

COUNCIL Business Paper



JUNE 11, 2002



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the DUNOON COMMUNITY HALL on TUESDAY, JUNE 11, 2002, at 6.30pm and members of Council are requested to attend.

Councillors are requested to attend at 6.00pm to meet with residents prior to commencement of the meeting.

(Bill Moorhouse)
ACTING GENERAL MANAGER

June 4, 2002

COUNCIL BUSINESS AGENDA

JUNE 11, 2002

PUBLIC ACCESS SESSION:

PAGE NO.

Paul Recher re Report – DA98/7 – S96 Modification – Rous County Council
- Perradenya 8

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary meeting 14/5/02

CONDOLENCES

DISCLOSURE OF INTEREST

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CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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MAYORAL MINUTE

Subject/File No: SUTHERLAND SHIRE COUNCIL REQUEST TO ADD COUNCIL'S NAME TO THE PROTEST TO LOCATE A NEW REACTOR AT LUCAS HEIGHTS (S244)

The attached literature puts the case against the replacement of the nuclear reactor. My feeling is Council is not sufficiently informed on this issue to vote either way. Councillors have not been informed of the impact on medical products from the new reactor.

I, together with other Councillors, have heard the negative side to renewal of the reactor at Local Government conferences, however there has never been a counter argument put forward. I often feel politics is playing a part in this debate. It is for the above reasons I make the following recommendation.

Recommendation (MM01)

Council remain neutral on the issue, as to whether the nuclear reactor at Lucas Heights should be rebuilt.

MAYORAL MINUTE

Subject/File No: GOONELLABAH SECTION 94 PLAN
(P22522)

I wish to defer a decision on the community centre located on Consolidated Properties' land until Council holds a workshop on its Section 94 Plan.

It is my opinion that Council should defer making a decision on this facility until it has determined where it is heading with its Section 94 Plan as there may be other options that could be considered.

Recommendation (MM02)

Council hold a workshop on its Section 94 Plan for Lismore only and defer making a decision on any projects related to the Section 94 Plan.

NOTICE OF RESCISSION MOTION

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

That Council rescind its decision of May 14 concerning Skyline/Durheim Road.

101/02 **Resolved** that the report be received and –

- 1 *That Council approve of the proposed upgrade and realignment of Durheim Road and Skyline Road, Monaltrie, as set out in plans accompanying Mr Malcolm Scott's report of April 2002 entitled "Assessment of the proposed up-grading of Durheim Road and Skyline Road Monaltrie Lismore".*
- 2 *That such approval be subject to the "conditions of approval" contained in Mr Malcolm Scott's report of April 2002 entitled "Assessment of the proposed up-grading of Durheim Road and Skyline Road Monaltrie Lismore".*
- 3 *That Council forward its determination to National Parks and Wildlife Service for its concurrence.*

COUNCILLOR R M Irwin

COUNCILLOR D J Roberts

COUNCILLOR D R Tomlinson

DATE May 29, 2002

(02-6152: S642)

NOTICE OF MOTION

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

- 1 That Council take action to restore the road corridor for the whole of Skyline/Durheim Road to its present route.**
- 2 That staff provide a report to Council on options for sealing parts of Skyline/Durheim Road to address the needs and concerns of residents on that road.**

COUNCILLOR R M Irwin

DATE

May 29, 2002

STAFF COMMENT BY:

Manager- Design Services, Gary Rees

Item 1 – From my research I have found the following:

- The current formed gravel road generally from chainage 220 to chainage 700 on the accompanying sketch was closed by gazette in July 2000 (lot 8 DP 1000316 & lot 17 DP 1000445)
- The new road (unformed as yet) was created by the registration of DP 1000316 in August 2000
- Council has not yet transferred ownership of the current formed road (lots 8 & 17) to the Mitchell's as required in the deeds of agreement finalised in February 1998. Council currently holds ownership

The current alignment has curves with design speeds of < 30 km/h and pavement widths as narrow as 4.5m. Sight distance requirements would demand the clearing of vegetation along the edge of the road. That would entail the removal of at least 4 large gum trees (possibly more), the very thing we are trying to avoid.

Sealing the current alignment would not produce an acceptable road by today's standard. To carry out any form of construction along this alignment would require very substantial earthworks and is unlikely to produce a road that is acceptable to either the road users or those opposing the road's construction.

Manager-Roads & Infrastructure, Garry Hemsworth

Item 2

The funding of Skyline Road was debated at the recent Roads Management Committee meeting. It was resolved (6/5) to allocate \$200,000 of the roads budget to the upgrading of Skyline Road. There is approximately \$667,000 available in Section 94 contributions.

It is proposed to undertake construction of Skyline Road in stages, the first stage being the earthworks, drainage and a gravel pavement on the new alignment, replacing the steep windy section – estimated cost \$440,000.

(02-6151: S642)

NOTICE OF MOTION

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

- 1 That Council support in principle the establishment of a National Farmers Museum in its local area.**
- 2 That Council identify suitable sites and compatible partnerships that may be appropriate to facilitate and further this project to fruition.**
- 3 That Council identify an appropriate source and amount of funding to complete a feasibility study of this project (local, state, federal, private sponsorship).**

Note:

Background notes attached.

COUNCILLOR F F Swientek

DATE May 28, 2002

Background Notes by Councillor Swientek

I have included with this Notice of Motion some correspondence I had with the Lismore & District Showground Society in 1995 to provide Council with some background and thinking behind the concept. I never received a reply from the Show Society so with great disappointment and regret I "filed" my project.

Alex Hunter however, recently rekindled my interest in this concept when thanks to Councillor Merv King, he referred Alex Hunter to me after Alex had some discussion with Councillor King on a not too dissimilar concept.

Alex and I had a meeting to discuss our respective proposals and with renewed enthusiasm I now put this proposal to Council for discussion. I still believe that this concept could provide the drawcard for tourists to our city. It is part of our rich rural, cultural tradition in this area and tourists/travellers often look for this experience.

It would put Lismore indelibly on the tourist route and attract visitors travelling between Sydney and Brisbane. Our proximity to the major corridor and to the populated south-east Queensland area would give us a huge advantage to areas inland of Australia with anything similar.

The Casino Beef Week, Primex and the North Coast National all demonstrate the pull and interest the rural industry still has in our area.

To develop a complex that tracks the evolution of the agricultural industry, both here and nationally and that interprets that history in a novel, exciting and interactive way, should provide a destination magnet for many thousands of tourists visiting our local area but who never quite go far enough for want of a unique attraction to draw them away from the beach.

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Notice of Motion – Proposed National Farmers Museum

Farmers, sawyers, actors, poets, retailers – all could contribute and benefit from such a venture directly and of course many downstream benefits are obviously there also.

I hope Lismore City Council can see fit to support this concept warmly and enthusiastically as I believe it's an opportunity for a sustainable industry that is just waiting to happen somewhere in Australia and we should try and make it happen here.

I have received news from Alex Hunter that the Lismore & District Show Society is enthusiastic about this proposition following a meeting on Wednesday, May 29, so we have a willing partner to commence this venture.

STAFF COMMENTS BY: Manager-Finance & Administration

If Council supports this proposal, an estimated cost for the feasibility study will need to be prepared and, as it is most likely that the funding source will be revenue unless it can be included in an existing program, it should be included as a submission to the 2002/03 Management Plan.

Council will consider all submissions to the Plan at a special meeting to be held on June 25, 2002.

Manager-Economic Development & Tourism

I have met with Mr Hunter on two occasions to discuss the proposal for a National Farmers Museum. I am also aware that he has met with the Mayor, Deputy Mayor and State and Commonwealth Members of Parliament.

Potential Benefits of a Significant Built Attraction

There is no doubt that a high quality built attraction such as the Stockman's Hall of Fame at Longreach or more recently the Shearer's Hall of Fame at Hay, can provide a very significant boost for the Tourism Industry of the destination town. I am aware that in Hay for example, where the Shearer's Hall of Fame was opened in January of this year, there has been quite a considerable increase in visitation and a lengthening of overnight stays in the accommodation houses. This has happened in a town that is quite remote, certainly in comparison with Lismore's situation.

Given our close vicinity to key coastal tourism destinations such as Byron Bay and also South East Queensland, it would be reasonable to expect that a high quality attraction would command a very strong visitation to Lismore. Such a visitation would have all the obvious flow on effects of increased accommodation in our hotels and motels and a general economic boost throughout the city.

Critique of this Concept for Lismore

Both the Stockman's and Shearer's Halls of Fame are very defined and focused concepts, set in locations with a huge affinity for those particular trades. One would need to question whether Lismore is the appropriate location for a National Farmers Museum. Would Lismore do the appropriate justice to this concept and would this concept be appropriate for the market positioning of Lismore? The concept is also very broad. Of course, farming ranges from dairy to market gardening to broad acre agriculture, horticulture to the growing of new age crops for Asian markets. It may be difficult to find an icon that suitably represents this enormously broad industry.

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I would not wish to underestimate the importance of the agriculture sector to Lismore. However when looked at in a broader perspective, I suspect that there would be other centres that would have a greater claim to this sort of agricultural heritage. For example, perhaps Casino in our region would have a greater affinity for this concept.

Possible Alternative Concepts

There are other concepts for a built attraction that may be more suitable to Lismore and its heritage. Certainly both the logging and dairy industries are of extraordinary importance to Lismore's history. There could be a Dairyman's Hall of Fame or perhaps we could plan for a museum covering both the dairy and timber getting industries as well as rail and river transport and call it the Working River and locate that facility on the western side in between the Hurfords and Norco factories.

The Need for Strong Community Support

With any of these projects, which encompass large capital expenditures, there is a need for the demonstration of extremely strong community support. There must be significant groups of people from the general community that are willing to put in long hours and "hard yards" to ensure the project is progressed. The responsibility should not just lie with Council. I think that it is necessary for there to be a demonstration of strong community support for this project before Council allocates resources to it.

Limited Council Resources

Council has a range of projects where there are strong calls upon its limited resources. These range from the Wilson's River Project, the Old Lismore High School site, the Lismore Levee construction and of course the perennial Swimming Pool project.

Although there are opportunities for substantial external funding for these and other projects, it is always necessary for Council to contribute resources in the form of matching funding and in-kind contributions. Should Council wish to pursue this Notice of Motion then it also needs to be prepared to make the necessary budgetary contributions for the planning process.

In order for us to maintain the high degree of credibility that we enjoy with State and Federal funding agencies, I believe that it is crucially important to demonstrate significant further progress on the physical works within these existing projects prior to commencing another.

Suggestion

That:

1. Council reconsider the establishment of substantial built attraction in the future once significant progress has been made on the physical works of the Wilson's River project, old Lismore High School site, levee construction and swimming pool projects.
2. Council provide ongoing encouragement to community and interest groups, in progressing concepts for the establishment of a substantial built attraction.

