLICATION FOR CLOSURE OF PART OF COUNCIL PUBLIC ROAD -  
CANIABA  
LW:TMI:P14940

**Prepared By:** Manager Special Projects and Properties, Lindsay Walker

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

**Objective:** To obtain a Council resolution to close part of a public road.

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

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### **Background**

As noted in Council's February 10, 2004 business paper, there have been accelerated negotiations with the landowners affected by the proposed Fredericks Road, Caniaba Road roundabout. As part of these negotiations with the landowner of Lot 22 in Deposited Plan 732020 it was agreed that 183m<sup>2</sup> of road that was surplus to Council's requirements would be closed and amalgamated into his existing lot as part of the compensation package.

This small area has for a considerable period of time supported a cattle loading ramp, used by the subject landowner, and has never had the appearance of being a part of the road. Council's Design Services has examined the proposal and conclude that the subject area will never be required for future roadworks in Caniaba Road.

### **Manager - Finance & Administration Comments**

Not required.

### **Public Consultations**

Not required.

### **Other Group Comments**

Acting Group Manager City Works

The proposed road closure is supported by City Works.

### **Author's Response to Comments from Other Staff**

Not required.

### **Conclusion**

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

**Recommendation (GM01)**

1. That the application to close part of Caniaba Road, as shown in the adjoining sketch be endorsed by Council.
2. That all costs associated with the road closure be borne by Rous Water.
3. That the area of closed road, the subject of this report be transferred to the landowner of Lot 22 in Deposited Plan 732020.
4. That the General Manager and Mayor be authorised to sign and seal any and all documents necessary to bring about the recommendation.

**Subject/File No:** POLICY REVIEW  
(S9)

**Prepared By:** Administrative Services Manager, Graeme Wilson

**Reason:** Council policy 1.4.2

**Objective:** To ensure all policies are relevant

**Management Plan Activity:** Administration

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**Background:**

In accordance with Council's policy, a number of policies have been reviewed by staff for amendment/ deletion by Council.

The comments on the policies have been provided by the sections impacted by them.

**Financial Services**

**Payment of Expenses and Provision of Facilities**

**Comment:** The intent of the policy is not proposed to change. However it is recommended the table of reimbursements on the bottom of Page 1 be deleted (as this figure changes every 12 months) and replace it with the mechanism used to evaluate the allowances, with the last paragraph reading:

- *Expenses will be reimbursed to delegates whilst on Council business, subject to the maximum amounts as set by the Australian Taxation Office ruling "income tax reasonable allowance amount..." released annually and in accordance with a signed declaration.*

**Planning & Development**

**5.2.16 The Erection of Structures and Filling and Excavation Near Easements, Drains, Sewer and Water Mains**

**Comment:** *The minor changes reflect changes in work practices and not the impact of the policy. Minor changes to 1 (a) and (b).*

3 To read *"The Group Managers of City Works or Business & Enterprise....."*

5 To read *"That information relating to the requirements of this policy be promoted on Development Consents."*

**5.2.2 Development Assessment Panel Function and Modus Operandi**

**Comment:** *The inclusion of this additional point formalises the current practice. Point 4 to be added under heading "Modus Operandi" to read:*

- *When development proponents attend the Panel to receive pre-lodgement advice, the Panel's advice will be minuted. The pre-lodgement minutes will be provided to the Manager-Planning Services who will document the comments in a letter to the proponent(s).*

**City Works**

**2.1.1 Construction of New Bush Fire Sheds**

**Comment:** All stations are now built to Rural Fire Service standards. The policy is redundant. Recommend deletion.

**Manager - Finance & Administration Comments**

Not required.

**Public Consultations**

Not required.

**Other Group Comments**

Included in body of the report.

**Author's Response to Comments from Other Staff**

N/A

**Recommendation (COR08)**

- 1 That the Payment of Expenses and Provision of Facilities Policy be amended, with the table of reimbursements on the bottom of Page 1 being deleted (as this figure changes every 12 months) and being replaced with the mechanism used to evaluate the allowances, with the last paragraph reading:
  - *Expenses will be reimbursed to delegates whilst on Council business, subject to the maximum amounts as set by the Australian Taxation Office ruling "Income tax reasonable allowance amount..." released annually and in accordance with a signed declaration.*
- 2 Policy 5.2.16 - The Erection of Structures and Filling and Excavation Near Easements, Drains, Sewer and Water Mains be amended as follows:  
Minor changes to 1 (a) and (b).
  - 3 To read *"The Group Managers of City Works or Business & Enterprise....."*
  - 5 To read *"That information relating to the requirements of this policy be promoted on Development Consents."*
- 3 Policy 5.2.2 - Development Assessment Panel Function and Modus Operandi be amended with Point 4 to be added under heading "Modus Operandi", to read:
  - *When development proponents attend the Panel to receive pre-lodgement advice, the Panel's advice will be minuted. The pre-lodgement minutes will be provided to the Manager-Planning Services who will document the comments in a letter to the proponent(s).*
- 4 Policy 2.1.1 – Construction of New Bush Fire Sheds be deleted.

# LISMORE CITY COUNCIL - Meeting held March 9, 2004

## MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD FEBRUARY 18, 2004 AT 10.00 AM. (WMacD:VLC:S352)

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**Present:** Mr Garry Hemsworth (*Chairperson*), Councillors John Chant, Mervyn King and John Hampton, Ms Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Messrs Mike Baldwin (*Roads and Traffic Authority*), John Daley (*Lismore Unlimited*), Snr Const Steve Hilder (*Lismore Police*) and Mr Bill MacDonald (*Co-Ordinator – Traffic & Law Enforcement*).

**In attendance:** Louisa Gordon and Liz Terracini (NORPA) for Item No. 20.

**Apologies:** Apologies for non-attendance on behalf of Messrs Thomas George, MP, Bill Moorhouse and Mrs Wendy Johnson were received and accepted and leave of absence granted.