(02-6148: S640)

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Subject/File No: DEVELOPMENT APPLICATION NO. 98/7 – ROUS COUNTY COUNCIL – PERRADENYA (CS:DA98/7)

Prepared By: Development Assessment Planner - Chris Soulsby

Reason: To allow Council to determine the application to vary the original Development consent that was approved by Council

Objective: Determination of a Section 96 Application

Management Plan Activity: Development Assessment

Executive Summary:

Applicant: Rous County Council (The Crown)
Owner: Rous County Council
Land: Lots 1 - 3 DP 836708 (Parent Parcel), 7 & 39 Fredericks Road and 568 Caniaba Road, Caniaba. Inclusive of all lots within DP 1018780. Perradenya Estate, Caniaba.

Application: Section 96 application is to delete all conditions of consent and to replace the conditions with those that Rous finds acceptable.

As with all section 96 applications Council does not have a discretion to approve only part of a modification application. The Court has determined that it is essentially a yes / no question. This has been confirmed by legal advice from Phillips Fox on a separate matter. On this basis Council must either accept all of Rous' amendments or refuse the entire application.

There are five key issues for Council to consider when determining this application to modify the consent. These are:

- 1 Will the development be substantially the same when the amendments proposed by Rous are implemented?** Council's Planners consider that the development would not be substantially the same due to both the scale of modifications being proposed but more importantly the nature of the modification. The community association is a fundamental component of the development and cannot be deleted without substantially altering the proposal. The extent of the other modifications to the consent, when considered in totality, also result in the development not being substantially the same. On this basis the application **must** be refused.
- 2 Justification for the modification:** The applicant has not provided any substantial reason for the deletion of all conditions of consent and replacement with only those conditions that it finds acceptable. The application is predicated on the basis that it is about clarifying the meaning of conditions. This is rejected as being a suitable planning reason to delete all conditions of consent. A justifiable planning reason should be based around a change in the circumstances of the case, not merely because the applicant is now dissatisfied with the conditions. Examination of the case law (as discussed in the body of the report) indicates that the Land and Environment Court will not, on merit, approve modifications to a consent once the conditions have been accepted by the developer. The applicant cites difficulties in gaining public liability insurance as the reason for deletion of this requirement. This commercial problem is not a relevant change in the circumstances of this case with respect to planning considerations and therefore as a reason it is rejected. Without suitable reason to modify the development consent the application should be refused.

- 3 **Cost to Council:** There are elements of the consent that the applicant wishes to delete that are required to ensure adequate infrastructure is provided. These include:
- Drainage works;
 - Parking bays;
 - Footpaths;
 - Signs.

As these are required works, Council would have to provide these works if the developer does not. The total cost to Council for these capital works is estimated at **\$465,550.00**.

Council would now also have to undertake the maintenance immediately on all open space areas and land to be managed by the community association. This is estimated to cost Council **\$55,000.00** per annum.

- 4 **Development Control Plan 35 Caniaba Village:** The proposed modification is contrary to the mandatory provisions of DCP 35. This warrants refusal of the application. Further there are separate merit reasons as to why each individual condition should or should not be modified. These have been addressed in the referral to each of the relevant sections or groups of Council. They are too numerous to be individually addressed here.

- 5 **Modification of a consent once the developer has taken benefit of the consent:** The developer has taken the benefit of the consent and is now seeking to divest itself of the burdens of the conditions imposed that it had previously accepted. Council does have discretion to approve such an amendment. Decisions from the Court indicate that where there is no change in circumstances, Councils (and the Court on appeal) should not approve of such modifications. This is further reason to refuse the application.

It is considered by Council's Development Control Planner that the application:

1. **Must** be refused as the development, when amended will not be substantially the same;
2. Should be refused on merit as the applicant has not provided sufficient justification as to why the consent should be amended;
3. Should be refused on merit as the works proposed to be deleted are required for the orderly and efficient development of the land;
4. Should be refused on merit due to the significant cost implications for Council due to the provisions of infrastructure that the developer will not provide;
5. Should be refused on the basis of non-compliance with DCP 35 Caniaba Village;
6. Should be refused as the developer has taken the benefit of the consent and is now seeking to divest itself of responsibilities central to the consent.

As Rous is the Crown (refer confidential memo), Council must initiate the process specified in Part 5A, Environmental Planning and Assessment Act, 1979 to seek the Minister's agreement to refuse the application.

Background:

The original development application was lodged with Council by Woromar Pty Ltd on behalf of Corpol Properties Pty Ltd on January 13, 1998. The application was determined subject to 90 conditions on August 11, 1998. Rous County Council (Rous) purchased the land on August 31, 1999.

Rous County Council has taken the benefit of the consent and commenced the development. Substantial engineering works have been completed and a subdivision certificate for the first stage has been approved by Council and registered with the Land Titles Office. Allotments have been sold and dwellings are being erected on some of the allotments. There were two previous Section 96 modifications that involved minor modification of conditions, those modifications are not relevant to the current situation.

The application involves the deletion of all conditions of consent and replacement with the conditions that Rous finds acceptable. A complete copy of the application is provided as an attachment.

Rous is claiming:

"Rous Water is a public utility and the totality of the development the subject of the conditional development consent regarding Development Application 98/7 is being effected by Rous Water in its role of a public utility"

Inter alia the applicant is claiming to be the Crown under Part 5A section 116B of the Environmental Planning and Assessment Act 1979 (the Act) as a "prescribed person" as specified in clause 226 of the Environmental Planning and Assessment Regulation 2000. Following from this claim, Rous is purporting to benefit from section 116C of the Act. Section 116C prevents a Council from imposing conditions on a consent or refusing consent to an application made by the Crown without the agreement of the Minister for Planning, The Honourable Dr Andrew Refshauge.

Council's planners sought legal advice on this and other issues from our Solicitors, Phillips Fox. A copy of this legal advice and comment on its implications is contained in the confidential memo.

The modification proposal is as follows:

- 1 By deleting all Conditions; and**
- 2 By substituting the following Conditions, to which Rous Water now consents:**

Rous provided a new list of conditions that are acceptable to them.

To assist Councillors a composite consent has been prepared. This document shows: additions to the conditions proposed by Rous highlighted in yellow whilst deletions are struck out.

Public Consultations

In accordance with Council policy and the Environmental Planning and Assessment Regulation 2000 the modification was publicly exhibited. A total of nine (two duplicate) submissions were received in response to the exhibition, these are provided as an attachment. A précis of the main points of objection is set out as follows:

- Commentary on the financial management of Rous;
- Assertions as to the relationship between Rous and Lismore City Council;
- The amendment is an attempt to "Socialise the cost but privatise the profit";
- Pedestrian access;
- Construction noise;
- Stormwater and drainage issues;
- Elimination of all the ecologically sustainable development (ESD) concepts incorporated into the development;
- Location of and acquisition of land for the roundabout;
- Rous purchased the development with the knowledge of the conditions;
- Concern about the loss of facilities.

Planner's comment on the submissions:

The issue of financial management of the applicant is not relevant to the assessment of a S96 modification application and should be given no weight whatsoever in any deliberations by Council. Similarly the assertions about Council's "master – servant" relationship with Rous are of no relevance and will not be afforded any further consideration.

The comment regarding socialisation of costs for private benefit is considered to be valid. The discussion of direct costs to Council should the amendment be approved in its current form is covered below. By divesting itself of various cost burdens due to conditions of consent Rous would be taking the benefit of the increased land value bought by the land development whilst avoiding the costs.

The issue of stormwater drainage is of importance. The applicant is proposing to delete the requirement for hydrological modelling of the catchment as each stage of the development occurs. There was concern amongst the original objectors as to what impact the development would have on the drainage system in the locality.

Deletion of conditions relating to community management and ESD principles is unacceptable. Land acquisition for the construction of the roundabout is discussed elsewhere in this report.

Assessment:

Council does not have the discretion to approve of only part of the modification or alter the modification by imposition of conditions. This is based on the decision of Justice Stein in *Benalup Holdings Pty Ltd V Lismore City Council (1993) 81 LGERA 257* where it was held that:

"A consent authority exercising discretion under s 102 of the Environmental Planning and Assessment Act 1979 does not have jurisdiction or power to modify a development consent other than in the terms applied for by the applicant unless with the consent of the applicant".

This position has been recently confirmed to Council by legal advice received from Dr Lindsay Taylor of Phillips Fox on a separate matter not related to this application.

Accordingly Council must either accept Rous' proposal in its entirety or seek the Minister's agreement to refuse the application.

Issues:

1 Substantially the Same Development

It is up to the applicant to demonstrate that the development will be substantially the same (EP & A Regulation 2000 clause 115 (1) (g)). No statement to this effect was provided. Whilst this is not immediately fatal to the application when the details of the modification are considered it can be shown that on the facts, the development will not be substantially the same when modified.

Section 96 (2) of the Environmental Planning and Assessment Act is set out as follows:

"A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) under this section"*

The question: "Is the development substantially the same?" is of critical importance to the determination of the application as discussed in the confidential memo and this question is a jurisdictional fact. It is also a mixed question of fact and law. Consideration of the case law will provide guidance for Council in determining if the development as modified will be substantially the same.

In Vacik Pty Ltd v Penrith City Council it was found that: "*In determining whether a development is substantially the same, it is necessary to compare the whole development to which the consent relates to the whole development to which the consent as modified relates, and the development is substantially the same if it is essentially or materially the same or has the same essence*" (unreported, Land and Environment Court of New South Wales, Stein J, 24 February 1992).

The meaning of the word modify in a legal sense is of importance. This was judicially considered by Samuels JA in Sydney City Council V Ilenace PTY LTD (1984) 54 LGRA 217. Accordingly modify means: "*to alter without radical transformation*". The juxtaposition in the Environmental Planning and Assessment Act of "modification", and "surrender" or "cessation" or "revocation" supports this interpretation. As can be seen from the composite consent showing all the deletions and alterations it could not be said that the applicant's proposal will alter the consent without radical transformation. However this is an oversimplification of the situation. It is not the consent nor indeed the sheer numbers of conditions involved, rather it is the alterations to the development itself as a result of the amended conditions that the Council must concern itself with. The original development application prepared by Ray Sargent and Associates acknowledged the requirement of the development to be "*undertaken in conformity with the objectives and principals of the Draft Lismore Development Control Plan No. 35 – Caniba Village*" (Ray Sargent and Associates 1998 Statement of Environmental Effects). Council has since adopted DCP 35.

The applicant proposes in the covering letter submitted with the application not to establish a community association to manage the public facilities. This position is totally contrary to the objectives and concepts as set out in DCP 35. The objectives and concepts are set out as follows:

Objectives

1. *Encourage the local governance and management of natural features, open space, community facilities and activities, both at village and where required individual residential cluster levels.*
2. *Encourage sustainable community action and community involvement in landcare activities, bushfire management, emergency services, recycling, community transport and business and other community development programs.*

Concept

A village association of which all residents and landowners in the village are automatically members operates and manages a range of facilities including the sports recreation club, community centre and the hall, the food co-operative and bushfood cafe (the latter which is leased out to an operator) and bushfood forest enterprises.

The association manages a range of large areas of village open space and conservation areas on behalf of Council, and contracts its services to a number of body corporates for open space, drainage reserves and parkland areas.

The latter involves undertaking management and maintenance tasks. The association employs local people under contract to undertake management tasks including administration, accountancy, funding submission preparation, co-ordination of project work and maintenance programs as well as day to day maintenance teams.