### **Minutes of Traffic Advisory Committee Meeting – December 17, 2003**

Members were advised that the Minutes of the meeting held on December 17, 2003 were adopted by Council at its meeting of February 10, 2004, excluding Item Nos. 6, 7 and 15.

1. **In relation to Item No. 6** (*Dr S Prince & Dr E McGirr*), Council resolved that a 2-hour parking limit be introduced on the northern side of Uralba Street between Nos. 86-92 provided this is monitored on a regular basis.  
Mr MacDonald advised that parking around the Lismore Base Hospital was regularly patrolled and the new 2-hour section would be included.  
(03-13281,03-13283:S353,R6058)

2. **In relation to Item No. 7** (*Thomas George, MP*) and **No. 15** (*Parking Facilities – Lismore Base Hospital*),  
Council resolved that -
- (a) Mr Russell be advised Council would support any request for the penalty to be waived on this occasion and also of the Hospital's redevelopment plans that include provision of substantially more parking.
  - (b) Council staff examine the use of parking spaces in the vicinity of the Hospital, and the streets intersecting Uralba Street (Hunter and Dibbs Street on the southern side), be explored for use as carparking.
  - (c) Staff investigate marking of parking spaces in an effort to increase parking in front of the Hospital as well as the number of short-term spaces for patient pickup.
- Mr MacDonald advised that an onsite investigation had taken place and there were no opportunities for additional parking spaces on Dibbs or Hunter Streets off Uralba Street. It was also noted that existing signposting relating to parking restrictions was already very close to driveways which allowed for the maximum number of vehicles to park in a particular area due to the fact that many were in fact parking at closer to 90° rather than 45°. If the bays were actually marked on the road, the number of available spaces would decrease significantly.

**TAC1/04** **RECOMMENDED** that the above be noted. (03-13292:S353,R6058)

**Disclosure of Interest:** Nil

**Business Arising:**

3. **Blue Knob Road – Speed Limit**  
Mr Baldwin advised that he had reviewed accident data for the length of road in question and it was found that there had been a significant number of accidents in recent years. Delineation was poor and additional warning signs and guide posts were also required.
- TAC2/04** **RECOMMENDED** that a 80kph speed limit be introduced on Blue Knob Road from the existing 60kph signs on the northern side of Nimbin to a point to be determined by further inspection where the road alignment significantly improves, somewhere past Lillian Rock Road.
- TAC3/04** **FURTHER RECOMMENDED** that works be carried out to improve motorists' awareness of the road alignment by way of additional warning signs and guide posts. (R2001)

**Correspondence:**

4. **St Carthage's School;** referring to discussions between Beaumont Buses, Trinity Catholic College and St Carthage's School and requesting the first two bus bays (1 and 2) on Leycester Street be turned into permanent bus only parking.
- TAC4/04** **RECOMMENDED** that the first two bus bays at the interchange on Leycester Street, adjacent to Trinity Catholic College, be signposted as full-time Bus Zones. (03-13604:S352,S599)
5. **Mrs Marjorie Fisher;** drawing attention to the intersection of Rous Road and Pleasant Street, Goonellabah, which is very dangerous for elderly people to cross. An inspection of the location in question had revealed that there was an area on Rous Road where a pedestrian refuge could be located. This would also go some way to meeting the needs of the residents of No. 48 Rous Road as well. Although not immediately in front, it was sufficiently close to be of benefit to the broader community within the area in question enroute to and from the Rous Road Shopping Centre.
- TAC5/04** **RECOMMENDED** that a pedestrian refuge be installed on Rous Road just south of Pleasant Street. (04-1274:R6610,R6502,S853)
6. **RM McLennan;** requesting that restrictions be put in place at Kookaburra Terrace which is too narrow for parking on both sides of the street. It was noted that the road was of a width common to most subdivisions in Goonellabah. Whilst it was acknowledged that motorists would need to slow to pass oncoming vehicles if vehicles were parked on both sides of the road, this would be the case on all residential streets. It was felt that current problems would reduce significantly once the Estate in question was fully developed. The restriction of parking on one side of the road would seriously inconvenience residents in the immediate area and was not considered warranted.
- TAC6/04** **RECOMMENDED** that the writer be advised accordingly. (03-13361:R6579, R6493)

# LISMORE CITY COUNCIL - Meeting held March 9, 2004

## MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD FEBRUARY 18, 2004 *(Cont'd)*

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7. **AD Blunt**; requesting a pedestrian crossing be installed at the corner of Diadem and McKenzie Streets.  
A check of development conditions on the proposed expansion of the Lismore Square indicated it was a requirement that pedestrian facilities be provided in all of the surrounding streets, including Diadem Street.  
**TAC7/04** **RECOMMENDED** that the writer be advised pedestrian facilities on Diadem Street would be provided as part of the proposed expansion of the Lismore Square.  
(04-356:S342,R6019,R6045)
8. **The Loft Restaurant**; requesting the closure of Nesbitt Lane on Saturday, February 14, 2004 from 3.00pm. *(Permission granted prior to the meeting).*  
It was noted that whilst the above date had passed, there had been no negative reaction to either the more recent closure or the one on New Year's Eve. Businesses adjacent to Nesbitt Lane had been consulted and generally supported the concept of using part of Nesbitt Lane for such events.  
**TAC8/04** **RECOMMENDED** that Mr MacDonald be authorised to approve similar requests from the Loft Restaurant provided certain conditions were met, including the advertising of the closure, appropriate time restrictions being adhered to, and the adjoining businesses continuing to support the closure of the lane for functions of this type.  
(04-1043:P21006)
9. **A & Mrs R Christie (on behalf of residents of Remnant Drive and Avalon Avenue, Clunes)**; drawing attention to the problem of speeding cars and the lack of footpaths in the area where children walk to and from School, and requesting the problem be rectified.  
Mr MacDonald advised that he had arranged for vehicle classifiers to be installed on Remnant Drive in order to ascertain actual vehicle speeds and the results would be tabled at the next meeting for discussion and consideration of any proposed action.  
**TAC9/04** **RECOMMENDED** that the writers be advised in accordance with the above.  
**TAC10/04** **FURTHER RECOMMENDED** that the issue of a footpath being provided from the subdivision up to the School access road be referred to Council's Roads & Infrastructure Section for consideration in any future footpath programme.  
(04-949:S342,R8613,R8662)
10. **R Sutherland**; referring to a "Concealed Driveway" sign erected on Caniaba Road and requesting it be relocated closer to his property and the words, "Slow Down", be added and a mirror erected opposite his driveway.  
It was suggested that the recently installed warning sign was in the most appropriate location. However, the inclusion of an 's' on the "Concealed Driveway" sign and an additional "Slow Down" plate beneath would also assist. An inspection of the location revealed that sight distance could be significantly improved if undergrowth was cleared from along the fence line of Mr Sutherland's property. There was no objection to the installation of a convex safety mirror opposite the driveway providing all costs associated with its supply and erection were met by the writer.  
**TAC11/04** **RECOMMENDED** that the existing warning sign be altered to include an 's' and a "Slow Down" plate be included beneath the sign.  
**TAC12/04** **FURTHER RECOMMENDED** that it be suggested to the writer that sight distance would be improved if the growth along and inside his fence line was cut back or thinned out and that Council raised no objection to the installation of a convex safety mirror provided all costs were met by himself. (04-951:S346,R4701,P14832)

### **General Business:**

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11. **Caniaba Public School – School Zone**  
The School had requested that the School Zone sign on the western approach to the School be relocated to the bottom of the hill (closer to the School). However, an on-site inspection had revealed that the sign would be right at the minimum distance required for a School approach if the signage were relocated to the bottom of the hill. It was suggested that it may be more appropriate to install an additional sign closer to the School to reinforce the message to drivers and leave the existing signage as is.
- TAC13/04** **RECOMMENDED** that the above proposal be suggested to the School and carried out if in agreement. (R4701)
12. **Rous Road, Goonellabah - Pedestrian Crossings**  
Mr Peter Pagura had requested that two pedestrian crossings be installed outside No. 48 Rous Road.  
This matter was dealt with as part of Item No. 5. (R6610)
13. **Intersection of Dunoon Road and Beddoes Road, Modanville**  
Mr Stralow had raised concern regarding restricted sight distance for motorists turning right into or out of Beddoes Road.  
The intersection had been inspected and it was noted that a T-Junction warning sign already existed on Dunoon Road prior to Beddoes Road. Sight distance of oncoming traffic along Dunoon Road when exiting Beddoes Road was severely restricted to the left and could only be improved with major roadworks. In the absence of any notable accident history it was unlikely that funding would be available in the short term. (R3407,R4351)
14. **Dunoon Road – Restricted Sight Distance at Off-Shoot Roads**  
Councillor Swientek had raised concern regarding restricted sight distance at the intersection of Hunters Hill Road and Corndale Road when travelling from Dunoon. The area of concern is located on the north-western corner of the intersection and is largely a maintenance issue regarding the permanent removal of long grass that restricts the sight distance of motorists traveling south along Corndale Road when exiting Hunters Hill Road.
- TAC14/04** **RECOMMENDED** that this matter be referred to Council's Roads & Infrastructure Section to action as required. (R3407)
15. **World's Greatest Shave**  
A request was received to close Magellan Street, between Carrington and Keen Streets, on March 13, 2004, between 6am-6pm.  
It was noted that the proposal had been advertised and a leaflet drop had been carried out advising businesses of the proposed closure. No objections had been received to date. A traffic management plan had been submitted and appropriate insurance cover would be available.
- TAC15/04** **RECOMMENDED** that approval be granted for the closure as outlined in the application. (R7319)

16. **Intersection of Conway and Carrington Streets – Right-Turn Bay**  
A plan was tabled showing the proposed right-turn bay which was a consequence of a recent meeting with Carrington Street retailers who raised concerns that business activity had dropped off since closure of the intersection. The plan would allow right-turns for west-bound traffic on Conway Street to enter Carrington Street but still prohibit all other turning movements.  
Due to the new turning lane being installed on Conway Street, the marked pedestrian crossing at the intersection would need to be removed but a pedestrian refuge would still be in existence. (R7307,R7303)
17. **Intersection of Fermoy Avenue and Weaver Street – ‘No Stopping’ Sign**  
Kirklands Coaches had requested the installation of 'No Stopping' signs at Fermoy Avenue at its intersection with Weaver Street.  
**TAC16/04** **RECOMMENDED** that 'No Stopping' signs be installed on each side of Fermoy Avenue at a distance of 10m from the eastern kerb line on Weaver Street. (R6022,R6062)
18. **Intersection of Bruxner Highway and Caniaba Road, South Lismore**  
Mr Bruce Young had requested that 'Halt' or 'Give Way' signs be erected on Caniaba Road at the junction with the Bruxner Highway as motorists entering from Caniaba often do not give way to Highway traffic.  
The location was inspected prior to the meeting and it was noted that the intersection was a standard 'T' layout with a merge lane for traffic entering from Caniaba Road onto the Highway with good sight distance in both directions.  
**TAC17/04** **RECOMMENDED** that Mr Young be advised that a 'Halt' or 'Give Way' sign was not considered warranted. (R4807,R4701)
19. **Intersection of Dalley and Nielson Streets, East Lismore**  
Concern had been raised by a nearby resident that the above intersection had become the scene of a number of accidents in recent times. Snr Const Hilder advised that he had checked the circumstances of the two most recent accidents and they both involved motorists traveling north on Nielson Street.  
**TAC18/04** **RECOMMENDED** that investigations be carried out into the current signposting and any remedial action be reported back to the next meeting. (R7426,R7459)
20. **NORPA Production – “The Flood”**  
Ms Louisa Gordon Ms Liz Terracini were present for this item and were invited to outline the proposed production and its impact on traffic. It was intended that the play commence in the carpark at the rear of the new Library and travel through the new carpark off Keen Street, north into Keen Street, into Larkin Lane, Eggins Lane, County Lane, Carrington Street, through the Star Court Arcade, across Molesworth Street, down Green Lane eventually finishing in the Rowing Club Carpark. A full dress rehearsal would be held on Wednesday, April 7, 2004 with performance nights beginning at 6.30pm on three nights from April 8-10 inclusive. A traffic management plan was being produced and would be available shortly. There was no objection to the proposed production provided appropriate traffic control measures were in place and adequate public liability insurance was current.  
**TAC19/04** **RECOMMENDED** that approval be granted in accordance with the above. (S352)

21.