Further Section 4.11.3 of the DCP requires a community association as a mandatory part of the development. This requirement is clearly accepted in the Statement of Environmental Effects and in the “Discussion Paper Perradenya Estate Association” as prepared by Mallesons Stephens Jaques on behalf of Woromar Pty Ltd (the original applicant). The applicant’s acceptance of the requirements of these obligations has been demonstrated by submission of the management plan for the community association. Rous now wishes to renege on this agreement.

To achieve the outcome of removal of the requirement for creation of the community association the applicant would have had to proposed amendment to condition 1, to amend the reference to the documentation submitted with the application. This was not done (refer composite consent) but the plain language of the applicant’s letter clearly indicates that this is the intent of the S96 application and the technical defect does not derogate from the intent.

The removal of such a fundamental part of the development is not a modification, in that what is proposed is a radical transformation of the development. This development was never intended to be a standard residential development. The principles of community responsibility and ownership are a fundamental and inherent part of the development. Removal of this feature on its own is sufficient evidence to determine that the development as amended will not be substantially the same development. Its essence will be fundamentally changed. Accordingly the proposal is outside the scope of Section 96 (2) of the Environmental Planning and Assessment Act 1979 and the application **must** be refused.

The other modifications proposed in the consent are extensive, including wholesale deletion of all references to the legal agreement between Council and the developer relating to the upgrading of Caniaba Road. The applicant claims that these deletions relate to works completed for stage 1 and 1A and that the conditions are no longer necessary. This argument is rejected as some of the works are not completed and in other cases the conditions are required to remain to enable enforcement of the condition through the orders provisions as set out in Section 121 of the EP & A Act 1979. The removal of all these conditions also leads to the conclusion that the development will not be substantially the same.

2 Justification for the Modification:

The applicant for modification bears an onus to show cause why a consent should be modified. The regulations require that the applicant provide a statement that indicates that the modification is intended to have some effect, as specified in the statement and a description of the expected impacts of the modification. The applicant’s justification for the modification is to “clarify current and future development issues and responsibilities”. Clarification can be achieved by consultation and negotiation, not by wholesale radical changes to a development consent. A meeting was held on April 4, 2000 between Council staff and Officers of Rous and their consultants to clarify the conditions of consent. There has been no significant change in the circumstances surrounding this development, of planning relevance, that would now make most of the consent unclear (56 out of 90 conditions are to be altered).

There may be some reasons to make **minor** adjustment to certain conditions of consent however, there is no valid planning reason for the wholesale changes proposed. Rous is claiming that insurance problems necessitate the deletion of the community association. Costs resulting from fluctuations in the international re-insurance market are not a valid planning reason to modify a consent.

On merit Council should not amend a consent merely because the applicant claims to be the Crown and with no other good reason. Council should refuse the application because there is not adequate justification for variation of the conditions.

3 Development Control Plan 35 - Caniaba Village

The applicant has grossly disregarded Development Control Plan 35 - Caniaba Village. The proposed variation to the DCP is significant. For example, Section 4.3.1 states:

- *Those areas not proposed to have some wider public usage and which may have some restrictions placed upon access, e.g some link areas and managed forest areas, proposed permaculture plots etc, be "owner" by the nearby community company or body corporate with relevant easements or covenants drafted to govern their management.*

And at **4.11.3 Community Resource Management** the applicant has totally disregarded the provisions of the DCP with regard to establishment of the community association.

4.11.3 (M) *The following key aspects of local community resource management will apply to development:*

- *In general areas and facilities to be dedicated to Council as Public Reserve include ovals and ancillary sports grounds and facilities, village parklands, major drainage reserves and easements, carparking areas associated with community and sports facilities and utility sites.*
- *In general, areas and facilities are to be retained initially by a developer, then handed to a village association or a neighbourhood association. This includes minor drainage reserves and dam sites, linking and secondary buffer areas and nature corridors, open space areas for community use including agroforestry, nature conservation, and hamlet level parklands and community facilities. These will benefit community movement and access, as well as create opportunities for social and economic benefit to the village or a neighbourhood.*

This is a mandatory component of the Control Plan and variance from this warrants refusal of the proposal.

4 Cost to Council

The cost to the greater community as a result of this variation needs to be considered. These costs can be broken down into two discrete components:

- 1 Capital costs of works that the applicant will now not provide but are considered necessary; and
- 2 Costs for maintenance of facilities that were to be maintained by the developer until the subdivision was complete but will now be taken over by Council and ongoing maintenance costs caused by Council taking over the role of the community association.

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The capital costs are based on works that are considered necessary, such as parking bays associated with the road network and drainage systems, but that are now not being proposed by the developer. The Development Engineer has calculated the capital costs and these are set out below.

If these works are not undertaken there will be significant detrimental impact on the safe operation of the road network in the subdivision. It will also result in pedestrian/cycle traffic accessing the school being directed onto Caniaba Road. This outcome is unacceptable and it has been concluded that Council would have to provide the infrastructure.

Capital Costs for required works that Rous will now not provide:

Condition 5 Low flow drainage system: Approximately 1000m of drainage @ \$70.00 lineal metre plus 14 pits @ \$1,500.00

= \$91,000.00

Condition 40 Warning signs on dams: 2 signs per dam @ \$200.00 per sign for 5 dams

= \$2,000.00

Condition 63 Gravel path to school: 1500m x 2m @ \$40.00 per square metre + tree clearing \$12,000.00 + retaining walls 350m² @ \$250.00

= \$225,000.00

Condition 65 Verge parking: Total 168 lots – 36 lots completed = 132 lots. Therefore 132 parking spaces each 2.5m x 5.5m @ \$70.00 per m²

= \$127,050.00

Condition 65 Land resumption for roundabout: Estimated \$20,000.00

= \$20,000.00

TOTAL = \$465,550.00

Council's Manager, Parks and Reserves has estimated the maintenance costs for the open space and the other facilities.

Maintenance of open space areas (grass cutting) per annum

= \$25,000.00

Maintenance of garden areas per annum

= \$5,000.00

Maintenance of Playground and skate-park per annum

= \$2,500.000

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Maintenance of tennis court and clubhouse per annum

= \$10,000.00

Litter control per annum

= \$2,500.00

Maintenance of equestrian facilities per annum

= \$5,000.00

Contingencies for vandalism per annum

= \$5,000.00

Total = **\$55,000.00** per annum

There was much debate surrounding the original development application as to the timing of creation of the community facilities. It was argued that the extensive range of facilities should not be immediately provided as there will not be a sufficient rate base established to fund the maintenance of these facilities. The agreement with the developer was that the facilities would be provided ie Adam Gilchrist Park, tennis courts, playgrounds etc but that the developer would maintain them until such time as the last stage of the development was completed. This would prevent the subsidisation of facilities by the greater community. Rous now proposes that these facilities be maintained by the developer for a period of twelve months after the construction of the facility and thereafter by Council. It should be noted that Council would have eventually had to take over the maintenance of the facilities but not until there was an adequate rate base to fund the maintenance.

The management and maintenance of facilities and land that was to be owned by the community association that will now not be established will fall to Council. The applicant has specifically indicated that some of these will be handed over to Council, such as the drainage reserves. Items such as the equestrian centre are incorporated into a drainage reserve and it is assumed that this will also be handed over with the drainage reserve. There are other areas of land to be managed by the community association that have not been specifically identified to be handed over to Council. For the purposes of this exercise it is assumed that in the absence of a community association Council would be called upon to manage this land. There is a disproportionate amount of open space and facilities provided at Perradenya when compared to the remainder of the local government area. The cost of these facilities initially must be borne by the developer and this capital cost would be passed on via the purchase price to the individual landowner. The ongoing maintenance costs of these facilities would have been the responsibility of those receiving the benefit, the landowners at Perradenya. However under the current proposal the developer pays the up-front capital cost and uses these facilities as a marketing tool whilst passing on the cost to the purchaser eg the provision of the facilities becomes cost neutral to the developer and the developer gains a marketing tool. The greater community, through the Council, must then pay to maintain this higher level of facilities and open space. This must be seen as subsidisation of the development by the greater community. On an equity basis this is unacceptable and the application should be refused.

All references to the legal agreement are sought to be deleted. This particularly affects the requirement to contribute to the upgrade of Caniaba Rd. It should be noted that the applicant has not specifically requested that the contribution be deleted (it remains included).

Removal of the reference to the legal agreement makes payment of the contribution highly challengeable. Such a challenge could be made through the Court or through another S96 application. Without the legal agreement it can be argued that the payment of \$2,000 per lot towards Caniaba Road is invalid.

As a result, if the applicant further modified the consent (which Council could not refuse without the agreement of the Minister), the Council may become liable for the full cost of upgrading Caniaba Road. This would amount to: 132 x \$2,000.00 plus CPI = \$264,000.00 plus CPI. On this basis all references to the legal agreement must be kept in the consent and the application to modify refused.

5 Modification of a Consent once the Developer has taken Benefit of the Consent:

The Environmental Planning and Assessment Act 1979 allows for a developer, if they are dissatisfied with a determination of the DA, to appeal to the Land and Environment Court. There is also provision in the Act to amend a development consent. In this case the developer's appeal right has lapsed and the developer has commenced the development and taken the benefit of the consent without challenge or appeal. It would appear that the developer is using Section 96 to effectively appeal the conditions even though the appeal rights have lapsed now that they are dissatisfied with the consent. His Honour Justice Bignold in *Progress And Securities Pty Ltd V North Sydney Municipal Council, (1988)*. 66 LGRA 236 considered exactly this issue. It was held that:

- 1) *Section 102 (now Section 96) of the Environmental Planning and Assessment Act enabled modification of the development consent in the manner suggested notwithstanding that the condition may have been made the subject of an appeal at the time of the granting of consent.*
- (2) *The Council (and the Court on appeal) had a discretion as to whether modification should be granted.*
- (3) *Where there has been no change in circumstances giving rise to the application for modification and the application is merely an attempt to appeal against a determination out of time and amounts to an attempt to avoid the burden of the consent after accepting its benefit the court will exercise its discretion to refuse the application.*

As there has been no relevant change in circumstances as they relate to planning, engineering or environmental matters and this application amounts to an appeal out of time, the Council should exercise its discretion and refuse the application. This reason for refusal is separate to mandatory refusal required as the development is not substantially the same.

Manager - Finance & Administration Comments

The report clearly identifies that there is a significant cost to Council in approving this S96 application. It is estimated that the capital cost would be at least \$465,000 to provide the essential works, some uncertainty would exist as to the contributions towards Caniaba Road of \$264,000 + CPI, and maintenance costs of \$55,000 per annum would be brought forward rather than at the cost of the developer for at least the next 10-15 years.

Given Council's tight financial position, this would require a financial commitment, which would detract from our ability to deliver other key community facilities such as the Memorial Baths Redevelopment, Wilson River Project or the Goonellabah Indoor Sports & Leisure Centre. From a financial perspective, this is not a desirable outcome unless Council is willing to give this development a priority over other works and services, both recurrent and proposed.

Other Group / Section Comments

Building and Regulation:

Council's Building and Regulation Section has no objection to the proposal.

Parks and Reserves:

The Manager, Parks and Reserves has significant concerns regarding both short term and ongoing maintenance costs. The Development Assessment Planner has addressed this issue above.