**Jiggi Road – School Signs and Speed Limits**

The Mayor relayed concerns from a recent meeting about the need for additional School signs and for consideration to be given to reducing the current speed limit. This item would be further discussed at the next meeting of the Committee, prior to which an inspection would be carried out to determine the facilities that currently existed. (R2551)

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

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**CHAIRPERSON**

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**TRAFFIC & LAW  
ENFORCEMENT CO-ORDINATOR**

## **DOCUMENTS FOR SIGNING AND SEALING**

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

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

### **Recommendation:**

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

**Contract and Transfer documents for sale of Lot 735 Oliver Avenue**, being a subdivision of Lot 73 in Deposited Plan 876840. Council has negotiated an offer of \$165,528.00 for the purchase of proposed Lot 735, DP 1054845 being partially levelled, vacant land fronting the extension of Oliver Avenue, Goonellabah.

**Contract and Transfer documents for sale of part of Lot 736 Oliver Avenue**, being a subdivision of Lot 73 in Deposited Plan 876840. Council is negotiating the sale of this partially filled and only partially sewered lot with several parties. The final price of the land is yet to be finalised but will be in excess of \$47.00 per m<sup>2</sup> which is consistent with market value.

**Reassignment of Lease for the kerbside dining area adjacent to 53 Woodlark Street, Lismore (Dairy Delite Café)** from Carmel Beelitz to Robyn Barrett due to sale of property to which the lease attaches.  
(04-131:P10330)

**Contract and Transfer documents for the sale of 301 Keen Street, Lismore**  
Council resolved to sell this property in 1998 when "the Gasworks" site was remediated. This work has been completed and the property listed with local agents.  
(P5671)

**CONFIDENTIAL MATTERS – COMMITTEE OF THE WHOLE**

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

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

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

**Recommendation:**

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

**Item 1: Clunes Sewerage Scheme**

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

**Item 2: Performance Review and Monitoring – General Manager**

**Grounds for Closure - Section 10A(2) (a):**

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, FEBRUARY 10, 2004 AT 6.03PM.**

**Present:** Mayor, Councillor King; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services; Acting Group Manager-City Works (G Hemsworth), Planning & Development, Business & Enterprise; Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Planning Services, Recreation Planner, Environmental Planner, Fleet Manager, Administrative Services Manager and Team Leader-Administrative Support.

1/04 **Apologies/** Leave of absence was approved for Councillor Baxter from  
**Leave of** February 17 to March 2, 2004.  
**Absence:** (Councillors Irwin/Roberts)

2/04 **Minutes:** The minutes of the Ordinary meeting held on December 9, 2003,  
were confirmed.  
(Councillors Crowther/Swientek)

3/04 The minutes of the Extraordinary meeting held on December 16,  
2003 were confirmed.  
(Councillors Swientek/Hampton)

**PUBLIC ACCESS SESSION:**

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

**Mr John Barnes re Draft Comprehensive Koala Plan of Management**

(See Minute No. 7/04)

Mr Barnes questioned Council's legal powers to make this plan. He raised issues of compensation, public debate and impact upon landowners.  
(S310,S680)

**Ms Lorraine Vass re Draft Comprehensive Koala Plan of Management**

(See Minute No. 7/04)

Ms Vass expressed disquiet at the level of misinformation spread about the plan. She claimed the plan was a watered down document which was the bare minimum if koalas were to be protected.  
(S310,S680)

**Mrs Molly Crawford re Lismore Lake Plan of Management**

(See Minute No. 8/04)

Mrs Crawford, with the aid of a video, spoke against the use of Lismore Lake for boating and sought its retention as an area for birds.  
(P27012)

**Mr Paul Armour re Lismore Urban Strategy**

(See Minute No. 9/04)

Mr Armour claimed that staff had failed to carry out Council's decision to include North Lismore in the Urban Settlement Strategy. He claimed the scheduling proposal for land releases was unworkable and would stifle residential development.  
(S650)

**Mr Maurice Gahan re Airport Landing Charges**

(See Minute No. 10/04)

Mr Gahan spoke of the support received from Council to develop and increase the existing passenger service. He detailed plans for future growth and sought continued support to allow this to proceed.

(P25804)

**Mr Stan Heywood re Traffic Advisory Committee minutes – Clauses 7 and 15**

(See Minute Nos. 12-13/04)

Mr Heywood spoke to the inadequate parking facilities at the Base Hospital. He urged Council to increase the number of short term pick-up parking places adjoining the entrance to the Hospital, through linemarking and time restrictions.

(S352)

**DISCLOSURE OF INTEREST:**

**S459**

Councillor Suffolk declared an interest in Report “Application for Closure of Public Road – Unformed Lane off Forbes Lane, Lismore”.

Councilor King declared an interest in Report “Lismore Urban Strategy “.

**MAYORAL MINUTES:**

**Parry Inquiry Into Passenger Transport**

4/04

**RESOLVED** that the minute be received and –

- 1 That the Lismore City Council conveys its strong support for the retention of CountryLink rail services in their present form.
- 2 That the suggested replacement of rail services by bus services is not supported by the Lismore community and is therefore opposed in the strongest possible terms.
- 3 That furthermore, the State Government is encouraged to look at the employment, tourism and economic development opportunities afforded by the expansion of passenger rail services in the northern rivers, including the connection of NSW rail services to Queensland passenger services.
- 4 That the Lismore City Council calls upon the Minister to guarantee the retention of CountryLink rail services to and from Lismore beyond the present review period of one year.
- 5 That Council establish meetings with Tweed, Byron and Richmond Valley Shire Councils and local MPs Thomas George, Neville Newell, Don Page, Larry Anthony and Ian Causley to further the cause of retaining and improving the rail service.

(Councillors King/Chant) (S133)

**Lismore Fire Services**

5/04

**RESOLVED** that the minute be received and -

- 1 Council renew its representations to the State Government to ensure that the necessary resources are applied without further delay so that the Lismore Fire Station is staffed 24 hours per day, 7 days per week.
- 2 That the Mayor arrange a meeting with the relevant Minister and/or the Premier to lobby for the Government to honour the commitment made by Commissioner McDougall in 2001 to fully staff the Lismore Fire Station on a 24 hour basis within the following two years.

- 3 That in preparation for this meeting staff provide a submission documenting the need for 24 hour staffing and the progress of this issue, including allocation of part funding by LCC.
  - 4 The submission also include recent statistics showing the average response time to fire calls by retained and permanent staff, and the list of the worst examples of response times for 2003 of up to 19 minutes.
- (Councillors King/Irwin) (S103)

**SUSPENSION OF STANDING ORDERS:**

6/04 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- Draft Comprehensive Koala Plan of Management
- Lismore Lake Plan of Management
- Lismore Urban Strategy
- Airport Landing Charges
- Traffic Advisory Committee Minutes 17/12/03

(Councillors Roberts/Irwin)

**Draft Comprehensive Koala Plan of Management**

A MOTION WAS MOVED that the report be received and –  
(Councillors Swientek/Roberts)

- 1 That the definition of Primary Koala Habitat remain as ““An area of land where at least 35% of the total number of trees present are Preferred Koala Food Tree species”.
- 2 That the word “prohibit” be removed from Item 5 so that the Statement of Intention for the LEP amendment reads:  
“the amending LEP will restrict developments or activities involving clearing, subdivisions, or intensification of landuse zonings within mapped Primary Koala Habitat in accordance with the performance standards in the CKPoM, whilst seeking to protect Preferred Koala Food Trees wherever they occur” on page 8 of the draft Plan.
- 3 That the proposed exemption from DA consent for removal of one Preferred Koala Food Tree per property per year (on average) for on-farm use (in the rural LEP zones of the Lismore Vicinity) be able to be summed to a maximum of five trees in a five-year period, provided:
  - The tree(s) are not used by koalas according to an assessment of koala habitat utilisation carried out using the Guidelines for Koala Habitat Assessment.
  - The tree(s) are replaced by the same number of trees and of one of the Preferred Koala Food Tree species.
  - Council’s assessing officer is notified prior to removal

That Council:

- 1 Adopt the *Draft Comprehensive Koala Plan of Management for the South-eastern portion of the Lismore Local Government Area* as recommended by the Koala Management Plan Steering Committee with the changes as detailed in the Report to Council dated December 9, 2003 and in the foregoing report.
- 2 Pursuant to S.54 of the Environmental Planning & Assessment Act, prepare a draft amending local environmental plan to give effect to the regulatory provisions of the Koala Plan of Management.

- 3 Advise the Department of Infrastructure, Planning & Natural Resources that no local environmental study should be required because the Comprehensive Koala Plan of Management covers all issues.
- 4 Prepare and exhibit the draft LEP amendment in accordance with the Best Practice Guideline of January 1997 titled "LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council".
- 5 Endorse the preparation of development control plan provisions containing guidance for landowners and developers.
- 6 Disband the Koala Management Plan Steering Committee and forward a copy of the final Plan and a letter to members thanking them for their contribution.
- 7 Resolve that the membership of any Koala Advisory Committee formed to assist implementation of the Plan consist of:
  - A Councillor as Chairperson
  - A Council staff member as Servicing Officer
  - An urban ratepayer
  - A rural ratepayer
  - A representative of the Department of Environment and Conservation (formerly National Parks and Wildlife Service)
  - A representative of the Rural Lands Protection Board
  - A representative of the NSW Farmers Association
  - A representative of Friends of the Koala.(Councillors Swientek/Roberts)

AN AMENDMENT WAS MOVED that the report be received and –

- (a) Council adopt the Recommendation No. 1 as printed in the December 9, 2003 Business Paper with amendments as follows, Items 1, 3, 4, 6 and 8 (of that report) unchanged.
- (b) Amendments to the recommendation of the Koala Plan of Management report in this business paper as under.

**Recommendation (Plan02)**

- 1 That the definition of Primary Koala Habitat be changed to "An area of land where at least 50% of the total number of trees present are *Preferred Koala Food Tree species*", and secondary Koala Habitat be changed to read "An area of land where at least 25% of the total number of trees are preferred Koala food tree species".
- 2 That the word "prohibit" or "restrict" be removed from Item 5 so that the Statement of Intention for the LEP amendment reads:  
"the amending LEP will regulate developments or activities involving clearing, subdivisions or intensification of land use zonings within mapped Primary Koala Habitat in accordance with the performance standards in the CKPoM, whilst seeking to protect Preferred Koala Food Trees wherever they occur" on page 8 of the draft Plan.
- 3 That the proposed exemption from DA consent for removal of one Preferred Koala Food Tree per 2 ha per year (on average) for on-farm use (in the rural LEP zones of the Lismore Vicinity) be able to be summed to a maximum of five trees per 2 ha in a five-year period, provided:
  - The tree(s) are not used by koalas according to an assessment of koala habitat utilisation carried out using the Guidelines for Koala Habitat Assessment.