Lismore Water:

Lismore Water in the Business and Enterprise Group recommend that the application not be approved as Rous had previously accepted the conditions and there is no significant reason to implement the changes requested. There is no need to modify the conditions in the manner requested by the applicant. Some of the conditions such as 77(i) and 77(g) relating to provision of easements over water and sewer infrastructure are required to enable Council to enter into land to undertake testing and maintenance of the infrastructure.

Community Services:

The Community Services Section does not support the changes due to the potential adverse social impacts and costs to Council.

Environmental Health:

The Environmental Health Section does not support the proposed modification. There are three areas of concern for the EH unit. These are:

- 1 The Kopps Dip Site;
- 2 Stormwater quality; and
- 3 Sun protection.

The removal of the requirement for the management plan for Kopps Dip is not supported. Conditions 86-88 refer to the remediation of the dip. The conditions have been complied with. A report from Ray Sargent & Associates dated November 1, 2000 has been submitted. This report verifies that the remediation has been undertaken in accordance with the management plan approved of by Council in May, 1998. Despite the remediation works being done in compliance with the condition, the condition should remain as it will assist Council to ensure the long-term integrity of the dip.

Condition 7 requires the submission of a management plan for the ongoing management/maintenance of the detention basins and the drainage reserves. The management plan has been submitted and is acceptable. There is no justifiable reason to delete the condition now.

Condition 30 requires submission of details for sun protection for the tennis courts, basketball court and skateboard facilities. The EHU does not support the deletion of this requirement.

City Works:

The City Works Group does not support the modification application although it is acknowledged that some minor modification of certain consent conditions would be beneficial. Such minor modification should be negotiated between the applicant's consulting engineers and Council's City Works Group prior to the lodgement of another application to modify the consent. The applicant's modification proposal would result in a significant cost impact on the City Works Group as discussed above with regard to provision of Capital works.

Planner's comments:

There are other modifications proposed by the applicant not covered above. For example these include halving the density of trees in the regeneration area as specified in Condition 15 from 1600 trees per hectare to 800 trees per hectare. This is not acceptable without justification.

Conclusion

The amendments proposed by the applicant are on merit unacceptable. The amendments will result in significant subsidisation of the development by the community due to Council having to provide essential infrastructure that Rous doesn't want to provide. This represents a significant renegeing on all the agreed conditions that had previously been accepted by the developer. There is no adequate reason as to why the consent should be amended in the manner proposed other than that Rous is the Crown. As the development will not be substantially the same, the amendment as proposed by the applicant is outside the scope of Section 96 of the Environmental Planning and Assessment Act 1979 and must accordingly be refused.

The confidential memo provides guidance as to Council abilities and obligations to deal with this matter.

Recommendation (PLA 23)

It is recommended that Council either adopt Option 1 or Option 2:

Option 1:

A) That Council refer the application to the Minister for determination with the following reasons for recommending refusal:

- 1 The application must be refused because it will result in a development that is not substantially the same as is currently approved; and
- 2 The applicant has not provided adequate justification for the modification; and
- 3 The application contravenes the provisions of Development Control Plan 35 - Caniaba Village; and

4 The development, if amended, would have an unacceptable adverse impact on the environment due to:

- a) Reduced density of trees in the regeneration areas;
- b) Impacts on the drainage system in the locality;
- c) Impacts on the functionality of the road network within the development, resulting in traffic and parking problems;
- d) Lack of pedestrian facilities;

- 5 The applicant has accepted the benefit of the development consent and is now seeking to relieve itself of the burden of certain conditions where there has been no appreciable change in circumstances. This is contrary to the decision of the Court in *Progress And Securities Pty Ltd V North Sydney Municipal Council, (1988). 66 LGRA 236.*

B) That Council delegate authority to:

- The Acting General Manager, to undertake the negotiations as required by Part 5A of the Environmental Planning and Assessment Act 1979, with the applicant and the Director General of Planning NSW to make minor amendments to the Consent.

Option 2:

- i) That Rous County Council be informed that the extent of the current modification is unacceptable; and
- ii) That Council staff negotiate minor changes to consent conditions with Rous County Council; and
- iii) That the Council grant the Acting General Manager the delegated authority to approve minor modifications as a result of the negotiations with Rous County Council; and
- iv) If the negotiations do not result in a modification that is acceptable to Council staff within a period of **two weeks** from the date of this Council meeting that the Acting General Manager be granted delegated authority to initiate items A and B from Option 1 inclusive of any additional reasons of refusal that may be required to be included.

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Subject/File No: KADINA PARK
(P517)

Prepared By: Alex Wilford, Recreation Planner

Reason: To confirm Council funding for the Kadina Park project.

Objective: Council to confirm funding toward the staged development of Kadina Park

Management Plan Activity: Community Services

Background:

At its May 14, 2002 meeting Council considered a report on funding for the Kadina Park project. At that meeting it was resolved that the report be deferred until the budget management meeting and then be reported to the next Council meeting.

Council's proposed contribution to the project is \$167,000 over three years. The Goonellabah Rotary Club has obtained a \$123,000 Regional Solutions grant and other cash and in-kind assistance is being provided by the NSW Department of Sport and Recreation and the Commonwealth Work for the Dole program.

The proposed funding for the project is outlined in the following table.

Year	LCC	Regional Solutions	Other Sources (Cash & In-kind)	Total
2002/2003	\$72,000	\$90,000	\$80,000	\$242,000
2003/2004	\$57,000	\$33,000	\$60,000	\$150,000
2004/2005	\$38,000	-	\$60,000	\$98,000
Total	\$167,000	\$123,000	\$200,000	\$490,000

Council's proposed 2002/2003 contribution of \$72,000 is to be funded via the following sources:

Section 94 Open Space Contributions	\$17,000
Lismore Urban Sportsground Fund	\$7,000
Section 94 Open Space Matching Contribution Reserve	\$48,000

Council's "Matching Grants" allocation could be used in the following year/s. Other funding opportunities will also continue to be actively pursued to offset Council's financial contribution to the project.

The proposed project funding was endorsed by a clear majority of Councillors at the budget management meeting held on May 16, 2002.

At that meeting, it was asked whether the Regional Solutions grant could be transferred for the Goonellabah Indoor Leisure Centre project. The Regional Solutions Office has advised that the grant is not transferable to any other project. However, provided that all parties are in agreement, consideration may be given to undertaking the project at an alternative site. For this to occur a formal variation would need to be approved and the revised proposal may need to go back to the Regional Solutions Programme Advisory Committee for reconsideration. This would cause a substantial delay in the project. Furthermore, the Rotary Club of Goonellabah has indicated that they would not be prepared to transfer the grant for any other purpose or site.

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Kadina Park

Manager - Finance & Administration Comments

On consideration of this report by Council at the April 9, 2002 meeting, it was resolved to refer it to the Management Plan Workshop.

At the workshop, we discussed many issues including funding of the works, design components such as car parking and skate park, project staging and possibilities such as, could the Regional Solutions funds be 'reallocated', or if the Goonellabah Indoor Sports & Leisure Centre could be placed on this site. Generally, all the questions raised were addressed and all relevant information was or has been provided to Council.

From a financial perspective, I would like to reiterate the advice previously given.

- Council's commitment is a total of \$167,000 over a three year period.
- The funding for 2002/03 (\$72,000) is detailed in the report.
- For 2003/04 (\$57,000), \$40,000 is suggested to come from the 'Matching Grants' allocation. This will leave \$17,000 unfunded and this will need to come from revenue. This amount is manageable.
- The funding for 2004/05 (\$38,000) is suggested to come from the 'Matching Grants' allocation.
- As mentioned in the report, other funding sources will be pursued to reduce Council's commitment.

Given the facts that Council has already adopted the Kadina Park Plan of Management, the project has significant community support because it will meet their expectations, is being driven by a community organisation namely the Goonellabah Rotary Club, has received a \$123,000 grant from Regional Solutions and Council's funding can be planned over the next three years with little impact on Council's available funds, I believe the project is worthy of Council's support.

Public Consultations

Extensive community consultation has been conducted in relation to the Kadina Park project. There is widespread community support for development of the park.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Kadina Park has been planned in response to the well-recognised shortage of recreation opportunities in Goonellabah and the community's continued concern about crime and anti-social behaviour in the area.

Council's proposed contribution of \$167,000 over three years, together with the \$123,000 Regional Solutions grant and support from other sources (cash and in-kind), will enable much of the project to be completed within three years, rather than being spread out over a much longer period.

The proposed project funding was endorsed by a clear majority of Councillors at the budget management meeting held on May 16, 2002.

The Kadina Park project represents a very sound investment in the future of Goonellabah in recreation, community development and crime prevention terms.

Kadina Park

Recommendation (COR19)

1. That Council approve funding for the staged development of Kadina Park, as outlined within this report.
2. That other sources of funding continue to be actively pursued to offset Council's financial contribution to the project.

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Subject/File No: GOONELLABAH RECREATION CENTRE
(P22522)
Prepared By: Manager Client Services, Lindsay Walker
Reason: In conformity with council's request following the budget session of May 14, 2002.
Objective: To obtain Council resolution to advance Goonellabah Recreation Centre proposal
Management Plan Activity: Client Services Unit - Community Facilities

Background

A proposal to develop an indoor recreation facility in Goonellabah has been under consideration by Council for sometime as it has been recognised that there are few community facilities available to service such a large diverse population.

The previous report, which is enclosed as an attachment to this, presented to Council an option that would secure the best possible site and project funding, which incorporated the following elements:

• Building and fitout	\$1,400,000
• Carparking and earthwork	\$ 100,000*
• Roadworks	\$ 225,000
	Total
	\$1,725,000

* Originally \$80,000

Of the above \$1,725,000, approximately \$1,225,000 can be financed from existing Section 94 funds, leaving a shortfall of approximately \$500,000.

After referring the report to the Management Plan Workshop, it was agreed that further community consultation was required to ensure that the proposed facility was in line with expectations and that the Community Facilities Section 94 Plan should be reviewed to accommodate a more appropriate and affordable development. This was seen as a significant step forward in achieving this long-term objective.

Unfortunately, a re-examination of the contractors reserve fund in the light of several other recent calls on that reserve, has shown that the fund would not have enough capacity to operate as a contractors reserve if \$200,000 were to be allocated to the Goonellabah Recreational Centre.

The funding of a \$200,000 "dividend" from the contractors reserve fund, which, when coupled with the available S94 funds, recurrent road construction budget and loan funding, is critical to the funding mix for this project.

Manager - Finance & Administration Comments

The use of \$200,000 from the contractors reserve was critical to the funding mix for this project. The impact was to reduce borrowings to a manageable level so as not to impact on our capacity to borrow for the Lismore Levee and Memorial Baths. To simply borrow the additional \$200,000 to commence this project is not supported. I believe we may have the ability to secure grant funding for this project due to the possible inclusion of youth facilities and this needs to be vigorously pursued.

Goonellabah Recreation Centre

Consequently, I agree with the Manager – Client Services that we should proceed to secure the site, undertake the community consultation, review the Community Facilities Section 94 Plan, seek grant funding and management partnership etc, as a project of this significance is clearly warranted in Goonellabah. At the same time, I would suggest management explored any other funding options.