That Council:

- 1 Adopt the *Draft Comprehensive Koala Plan of Management for the South-eastern portion of the Lismore Local Government Area* as recommended by the Koala Management Plan Steering Committee with the changes as detailed in the Report to Council dated December 9, 2003 and in the foregoing report and amendments tabled at this meeting.
- 2 Pursuant to S.54 of the Environmental Planning & Assessment Act, prepare a draft amending local environmental plan to give effect to the regulatory provisions of the Koala Plan of Management, but prior to the draft LEP being exhibited, Draft Clause 28C should be amended in order for the Draft LEP to be consistent with the KPoM (as amended) by deleting the word "NO" in the habitat class restrictions and inserting the word "Regulate" consistent with the KPoM.
- 3 ... as is
- 4 ... as is
- 5 ... as is
- 6 ... as is
- 7 Resolve that the membership of any Koala Advisory Committee formed to assist implementation of the Plan also include:
  - A representative of Lismore Unlimited.
- 8 The following changes be made to the KPoM:

Page 4: Remove the words "The intention is that the plan will form the first component of an LGA-wide plan should the necessary data be collected for the remainder of the LGA".

Action

- 7.2 (vi) delete dot point 2  
8.2 delete (ii); (iv) – (vi)  
12.2 delete (iv)  
15.2 delete (v)

#### **Appendix 1**

Change definitions in Schedule 7 of Proposed LEP

**"clearing"** means removal of native vegetation (including trees and plants occurring in a wetland) by:

- (a) as is
- (b) as is
- © as is
- (d) as is

**"Koala Activity"** means one (1) or more Koala sightings and/or koala faecal pellet evidence.

**"suitably qualified person"** means a person who has completed a recognised Koala Assessment Accreditation Program.

**"tree"** has the same meaning as in Council's DCP 17 Tree Preservation.

#### **Appendix 3.**

Point 7 – by deleting the words "The developer is expected to assume responsibility for monitoring for a minimum 5-year period."  
(Councillors Suffolk/Chant)

On submission to the meeting the AMENDMENT was DEFEATED.

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

On submission to the meeting the MOTION was DEFEATED.

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

7/04

**RESOLVED** that the report be received and noted.  
(Councillors Swientek/Crowther)

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

**Dissenting Vote:**  
Councillor Irwin.

**Lismore Lake Plan of Management**

A MOTION WAS MOVED that the report be received and the Draft Plan of Management for Lismore Lake as exhibited be adopted.  
(Councillors Crowther/Suffolk)

AN AMENDMENT WAS MOVED that the report be received and –

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

(Councillors Irwin/Roberts)

On submission to the meeting the AMENDMENT was DEFEATED.

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

On submission to the meeting the motion was DEFEATED.

**Voting Against:** Irwin, Roberts, Tomlinson, Gallen, Swientek and King.

8/04

**RESOLVED** that the report be received and the Draft Plan of Management for Lismore Lake as exhibited be adopted, subject to accommodating and allowing only the formal training/teaching of the Lismore Rowing Club to take place (within specified times and in areas away from key habitat) within the lake. This use to be subject to safe blue green algae levels within the lake and the Club be encouraged to apply to the National Parks and Wildlife Service for a licence under the Threatened Species Conservation Act 1995 to undertake these activities. No other watercraft activity within the lake would be permitted.

(Councillors Swientek/Irwin)

**Voting Against:** Councillors Tomlinson,  
(P27012)

**Lismore Urban Strategy**

**S459**

Councillor King declared an interest in this matter and left the Chamber during discussion and voting thereon.

Deputy Mayor Councillor Chant took the chair.

9/04

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

- 1 The information in the report be noted.
- 2 Council advise the Minister of the inclusion of the North Lismore Plateau in the Urban Release Strategy, subject to completion of a noise management plan for the speedway.
- 3 That the Lismore Urban Strategy be amended to provide that all rezoning of Greenfield sites be carried out by way of insertion in a Schedule to the LEP with the addition of a sunset clause requiring that a Master Plan and Development Application be lodged with and approved by Council within 12 months of gazettal of the relevant LEP amendment that relates to the land.

- 4 That Council staff, subsequent to implementing this motion, report back to Council on mechanisms for limiting the extensions of time for development approvals.  
(Councillors Irwin/Gallen)

At this juncture Councillor King resumed the chair.

**Airport Landing Charges**

A MOTION WAS MOVED that the report be received and –

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

(Councillors Crowther/Roberts)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 The existing programme adopted by Council in October 2003 be continued on a month-by-month basis.
- 2 The programme adopted in October 2003 be replaced with a further programme to be implemented no later than July 1, 2004 that will waive the landing charge for regular public transport passengers until June 30, 2005 for REX fare classes “O”, “N” and “T” and all other classes will be charged a head tax of \$11 plus GST. This is provided that REX retains or bolsters its local country crews.
- 3 Council will review the new programme in November / December 2004 to assess if the projections included in this report are achieved. If the projections are not substantially achieved or reasonable doubt exists that the projections will be achieved, Council reserves the right to agree to an alternate programme to recover the costs of operating the airport.
- 4 Council negotiate with REX to consider applying a modest airport landing charge on the “N” and “T” fares where it can be demonstrated that Lismore can maintain its marketing advantage over adjoining airports.

(Councillors Swientek/Chant)

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

**Voting Against:** Councillors Baxter, Irwin, Suffolk, King and Crowther.

10/04 **RESOLVED** that the report be received and –

- 1 The existing programme adopted by Council in October 2003 be continued on a month by month basis.
- 2 The programme adopted in October 2003 be replaced with a further programme to be implemented no later than July 1, 2004 that will waive the landing charge for regular public transport passengers until June 30, 2005 for REX fare classes “O”, “N” and “T” and all other classes will be charged a head tax of \$11 plus GST. This is provided that REX retains or bolsters its local country crews.

- 3 Council will review the new programme in November / December 2004 to assess if the projections included in this report are achieved. If the projections are not substantially achieved or reasonable doubt exists that the projections will be achieved, Council reserves the right to agree to an alternate programme to recover the costs of operating the airport.