It is suggested that a report on the Goonellabah Recreation Centre be submitted to Council detailing the outcome from the adopted recommendations and an achievable funding option as soon as possible.

Other Group Comments

Manager – Community Services

The land swap proposal provides Council with an excellent piece of land on which to build a recreation centre for Goonellabah which has the potential to cater for all Goonellabah residents.

It is recommended that Council staff conduct a small scale public consultation to determine the needs of Goonellabah residents. A facility such as the one proposed in this report that caters for both youth and the recreational needs of Goonellabah has been recommended by members of the community. Once staff have established the needs and priorities of the community, concept designs and rough costings can be obtained to ensure Council provides a practical and functional facility that services the entire community while remaining affordable.

Preliminary discussions with government departments and non-government agencies indicates extremely strong support and enthusiasm for such a facility, with the real potential for the development of capital and management partnerships.

The land swap proposal provides Council with an ideal site for the development for this long-awaited and essential facility.

Conclusion

In the 10 to 15 years that Council has been considering the Goonellabah Recreation Centre it has never been closer to fruition than it is today. The opportunity to swap the land and build the road should not be lost.

Council should continue to advance this project and the recommendations reflect that view.

Recommendation GM (45)

1. That Vantage Project Management be advised that Council is committed to the Goonellabah Recreational Centre and that such commitment is contingent upon their previous offer being finalised.
2. Small-scale consultation to ascertain the appropriateness of the current design be undertaken by Council staff.
3. That Council seek grant funding for the project.
4. That Council seek partnerships with community groups to operate and manage the facility.
5. That management undertake a review of the Community Facilities Section 94 Plan to facilitate the development of an appropriate and affordable facility.

Subject/File No: LISMORE FLOODPLAIN MANAGEMENT PLAN
(BB:MJK: S106)

Prepared By: Strategic Planner – Bruce Blackford
Manager-Client Services – Lindsay Walker

Reason: Council Resolution.

Objective: Re-exhibition of the Lismore Floodplain Management Plan

Management Plan Activity: Flood Plain Management/Strategic Planning

Background:

At its meeting of December 11, 2001, Council considered a report on submissions to the draft Lismore Floodplain Management Plan following the close of a two (2) month public exhibition period. The report recommended adoption of the Plan, subject to the incorporation of thirteen (13) amendments arising mainly through submissions received in response to the exhibition.

Council resolved to receive the report and to refer the draft Plan back to the Lismore Floodplain Management Committee for further consideration, particularly with respect matters relating to Ostrom Street, the proposed filling of the airport land to the level of the Bruxner Highway and the purchase of vacant land under the Voluntary House Purchase Scheme.

Issues

The Floodplain Management Committee considered these issues at its meetings of March 14 and May 30, 2002. The Committee's comments and recommendations are as follows:

Ostrom Street

Landowner representatives from Ostrom Street addressed the Committee at its March 14 meeting. The Committee agreed that some blocks in Ostrom Street that were designated "High Flood Risk Area" had similar elevations to blocks in Crown Street that were designated "Flood Fringe Area". However the issue was that Crown Street had been constructed to a height of 10.0 metres AHD, whereas Ostrom Street was affected by a local creek system that cuts Ostrom Street at approximately 8.5 metres AHD. The Committee agreed that it would be reasonable to allow residential development to occur in parts of Ostrom Street if the road level was upgraded to at least 10.0 metres AHD. This would allow residents free access to evacuate in flood situations. The Committee's recommendation was that the "High Flood Risk Area" designation in Ostrom Street remain until such time as the road is upgraded to approximately 10.0 metres AHD, comparable with Crown Street. If this was to happen at some time in the future, the Floodplain Management Plan should be amended so that the higher land on the western side of Ostrom Street be changed to "Flood Fringe Area".

Filling of Airport Land to Level of Bruxner Highway

The Committee considered information from Patterson and Britton concerning flood modelling of a proposal between the airport terminal and the industrial area at South Lismore at its March 14, meeting. The modelling was based upon the following assumptions:

1. Development on the western side of the Bruxner Highway would completely block the east/west flow of water from the Wilsons River through to the airport land, and
2. A 1 in 100 year flood event occurring with flood waters predominantly coming from the Wilsons River.

Lismore Floodplain Management Plan

The modelling revealed that this scenario would result in a 0.05m increase in flood levels immediately upstream of the development and an increase of 0.03m in the CBD. The Committee asked Patterson Britton to undertake further modelling based upon a revised proposal as follows:

1. Development on the western side of the Bruxner Highway to occur on building pads only, constructed to the 1 in 100 year flood level with east/west floodways maintained between the pads at natural ground level.
2. Access to the pads to be achieved from the airport terminal entry via a low level service road linking to Krauss Avenue in the north.

It was agreed that the modelling should look at several flood events including a 1 in 100 year flood with the majority of water coming down the Wilson's River, a standard 1 in 100 year flood event and an event of less than the 1 in 100 year flood. Fill for the pads to come from within the floodplain. The modelling indicated the following:

1 in 100 yr Wilson's River Dominated Flood

0.02m increase in flood levels immediately upstream of development

0.01m increase in flood levels at Rowing Club gauge

1 in 100 yr Design Flood

0.03m increase in flood levels immediately upstream of development

0.01m increase in flood levels at Rowing Club gauge

1 in 10 yr Design Flood

0.02m increase in flood levels immediately upstream of development

0.01m increase in flood levels at Rowing Club gauge

The proposal was revised again to remove the northernmost pad and to allow excavation of this area to the level of the drain under the road at RL 8.0m AHD. Modelling of this scenario revealed unchanged flood levels immediately upstream of the development as well as at the Rowing Club gauge for both the 1 in 100 yr and 1 in 10 yr design flood events.

The Floodplain Management Committee considered the modelling results for the second revised proposal at its meeting on May 30, 2002. In view of the fact that the modelling indicated negligible effects on flood behaviour, the Committee resolved to support the proposal and incorporate it into the Floodplain Management Plan subject to the matter being referred to the SES for comment and conditional upon future development being required to submit evacuation plans at the development application stage.

Purchase of Vacant Land

An examination of the land area covered by the "Floodway" and "High Flood Risk Area" as identified on the draft Lismore Floodplain Management Plan map was undertaken to determine the number of vacant lots that would not be possible to develop when the draft Plan is adopted.

In this examination the following zone categories were not included in the count:-

- All rural zones;
- 2(f) – many non-residential uses are allowable;
- Commercial zones;
- Industrial zones;
- Community land.

Following the discounting of areas noted above, it was determined that approximately five vacant lots remained.

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Lismore Floodplain Management Plan

It is considered that a clause should be included within the Floodplain Management Plan, which allows the owners of the vacant lots, which fall outside of the abovementioned zones, to seek to sell their land to Council.

It should also be noted that a vacant lot has been identified in Maloney Street which is completely within an existing residential area. Under the planning controls proposed this lot would not enjoy a dwelling entitlement. It is considered that this would be inequitable and a "notwithstanding" provision should be included in future planning provisions to cover this particular circumstance.

The Floodplain Management Committee concurred with this recommendation.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The draft Plan was initially exhibited for a two-month period from September 1 to November 5, 2001. Thirteen submissions were received in response to the exhibition period and these were considered by Council at its meeting on December 11, 2001. The Draft Floodplain Management Plan has been amended to address issues raised in the submissions, where appropriate. In view of further recommended amendments to the Plan as outlined in this report, it is recommended that the Plan be re-exhibited for an additional period of twenty eight (28) days.

Other Group Comments

Group Manager-City Works has been involved in the resolution of these issues that were the subject of Council's resolution.

Author's Response to Comments from Other Staff

Not required.

Conclusion

In view of the nature and extent of the proposed amendments to the Lismore Floodplain Management Plan, it is recommended that Council re-exhibit the Plan with such amendments as were recommended in the Report to Council of December 11, 2001, and including the following amendments consistent with the recommendations of the Lismore Floodplain Management Committee:

1. Inclusion of a provision in the Plan to allow development of the land on the western side of the Bruxner Highway in accordance with the plans modelled by Patterson and Britton and subject to future developments being required to submit an evacuation plan for Council's approval.
2. Inclusion of a provision in the Plan to allow owners of vacant land in the designated Floodway and High Flood Risk Area whose land has no development potential to be eligible for purchase under the Voluntary Purchase Scheme.

A copy of the draft Floodplain Management Plan incorporating the above amendments is included separately in the attachments.

Recommendation (PLA17)

1. That Council re-exhibit the Lismore Floodplain Management Plan with such amendments as are recommended in this report for a period of twenty-eight (28) days.
2. That the Plan be referred to the SES for comment during the exhibition period.

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Subject/File No: PROPOSED 2002/03 ROADWORKS PROGRAMME
(GJH:VLC:S374)

Prepared By: Manager – Roads & Infrastructure

Reason: To inform Council of the Works Programme recommended by the Roads Management Committee.

Objective: To obtain Council approval for the 2002/03 Works Programme.

Management Plan Activity: Roads : Urban/Rural

Background:

The Roads Management Committee at its meeting held on May 23, 2002, agreed on a programme of works to be forwarded to Council. The same points system that was developed in April 2001 was used to help with this programme of works.

Funding Available:

The funds available this year are similar to last year except the 'Roads to Recovery' funding has been reduced by \$265,000.

Source of Funds	Amount (\$)
Urban Roads Construction	419,200
Rural Roads Construction	838,400
Rural Roads - FAGs	808,500
Roads to Recovery Programme	535,000
	\$2,601,100

Selection Process:

The following process was used to determine the recommended works programme –

- 1. The following projects which required special consideration were reported to the Committee:**

Description	Amount (\$)	Reason
University Road (Kellas Street)	200,000	Commitment to development contribution
Ballina Road/Holland Street R'about	146,000	Commitment to development contribution
Regional Roads – Extra funding from 'Roads to Recovery' Programme	250,000	Council resolution
Kerb & gutter east side of Union Street - Opposite Casino Street	35,000	Councillor Request. Extend recent work down to Railway Station.
Upgrade Intersection of Broadwater / Wyrallah Roads	60,000	Councillor Request. Improve safety of intersection.

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Proposed 2002/03 Roadworks Programme

Description	Amount (\$)	Reason
Skyline Road	Up to 667,000	Total project cost: \$1.6M. Approx. \$667,000 available from S.94 funding. Funding of project shared 50:50 between S.94 and Council funds. To realign bends only - \$800,000 (\$400,000 S.94 : \$400,000 Council).
Residents Contributing to Sealing Roads: Willis / Muller Roads Mathieson / Hazlemount Lanes	50,000 79,000	Residents \$50,000 : Council \$50,000 Residents \$38,600 : Council \$79,200
<u>Seal Gravel Roads:</u> Tunable Creek Road Terania Creek Road Stony Chute Road Hayden Road Martin Road	475,000 300,000 495,000 160,000 90,000	Seal missing link. Extend seal 3.0Km. Seal to Council boundary. Very steep – high maintenance. Seal missing link.
Extra Grading of Gravel Roads	Up to 110,000	Grade busy roads three (3) times per year.
Urban / Rural Funding Split		Additional funding is required in the urban area.
Broadwater Bridge Approaches	450,000	Councillor Request. Work required to satisfy DA requirements.
Main Street, Clunes – Intersection with Booyong Road	55,000	Request from Traffic Advisory Committee.
Uralba Street (between Diadem/ Hunter Streets) – Construct shoulders	320,000	Relieve dust and maintenance. Improve aesthetics supported by Northern Rivers Area Health Service.