- 4 Council negotiate with REX to consider applying a modest airport landing charge on the "N" and "T" fares where it can be demonstrated that Lismore can maintain its marketing advantage over adjoining airports.

(Councillors Swientek/Chant)

**Voting Against:** Councillors Baxter, Irwin, King, Suffolk and Crowther. (P25804)

**Traffic Advisory Committee Minutes 17/12/03**

- 11/04 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Clauses 6, 7, 15  
(Councillors Irwin/Gallen)

**Clause 6 – Dr S Prince & Dr E McGirr**

- 12/04 **RESOLVED** that a 2 hour parking limit be introduced on the northern side of Uralba Street, between Nos. 86-92 Uralba Street provided this is monitored on a regular basis.  
(Councillors Irwin/Suffolk) (03-13281,13283: S353,R6058)

**Clause 7 – Thomas George, MP & Clause 15 – Parking Facilities – Lismore Base Hospital**

- 13/04 **RESOLVED** that -
- 1 Mr Russell be advised Council would support any request for the penalty to be waived on this occasion and also of the Hospital's redevelopment plans that include provision of substantially more parking.
  - 2 Council staff examine the use of parking spaces in the vicinity of the Hospital, and the streets intersecting Uralba Street, (Hunter & Dibbs Street on the southern side) be explored for use as carparking.
  - 3 Staff investigate marking of parking spaces in an effort to increase parking in front of the hospital as well as the number of short term spaces for patient pickup.
- (Councillors Swientek/Irwin) (03-13292: S353,R6058)

**RESUMPTION OF STANDING ORDERS:**

- 14/04 **RESOLVED** that standing orders be resumed.  
(Councillors Irwin/Suffolk)

**REPORTS:**

**Draft Comprehensive Koala Plan of Management**

(See Minute No. 7/04)

**Lismore Lake Plan of Management**

(See Minute No. 8/04)

**Lismore Urban Strategy**

(See Minute No. 9/04)

**Airport Landing Charges**

(See Minute No. 10/04)

**Possible Boundary Adjustment – North Woodburn**

- 15/04 **RESOLVED** that the report be received and –
- 1 That Council note Richmond Valley Council's decision not to pursue a boundary adjustment proposal for North Woodburn at this time.
  - 2 That Council advise residents of North Woodburn that we do not intend to pursue a boundary adjustment with Richmond Valley Council at this time.
  - 3 That Council acknowledge the steps taken to reduce the hydraulic load on North Woodburn household on site wastewater systems as well as the re-routing of street stormwater drains.
  - 4 That staff continue to work co-operatively with Richmond Valley Council in order to obtain a solution to the wastewater problem in the vicinity of Bank Street, North Woodburn.
- (Councillors Irwin/Swientek) (03-13724: S34)

**Alteration to Development Control Plan 39 – Exempt Development**

- 16/04 **RESOLVED** that the report be received and Council –
- 1 Adopt Amendment 1 to DCP 39 – Exempt Development, as amended following exhibition, to come into effect when the required alteration to the LEP is gazetted;
  - 2 Alter Development Control Plan No. 40 Complying Development so as to include acupuncture treatment premises as complying development provided the business meets the requirements of the NSW Health Skin Penetration Guideline
  - 3 Pursuant to S54 of the Environmental Planning and Assessment Act, amend Lismore Local Environmental Plan 2000 to include the new dates of adoption of DCP 39 Exempt Development and DCP 40 Complying Development, and to agree that no local environmental study should be required for this minor administrative amendment.
- (Councillors Swientek/Irwin) (S739)

**Review of DCP 18 (Off Street Carparking) & DCP 28 (Subdivision)**

- 17/04 **RESOLVED** that the report be received and Council prepare amending development control plans aimed at updating DCP 18 Off Street Carparking and DCP 28 Subdivision.
- (Councillors Swientek/Chant) (S510,S547)

**Application for Closure of Public Road – Part Orion Street, Lismore**

- 18/04 **RESOLVED** that the report be received and –
- 1 That the application for the closure of that part of Orion Street as identified in this report be endorsed by Council.
  - 2 That all costs for the closure of part of Orion Street be borne by the applicant.
  - 3 That Lot 1 in Section 33 of Deposited Plan 758615 (formerly the Ampol Service Station) be sold to Council for public car parking.
  - 4 That valuations be obtained for both Lot 1 in Section 33 of Deposited Plan 758615 and the said area of Orion Street to be closed and that these valuations form the basis for negotiations in regard to the compensation that may be applicable in regard to the land transfers outlined in this report.
  - 5 That carparking capacity, to a similar pavement standard to that which currently exists in Orion Street, or equivalent financial contribution, and associated landscaping for aesthetics and shading be provided on the *Ampol* site prior to its dedication to Council.
  - 6 That the General Manager and Mayor be authorised to sign and seal any and all documents necessary to bring about this recommendation.
  - 7 The closure of Orion Street stop in a line which is a continuation of the eastern boundary of the service station site.
- (Councillors Roberts/Irwin)

At this juncture Councillor Irwin left the meeting.

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**Voting against:** Councillor Swientek  
(R6051)

**Application for Closure of Public Road – Unformed Lane off Forbes Lane, Lismore**  
**S459**

Councillor Suffolk declared an interest in this matter and left the Chamber during discussion and voting thereon.