2. A list of projects recommended by the City Works Group was discussed by the Committee –

(a) It was agreed by the Committee that the following funding split be adopted:

University Road (Kellas Street):	\$ 200,000
Urban Roads (1/3):	800,350
Rural Roads (2/3):	1,600,750

Total:	\$2,601,100
	=====

- (b) The inclusion of Skyline Road in the Rural Roads Programme was hotly debated by the Committee and adopted 6:5.
- (c) The upgrade of the intersection of Wyrallah Road and Broadwater Road was adopted by the Committee based on safety grounds.
- (d) The remainder of the programme was adopted from the points system or because of a Council resolution.

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Proposed 2002/03 Roadworks Programme

3. The points system was used to rank projects in priority order. A copy of the ranking is attached.
4. The same conditions as last year were applied -
 - (a) Only one project on each road per year be funded.
 - (b) The size of individual projects be limited to \$250,000.

Proposed Roadworks Programme:

The Roads Management Committee recommended the following programme –

Projects	Budget Allocation (\$)	Total (\$)
University Road (Kellas Street)	200,000	200,000
Rural Roads:		
Skyline Road	200,000	
Upgrade Intersection of Broadwater / Wyrallah Roads	30,000	
Regional Roads – MR142 (Nimbin Road), 10.9Km-12.3Km north of Koonorigan Road (Supplement Stony Chute Road Intersection – REPAIR)	250,000	
Wyrallah Road - Wyrallah Ferry Road (1.5Km south)	250,000	
Caniaba Road - Caniaba Cutting (2.0Km-2.7Km west of Fredericks Lane)	250,000	
Corndale Road – Intersection with Hunters Hill Road	250,000	
James Gibson Road – 1.1Km-3.3Km east of Corndale Road	125,000	
Koonorigan Road	245,750	1,600,750
Urban Roads:		
Ballina Road / Holland Street Roundabout	146,000	
Junction Street – Molesworth to Keen Streets	250,000	
New Ballina Road – Renwick to O'Flynn Streets	250,000	
Wilson Street – Casino Street to bridge	154,350	800,350
Total:		\$2,601,100

The Committee resolved that any savings from the above programme be used to fund the upgrade of Willis and Muller Roads which comprises a 50 : 50 shared funding arrangement with residents.

Contractor's Reserve:

It was explained to the Committee that unallocated funds from private works and RTA projects have been placed in a reserve.

The Committee **RESOLVED** that a contingency of \$300,000 be maintained to cover over-expenditure and rectification of contract works and that any extra funds be allocated to local roadworks.

Principal Accountant's Comments

The funding identified in this report matches the draft 2002/03 budget. The unknown element is the level of the financial assistance grant for the next financial year. This will be known shortly and any movement up or down in the roads component will be adjusted accordingly.

The maintaining of a \$300,000 balance in the Contractor's Reserve is supported. This reserve should be included in Council's Reserves Policy.

Public Consultations Not required

Other Group Comments N/A

Author's Response to Comments from Other Staff Not required

Recommendation (WOR3)

1. That Council approve the proposed Roadworks Programme as set out in the body of the report.
2. That any savings in the above programme be used to fund the Willis/Muller Roads project.
3. That the Contractor's Reserve maintain a balance of \$300,000 to cover over-expenditure and rectification of contract works and that any additional funding be allocated to local roadworks.
4. That the Contractor's Reserve be included in Council's Reserves Policy No. 1.5.10.

Subject/File No: LISMORE URBAN STRATEGY
(BB: S650)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Completion of the review of the 1996 Urban Development Strategy and preparation of new draft Strategy.

Objective: Public exhibition of the new draft Lismore Urban Strategy.

Management Plan Activity: Strategic Planning

Background:

Clause 38 of the North Coast Regional Environmental Plan 1988 requires Councils to prepare urban land release strategies prior to the rezoning of any land in their areas for significant urban growth. Draft Local Environmental Plans that propose rezoning of land for urban residential purposes must be consistent with such a strategy.

Council's current Urban Development Strategy was adopted in 1996. The North Coast Urban Planning Strategy provides that Councils regularly review their urban land release strategies at intervals of approximately five years. It is therefore timely that a review of the current strategy be undertaken and that a new strategy be prepared for Lismore.

The primary purpose of the draft strategy is to ensure that there is sufficient land identified for residential, commercial and industrial development in Lismore to satisfy current and future needs. The new Strategy is broader in scope than previous urban development strategies which focused on residential development requirements only.

The Strategy includes a spreadsheet analysis of projected housing and land requirements in the urban area. The methodology was developed by PlanningNSW and draws upon information derived from various data sources including ABS, Council building records and an audit of vacant land stocks. This has also formed the basis for the proposed sequencing of land releases as recommended in the Strategy. Population data will need upgrading following the release of the 2001 Census information.

The draft Strategy assesses the residential potential of land that is generally peripheral to the existing urban area. To be considered suitable for inclusion in the strategy, land must satisfy three main capability and suitability criteria. It must:

- a) be physically unconstrained,
- b) exhibit attributes that will make it desirable to homebuilders in the current marketplace, and
- c) be capable of being developed and serviced in a cost effective manner.

Sites that were investigated for their residential potential generally fell into one of two categories. These are described in the draft strategy as:

1. 'Greenfield' sites that have the potential to yield a relatively high number of lots and so satisfy demand over an extended period of time, and
2. 'Infill' sites that are generally smaller in area with potential to produce a relatively small number of lots but which could potentially be rezoned and developed within a shorter timeframe.

Lismore Urban Strategy

The methodology for identifying the greenfield sites involved the use of a 'sieve mapping' process to determine those lands not subject to major physical or environmental constraints. Sites were then evaluated in terms of their potential 'saleability' through interviews with selected local real estate agents who were asked to comment on the perceived advantages and disadvantages of each site in terms of its market potential. Interviewees were also asked to rank each investigation site in terms of its likely acceptance in the market place ranging from highest to least acceptance.

Potential infill sites were identified mainly through the receipt of expressions of interest from landowners wishing to have their land considered for rezoning. Each site was inspected and assessed in terms of its physical and environmental constraints. Infill sites were also evaluated in terms of their potential marketability on the basis of whether the land exhibited those characteristics identified by local real estate agents as being desirable in the current land market.

Council's Water and Waste Water Section is currently modelling sewer capacity and upgrading requirements based upon the projected lot yields and sequencing for new residential development as envisaged in the Strategy.

In terms of commercial development the Strategy explores options for expansion of the CBD and for creating new commercial areas generally of a non-retail nature that will not compete with the CBD in terms of its traditional retail function. Opportunities for retail warehousing and related activities were also investigated. The Manager Client Services assisted in the evaluation of potential residential and commercial sites as well as with other aspects of the Strategy.

A copy of the Draft Strategy is included as a separate attachment.

Manager - Finance & Administration Comments

Not required.

Public Consultations

In the process of preparing the draft strategy the following consultations were undertaken:

- Relevant government departments, other agencies and service providers were invited to comment and have input.
- Interviews conducted with selected local real estate agents.
- Interviews conducted with recent purchasers of vacant land in Lismore.
- Expressions of interest invited from interested landowners wishing to have their land included for consideration in the strategy.
- Councillor workshop.
- Presentation to board of Lismore Unlimited.
- Presentation to the Lismore Economic Development Advisory Board.

The North Coast Urban Planning Strategy requires that urban release strategies be exhibited for a minimum of two (2) months. During the formal exhibition process the following consultation processes are proposed:

- Exhibition of the strategy in Council's foyer and at the City library.
 - Placement of the strategy on Council's website.
 - Manned exhibition of the strategy and supporting material at a major shopping centre in Lismore for one day.
 - Provide copies of the draft strategy to relevant government departments, agencies and service providers for comment.
-

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Lismore Urban Strategy

- Provide copies of the draft strategy to real estate agents who participated in the interviews.
- Provide copies of the draft strategy to other interested groups such as LEDAB and Lismore Unlimited.

Other Group Comments

City Works and Business and Enterprise (Water and Wastewater) have been consulted throughout the Strategy's preparation and their recommendations have been incorporated into the draft Strategy.

Economic Development Unit Comments

Our Strategic Planner and Manager - Client Services have pursued the Urban Strategy process with rigour and common sense. Consequently, the end result is a strategy that will bring about many benefits to the city over a long period of time. We are very fortunate to have such capable staff preparing this very important instrument.

Commercial Areas

I strongly support the recommendations related to all of the proposed changes to commercial areas:

- Amendment of 3(f) to 3(a) in the CBD
- Creation of 3(f) zone along Ballina Street
- Creation of 3(f) zone along Union Street and Bruxner Highway, South Lismore
- Creation of commercial zone opposite Lismore Square on Uralba Street
- Rezoning of SRA land on Union Street, South Lismore
- Conversion of 3(f) zoned to 3(a) in North Lismore

In particular, the rezoning of areas along Union Street and the Bruxner Highway in South Lismore is a major improvement. This change will open up significant areas for redevelopment. In my experience, this is the type of land that developers are looking for.

Residential Areas (Greenfields)

The opening up of the Trinity Drive land is an obvious necessity. This land will sell quite quickly.

With regard to the Dunoon Road plateau, I believe that Council does not have sufficient information to make a decision on this at this stage. It is clear that we have a choice of either retaining the speedway or proceeding with the residential development.

In order to make an informed choice, I believe that Council should be provided with a costs/benefit analysis covering economic, social and environmental factors for both options.

Residential (Infill sites)

I believe that our urban strategy should make provision for the opening up of residential infill sites. There are a number of motivated landowners that would pursue the opening up of significant portions of land at in-fill sites.

I think there is one slight misunderstanding in the criteria applied towards the marketability of residential land. It is a common complaint from many real estate agents that local builders apply too high a cost premium on building on non-level sites. This does not necessarily mean that the land is not marketable, it may mean that we need to attract builders of different styles of homes, for instance pole houses. I am aware that there have been some of these types of builders making tentative steps into the Lismore market.

Lismore Urban Strategy

Back-zoning

There should be a strong emphasis on back-zoning 2(a) land that has not been developed and where there is no particular intention to develop in the short term. If the land is entirely inappropriate for residential development, then it should be back-zoned to either agricultural or the appropriate zone. On the other hand, if it is appropriate land for residential development then it could be back-zoned to investigation.

This is important because we are in a situation of an over-supply of residential zoned land. It is necessary to limit the supply and manage the release of land to ensure developers are able to achieve a reasonable pricing level. This is also important given the constraints of sewerage treatment capacity.

Author's Response to Comments from Other Staff

The draft Strategy identifies some 2(a) land that could be considered unsuitable for residential development by virtue of its slope (Map 3). Most of this land has been zoned residential for some time but presumably has not been developed because traditionally, the market in Lismore has not favoured the styles of housing that are most suited to steep land. However it is acknowledged that the development of some steep land may be viable providing the landowner is sufficiently motivated and prepared to promote forms of development that are more responsive to the physical characteristics of the site. For this reason some steep land has been identified in the draft strategy as having potential for future residential development subject to certain design constraints, e.g. the infill site on Barham Street immediately south of the golf course.

With respect to the matter of 'backzoning', this issue is canvassed in section 9.6.1 of the strategy in relation to the options for future release of land at Tucki Creek. Backzoning is often a contentious issue for Councils, however the comment by EDU in relation to the oversupply of residential land and the effect on land prices is valid and is a matter for concern in terms of maintaining an on-going supply of developed land on the market. Backzoning of land that is considered inappropriate for residential development could proceed on the basis of the lands identified in Map 3 of the strategy. Temporary backzoning of some land to an Investigation zone may be appropriate in cases where Council wishes to encourage development but there is already a surplus of residentially zoned land available in that location.

Conclusion

The Lismore Urban Strategy will provide the framework for future land releases and rezonings in Lismore over the next 10 years. The principal recommendations of the Strategy are:

Residential

The recommended sequencing for the larger investigation sites is as follows:

1. Trinity Drive (short term)
2. Dunoon Road plateau (deferred subject to proviso regarding operation of other land uses in the area)
3. Tucki Creek (2010)
4. Pineapple Road (2010)
5. Invercauld Road (longer term)
6. Monaltrie (longer term)

Commercial

1. Identification of an area potentially suitable for non-retail commercial development (including retail warehousing and bulky goods showrooms) in a section of Union St south of Elliot Road.
2. Identification of an area potentially suitable for non-retail commercial development in Ballina St between Wyrallah Rd and the Ballina St bridge.
3. Identification of an area potentially suitable for non-retail commercial development on the northern side of Uralba St between Brewster and Diadem Streets.
4. Identification of an area of SRA land at South Lismore potentially suitable for retail and commercial development.

Recommendation (PLA21)

That the draft Lismore Urban Strategy be placed on public exhibition for a period of two (2) months and that the consultation process be in accordance with that outlined in this report.

Subject/File No: DRAFT DEVELOPMENT CONTROL PLAN NO. 44 – Rural Landsharing Communities & DEVELOPMENT CONTROL PLAN NO. 30 – Rural Residential Subdivision and Detached Dual Occupancy (BB:S796:S554)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Preparation of a draft DCP for Rural Landsharing Communities

Objective: Exhibition of draft DCP No 44 and the repeal of DCP No 30

Management Plan Activity: Strategic Planning

Background:

Council's Rural Housing Strategy identifies preferred areas for new rural residential subdivision, detached rural dual occupancy and rural landsharing community (RLSC) development in Lismore. A draft DCP for RLSC's was originally appended to the exhibited Rural Housing Strategy. That DCP has now been modified to reflect changes that were made to the Rural Housing Strategy resulting from submissions and to include reference to the document 'Planning for Bushfire Protection' prepared by the Rural Fire Service and Planning NSW. A copy of draft DCP No. 44 is included as an Attachment.

LEP Amendment No. 8 will facilitate new rural residential subdivision, detached rural dual occupancy and RLSC development in accordance with the provisions of the Rural Housing Strategy. The amendment also repeals the provisions of SEPP No. 15 (Rural Landsharing Communities) as they apply to Lismore. Amendment No. 8 is currently with Planning NSW pending gazettal. While LEP Amendment No. 8 sets out the basic requirements that new RLSC development must satisfy, more detailed guidelines are necessary relating to such issues as access requirements, siting of dwellings, wastewater disposal, water supply and management, bushfire requirements, environmental repair etc. Draft DCP No 44 brings together the relevant requirements from the Rural Housing Strategy, SEPP No.15 and 'Planning for Bushfire Protection'.

New rural residential subdivision permitted through LEP Amendment No. 8 will require site specific DCP's in the form of a Locality Development Guideline. These will be prepared on a locality basis by the landowners or their consultants and will address matters such as subdivision design, road connections between properties, management of riparian areas, etc. Council's Planning Services Section will issue a generic brief for the preparation of Locality Development Guidelines. Therefore a generic DCP for rural residential subdivision is not considered necessary.

Council currently has an existing DCP for Rural Residential Subdivision and Detached Rural Dual Occupancy (DCP No. 30). This DCP is now obsolete as it was originally prepared to apply to rural subdivision enabled through former clause 15 of LLEP 1992. That clause was repealed following a resolution of Council in February 1996. Some relevant parts of DCP No. 30 relating to subdivision standards were incorporated into DCP No. 28 – Subdivision. It is therefore recommended that this DCP be repealed.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Opportunity for public input into the planning requirements for rural landsharing community development has previously been provided during the exhibition of the Rural Housing Strategy. Further opportunity will be provided during the formal exhibition of the draft DCP.

Other Group Comments

City Works, Environmental Health and Building and Regulation were consulted during the preparation of draft DCP No.44 and their comments/suggestions have been incorporated into the document.

Author's Response to Comments from Other Staff

N/A

Conclusion

It is timely that draft DCP No. 44 for Rural Landsharing Communities now be exhibited. This will enable adoption of the DCP by Council prior to LEP Amendment No. 8 coming into effect. At the same time DCP No 30 (Rural Residential subdivision and Detached Dual Occupancy) can be repealed as it is now obsolete.

Recommendation (PLA18)

That Council:

- 1 Place draft Development Control Plan No. 44 for Rural Landsharing Communities on public exhibition for a period of 28 days; and
- 2 Repeal Development Control Plan No. 30 in accordance with the procedure set out in clauses 23(1) and (2) of the Environmental Planning and Assessment Regulation 2000.

Subject/File No: DRAFT AMENDMENT 2 TO AMEND TO DEVELOPMENT CONTROL PLAN NO. 18 – OFF STREET CAR PARKING (HM: S510)

Prepared By: Manager-Planning Services – Helen Manning

Reason: To incorporate new policy on shopping centre car parks.

Objective: To ensure equitable access to shopping facilities.

Management Plan Activity: Strategic Planning

Background:

Due to concerns over public transport and pedestrian access in and from the car park associated with the Goonellabah Town Centre shopping centre, the Public Transport Advisory Panel has prepared a policy addressing public transport and pedestrian access in the design of shopping centre car parks.

If the policy is to be addressed in the preparation and assessment of development applications, it should be included in a development control plan. The most appropriate DCP is No. 18 Off Street Car Parking. The procedure for amending a DCP is to prepare an amending DCP; a draft amendment to DCP 18, including the policy, is in the attachment to the business paper.

It requires that safe pedestrian routes be clearly identified in plans and on the ground for access between the entrance of a shopping centre and the car park or closest bus stop. An undercover taxi rank is to be provided close to the entrance to the centre, and a bus shelter is to be constructed as close as possible to the entrance, and linked to that entrance by a covered walkway. Disabled access parking spaces and secure bicycle parking is also to be provided.

Manager - Finance & Administration Comments

No comment required.

Public Consultations

An amending development control plan must be publicly exhibited for at least 28 days; following consideration of any submissions received Council may adopted the amended DCP.

Other Group Comments

The policy as endorsed by the Public Transport Advisory Panel was provided to both the Traffic Advisory Committee and the Access Committee.

Minutes of the TAC of 20 March, 2002, as endorsed by Council on 9 April 2002, contain the following:

“The contents of the Draft Policy were noted and it was agreed that such conditions were not onerous and should generally be part of any proposed shopping centre development. It was noted, however, that the inclusion of Taxi and Bus provisions would need to be assessed individually and may be dependant upon the size of the development.”

RECOMMENDED that Council note that the Committee supports the proposed Policy in accordance with the above.”

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Draft Amendment No. 2 to Development Control Plan No. 18

The Servicing Officer for the Access Committee has advised:

“The Committee was pleased to see the inclusion of disabled access within the policy and it supports the policy in its entirety. With large Development Applications (DA), such as those for shopping centres, the Access Committee usually is consulted regarding disability access. This policy will assist in having access issues incorporated early in the design phase.”

Manager – Economic Development Unit Comments

I think that this is a really positive initiative and will provide a better environment for public transport users.

There could be significant cost implications for shopping centre developers. I would suggest that, prior to the report going to Council and onto exhibition, there be considerable direct consultation with the owners of existing shopping centres.

At the moment the report only addresses one side of the “argument”, so to speak.

Author’s Response to Comments from Other Staff

The views of the Access Committee are noted. The comment of the TAC, to the effect that *‘the inclusion of Taxi and Bus provisions would need to be assessed individually and may be dependent upon the size of the development’* has been addressed by the inclusion of objectives for the policy and by a provision allowing variation of the requirements if Council is of the opinion that proposals for access by the disabled and by public transport passengers meets the objectives.

The views of the Manager-Economic Development and Tourism are noted. However, shopping centre developers will be consulted during the public exhibition of the proposal. It is not appropriate to consult prior to that time without an indication of whether or not Council supports the proposal. Should substantial objection be received from any individual or company during the exhibition period Council is then able to modify the proposal or decide not to proceed with it. Separate consultation for shopping centre developers is superfluous given the existing legislative requirements for public consultation.

Conclusion

Inclusion of the policy within DCP 18 Off Street Car Parking will facilitate safety within shopping centre car parks for pedestrians, the disabled and patrons of public transport.

Recommendation (PLA19)

Pursuant to cl. 22 of the Environmental Planning and Assessment Regulation, Council alter Development Control Plan No. 18 as described by the draft Amendment to the DCP within the attachments, and to publicly exhibit the draft amendment for 28 days.

Subject/File No: DRAFT AMENDMENT NO. 9 TO LISMORE LOCAL ENVIRONMENTAL PLAN – ‘ART IN THE HEART’ SITE (S710)

Prepared By: Manager-Planning Services – Helen Manning

Reason: To obtain Council’s endorsement for public exhibition of draft amending plan

Objective: To rezone the site to permit uses envisaged for ‘Art in the Heart’ concept

Management Plan Activity: Strategic Planning

Background:

At its meeting of August 14, 2001, Council resolved, pursuant to S. 54 of the Environmental Planning and Assessment Act, to initiate the rezoning of the site of the former Lismore High School, now known as the ‘Art in the Heart’ site.

The site is bounded by Keen, Magellan, Dawson Streets and Rural Lane. It is in three parcels, comprising Lot 15 DP 867281 owned by the Department of Education and Training, and used by the Conservatorium (Block A); Lot 11 DP 859167 (Harold Fredericks Car Park) and Lot 14 DP 867281 (B and C Blocks). Lot 11 and Lot 14 are owned by Lismore City Council.

It is currently zoned Special Uses 5 (Education and Car Parking). Amplification of the special uses proposed is required in order to permit the uses such as Art Gallery, Tourist Information, community and commercial uses in accordance with the Business Plan for the site.

Planning Report

Because the majority of the land is owned by the Council the requirements of the Department of Planning’s circular on the rezoning of Council land must be complied with. Accordingly, a report has been prepared by independent consultant Malcolm Scott.

A copy of the report will be publicly exhibited with the draft amending LEP. The report contains a planning analysis of the site and addresses all issues to meet the requirements of the Department’s circular in regard to the rezoning of Council owned land.