- 19/04 **RESOLVED** that the report be received and –
- 1 That the application to close the disused Council lane abutting Lots 9 and 10 in Deposited Plan 2632 and Lot 2 in 308314 (as shown in the attached sketch) be endorsed by Council and lodged with the Crown for adoption and gazettal as Council land.
  - 2 Council sell the abovementioned closed road to the adjoining landowner at market price.
  - 3 All costs associated with the road closure, as set out in this report be borne by the party who will purchase the closed road.
  - 4 That the General Manager and Mayor be authorised to sign and affix the Council Seal to land transfer documents and plans of survey as may be necessary to expedite this resolution.
- (Councillors Chant/Hampton)  
(P2493)

**Application to Close Part Council Public Road – Fredericks & Caniaba Roads**

- 20/04 **RESOLVED** that the report be received and –
- 1 That the application to close part of Caniaba Road, as shown in the adjoining sketch be endorsed by Council.
  - 2 That all costs associated with the road closure be borne by Rous Water.
  - 3 That the area of closed road, the subject of this report be transferred to the landowner of Lot 1 in Deposited Plan 367348.
  - 4 That the General Manager and Mayor be authorised to sign and seal any and all documents necessary to bring about the recommendation.
- (Councillors Roberts/Hampton)  
(P13508)

**Application for Realignment of Crown Road at Breckenridge Street, Wyrallah**

- 21/04 **RESOLVED** that the report be received and
- 1 That the application to close and realign a portion of the unformed, unnamed crown road dissecting Lot 2 DP 747721 (as shown on the attached plan) be endorsed and the application be lodged the Lands Department for adoption and gazettal if approved.
  - 2 All costs associated with the road closure and realignment be borne by the applicants.
  - 3 That the General Manager be authorised to sign any documents necessary to bring about the action.
- (Councillors Roberts/Swientek)  
(P20250)

**Review of Council's Rating Structure by Rating Strategy Working Party**

At this juncture, 9.45pm, Councillor Irwin returned to the meeting.

- 22/04 **RESOLVED** that the report be received and –

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

(Councillors Tomlinson/Hampton) (S384)

**Nimbin Business Rate – Alteration to Area Covered by Rate**

- 23/04 **RESOLVED** that Council defer taking any action on this issue while the 3 properties identified in the business paper contribute voluntarily to the Nimbin Business Rate at a level commensurate with other businesses.

(Councillors Roberts/Irwin) (S854)

**Alteration of Boundary – Clunes Village**

- 24/04 **RESOLVED** that the report be received and that the area of the Clunes village for rating purposes from July 2004 be extended to include the Ewandale Close area as shown on the attached map.

(Councillors Swientek/Hampton) (S384)

**Rates Write Off**

- 25/04 **RESOLVED** that the report be received and that in accordance with the provisions of the Local Government (Rates and Charges) Regulation 1999, Section 14, Part 4 (b), that the outstanding rates and charges on assessment number 10768 shown in the name of Bexhill Bricks Pty Ltd in the amount of \$19,099.05 and Assessment 10974 shown in the name of Bexhill Bricks Pty Ltd in the amount of \$1,832.37 be written off.

(Councillors Swientek/Hampton) (03-13385: P10974)

**Purchase of Council Plant – Additional Garbage Truck**

- 26/04 **RESOLVED** that the report be received and that Council purchase one (1) only **Freightliner FL80** truck with the **MacDonald Johnston** Collection / Compactor unit as tendered (T24020) from **Southside Agencies of Lismore** for the cost of **\$283,979.00** (includes GST)

(Councillors Chant/Swientek) (T24020)

**December 2003 Quarterly Budget Review**

- 27/04 **RESOLVED** that the report be received and –

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

(Councillors Irwin/Hampton) (S854)

**Management Plan Review 2003/06 – December 2003 Quarter**

- 28/04 **RESOLVED** that the report be received, its contents noted and staff be congratulated on the improved content.

(Councillors Irwin/Chant) (S4)

**COMMITTEE RECOMMENDATIONS:**

**Traffic Advisory Committee 17/12/03**

(See Minute Nos. 12-13/04)

**DOCUMENTS FOR SIGNING AND SEALING:**

29/04

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

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

Council has negotiated an offer of \$40,000 for the purchase of Lot 3 and Lot 5, DP 18057. These lots do not have the benefit of a dwelling entitlement and the purchaser will pay to have the lots consolidated into their existing adjoining holding.  
(03-13681: P9587)

**Delegation of Authority – NEWLOG**

Council to appoint as its agent an authorised officer within the meaning of the Roads Act 1993 who is at the time in the employ of the Ballina Shire Council to exercise a function under the abovementioned legislation on behalf of Lismore City Council. This is consistent with the provisions of Section 377(1) of the Local Government Act in terms of Council's power to delegate.  
(03-12300: S374)

**Hangar Lease to D'Agostino**

Lease of hangar at Lot 21, DP 1035497 to D'Agostino for period of 5 years from 1/7/03 to 30/6/08.  
(04-1090: P27947)

**Transfer – Council to Taccori**

Boundary adjustment – land adjoining Council's caravan park in Sibley Street, Nimbin (Lot 2, DP 619354 and Lot 4, DP 831252) for mutual benefit of Council and Taccori.  
(04-808: P16084, P15919)  
(Councillors Irwin/Hampton)

**CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:**

30/04

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

**Mayoral Minute - Annual Performance Review – General Manager**

(Councillors Roberts/Gallen)

**RESUMPTION OF OPEN COUNCIL:**

When the Council had resumed its former sitting, the Mayor reported that Council, meeting in Committee of the Whole, had resolved to exclude the press and public during its consideration of the beforementioned matter to preserve the confidentiality of a personnel matter

AND IT NOW RECOMMENDED

**Item 1:**

- 1 That the Performance Review of the General Manager for the twelve months ending August 2003 be received and noted.
- 2 That Council record its satisfaction with the performance of the General Manager.
- 3 That Council endorse the draft 2003/04 Performance Plan as amended.
- 4 That Council endorse a revised Contract of Employment with Mr O'Sullivan.

31/04

**RESOLVED** that the Mayor's report of Council meeting in Committee of the Whole be received and adopted.

(Councillors King/Hampton)

**Voting against:** Councillors Swientek and Baxter.

(E/OSU-100)

This concluded the business and the meeting terminated at 11.20 pm.

**CONFIRMED** this 9TH day of MARCH, 2004 at which meeting the signature herein was subscribed.

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**MAYOR**