The report recommends that the site be rezoned Special Uses 5 (‘Art in the Heart’). The report also recommends that the draft LEP contain a requirement for a Master Plan to co-ordinate the addressing of the identified issues and establish the overall pattern of development on the site.

Draft Amending Local Environmental Plan

A copy of the proposed LEP amending map and legal wording follows this report in the Business Paper.

The legal wording will introduce several clauses into the LEP. These clauses describe the objectives of the provisions, the component uses for the Art in the Heart project, the purpose and contents of the Master Plan, and an enabling clause to specify that Council is able to consent to commercial development on the site.

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Draft Amendment No. 9 to Lismore Local Environmental Plan – ‘Art in the Heart’ Site

The Masterplan is intended to co-ordinate over time aspects of the development such as design, complementing of existing heritage buildings by new buildings, energy efficiency, pedestrian and traffic movements, solar access, etc. The preparation of a Master Plan to guide development is enabled by the EP & A Act, but the Act does not specify any requirements for the preparation or contents of such a Plan. It must simply be adopted by Council. Therefore it has greater flexibility to alter over time than a development control plan or LEP.

Contents of the Master Plan will be based on the proposals within the winning tender.

Manager - Finance & Administration Comments

Manager – Finance and Administration has advised no comment is required.

Public Consultations

As required by S. 62 of the Environmental Planning & Assessment Act, relevant Government authorities have been consulted and their views included in the planning report. Department of Land & Water Conservation was consulted about flooding issues, Roads & Traffic Authority about traffic issues, and the Department of Education & Training about the inclusion of the Conservatorium site within the rezoning.

No Government authority objected to the proposal. Issues raised by the Departments are addressed in the Planning Report.

Other Group Comments

Manager Community Services

Given the proposed mix of facilities and activities on the site, maximum flexibility relating to usage is essential. This has been achieved within the proposed draft LEP amendment.

Economic Development & Tourism

Congratulations to Manager - Planning Services and also town planning consultant Malcolm Scott on the drafting of the LEP Amendment for the Old Lismore High School Site.

I believe that the LEP accurately and fully describes the objectives of the project, as developed during the creation of the Business Plan. As long as momentum on this project is maintained, I am sure that we will see an extremely innovative and exciting re-development of this site, in the 'Heart' of our City. I support the adoption of the recommendations.

Manager Client Services

It should be recognised by Council that the ‘Art in the Heart’ site, when considered in conjunction with the adjacent carpark, is the most valuable property in the Lismore basin area. This property is owned by Council and has enormous potential for both the community and commercial interests.

The rezoning report is very thorough and makes recommendations which provide Council with great flexibility. The early exhibition of the proposed zoning is to be encouraged so as to ensure the maximum community input into how the site is developed.

Author’s Response to Comments from Other Staff

Not required.

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Draft Amendment No. 9 to Lismore Local Environmental Plan – ‘Art in the Heart’ Site

Conclusion

The preparation and exhibition of the draft local environmental plan rezoning the ‘Art in the Heart’ site is another step towards the realisation of this concept, and its support is recommended.

Recommendation (PLA20)

That Council endorse the public exhibition of draft Amendment No. 9 to Lismore Local Environmental Plan, concerning the ‘Art in the Heart’ site, for the statutory period of 28 days.

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Subject/File No: BROADWATER BRIDGE – SECTION96(2) MODIFICATION APPLICATION
(WR:MG:DA98/14)

Prepared By: Special Projects Planner – Warren Rackham

Reason: Applicant seeks modification to conditions of approval.

Objective: Council's determination of the application

Management Plan Activity: Planning

Background:

1. Council on June 2, 1998 gave development consent to the construction of the (western half of) the new road bridge connecting Plenkovich/Broadwater Roads with Broadwater Village, subject to conditions. Richmond Valley Council (the applicant) issued a separate consent to the eastern half of the bridge, subject to almost identical conditions as applied to the Lismore City approval.

One condition of consent (which is also applied verbatim in the applicant Council's own separate development consent) is:

"25(d) The approach radii of the proposed bridge shall be designed for 25m truck/trailer combinations with a minimum design speed of 40km/hr. Any encroachment onto adjoining land shall require the dedication of land to public road".

2. Following completion of the bridge, the applicant notified Council of conditions compliance, however as regards Lismore Council's condition No. 25(d) advised *"This condition has generally been complied with although it should be noted that in order to avoid encroachment onto adjoining land the radius of the curve has been reduced to 23m"*.
3. Lismore City Council notified the applicant in May, 2001 that "A 23m radius curve does not comply with the requirements of the condition. Council's requirement is for a **40km/hr design**, and there has been no formal approval given to any modification, and compliance with this condition is required".
4. Lismore City Council requested Richmond Valley Council to submit a formal Section 96 Modification Application for the design change, together with "adequate justification for the modifications sought".
5. The subsequent Section 96 Application, lodged in August 2001 advised "Although less than 40km/hr design standard, the curve is designed in accordance with RTA design standards and is adequate for the traffic volumes present". As this provided no justification for the altered radius, Council's City Works Department contacted the applicant, who then reinforced their application with "The 23m radius curve is a deviation from the RTA standard as it is understood that it is below the minimum for the speed of the traffic. However, the deviation is appropriate in this case as it is considered by Richmond Valley Council to provide an appropriate level of service and safety".
6. This justification was not satisfactory, and City Works again contacted the applicant. In January 2002 Richmond Valley Council submitted additional advices, specifically in relation to government funding (or lack of), and in summation state:

“Whilst we accept it would be desirable to upgrade the approach roads, this has not been possible within the funding arrangement which each level of Government is prepared to contribute. We do not feel that the requirement for the bridge approaches to comply with RTA design standard is warranted given the condition and geometry of the existing road. Therefore, any upgrading of the road adjacent to the abutment should be undertaken in conjunction with the upgrading with the rest of the road and therefore the deletion of this requirement from the consent is hereby requested”.

BIOMASS COGENERATION PLANT PROPOSED FOR BROADWATER MILL

During the course of progress of the Broadwater Bridge approaches issue, Richmond Valley Council has received a development application proposing the development of a “Biomass Cogeneration Facility” at Broadwater Mill, being a substantial development which, among other impacts, will result in an appreciable increase in trucking movements to and from the mill. The Traffic Impact Report contained in the EIS advises that “the cogeneration proposal will increase traffic to the mill as a consequence of the increased volume of biomass required to feed the cogeneration facility boilers” and “there will be a significant increase in the number of heavy vehicles using the local access roads to the south of the scheme as a direct result of this proposal”.

The report determines an increase in truck movements at the Broadwater Bridge from 282 x 2 way ADT at present, to 556 x 2 way ADT by 2010, being a doubling factor in 8 years. There is no assessment as to what roads may be deficient, or what works are required to accommodate the major increase in trucking numbers on roads identified as deficient.

In any case, it is clear that there will be a substantial increase in traffic using the new bridge, and consequently having to negotiate the substandard exit curve on the western end.

THE CURRENT APPLICATION

The current Section 96(2) Application seeks to modify the original consent by the deletion of Conditions 14 (advisory signs regarding air brakes) and 27(d) (should be 25(d) – design of radius of road exiting the western side of the bridge).

Condition 14 states:

“14 Advisory signs to be placed adjacent to the approach roads requesting drivers to respect amenity of adjacent residents, and requesting truck drivers to avoid use of compressed air brakes and high beam (except in emergencies) both during and after construction”.

Condition 25(d) states:

“25 Provision of the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council’s Development and Construction Manual (February 1993) as amended from time to time.

d) The approach radii of the proposed bridge shall be designed for 25m truck/trailer combinations with a minimum design speed of 40km/h/ Any encroachment onto adjoining land shall require the dedication of land to public road”.

Manager - Finance & Administration Comments

Not referred.

Public Consultations

Not required.

Other Group Comments

City Works

Concurs with the draft report and recommendation for refusal of the reduced design curve.

Water and Sewer - Not applicable

Building and Regulation – Not applicable

Environmental Health – Not applicable

Author's Response to Comments from Other Staff

N/a

Conclusion

1. This application has generated a considerable amount of in-house discussion, being particularly centred around potential liability should any adverse situation occur which is related to the inferior and non-compliant design curve on the western end of the bridge. As there has been no formal approval given for the reduced standard of design (ie to a 23m radius curve, which reduces the speed to an absolute maximum of 20km/h), the construction is currently illegal, and also does not meet RTA standards.
2. Although the applicant Council has (at Lismore Council's request) lodged a formal modification application for the condition, there is not adequate reasoning (other than financial) forwarded to justify the changes made. It must be noted that, as for any development, commencement and completion of a project by an applicant represents an acceptance of conditions, and applicants have no legal rights to change conditions under their own volition.
3. It should also be noted that the applicant Council, when it determined its own consent for its "half" of the bridge, adopted the identical conditions as set down by Lismore City Council, which remain unchanged. The applicant is therefore also in breach of its own condition.
4. There is also the question of legal liability involved should any incident be attributed to the design curve as constructed, and for Council to accept the modification as sought is an acceptance of adequacy of the design.

Considering that Council's original condition requiring a 40km/hr design curve (ie approximately 40m radius) is to minimum RTA Standard and is considered to be the minimum design standard, particularly with an anticipated increase in traffic imminent with the new Biomass Cogeneration facility, the condition as imposed should not be varied.

5. There is no objection to the deletion of Condition 14, relating to the installation of signs regarding compressed air-braking and use of high beam – the applicant's explanation that the RTA does not favour such signs is accepted.

Recommendation (Pla 22)

That the application for modification to Development Application No. 98/14 be determined as follows:

1. Condition No. 14 be deleted.
2. Condition No. 25(d) be NOT deleted, and the applicant be required to comply with the design criteria as per the original condition.

Subject/File No: CRIME PREVENTION PLAN EVALUATION
(S717)

Prepared By: Punita Boardman, Crime Prevention Development Officer

Reason: To report to Council on findings of independent evaluation of Crime Prevention Plan

Objective: That Council endorse the evaluation report

Management Plan Activity: Community Services

Background:

Crime Prevention has been part of the operations of Council since its first successful grant submission to the NSW Attorney General's Department in 1998. Consultation, statistical information and professional advice consequently led to the development of a Crime Prevention Plan 1999-2002. This Plan was endorsed by the Attorney General as a Safer Communities Compact in May 2000, allowing Council to apply for further funds for 50% of the position costs and full allocation of project funds. The Plan involved a number of strategies, stakeholders and performance indicators which then had to be measured.

An independent evaluation was proposed using the Southern Cross Institute of Action Research (SCIAR). The brief was to measure the work of the overall Plan and to individually examine the two funded projects: Nimbin Neighbourhood Improvement Project (NNIP) and the Kids and Domestic Violence (DV) Project.

Briefly, the NNIP funds went towards 10 minor projects, managed by the crime prevention development officer in close consultation with a local Safe Communities Committee (a list of these projects can be found on page 22 of Evaluation Report). The Kids and DV project used an existing resource to work with families affected by violence in their homes. A therapeutic support group for children aged 8-12 was offered to about 25 children with parallel groups for non-offending parents and referrals for perpetrators. Again the project was managed by the crime prevention development officer, using experienced staff from government and community organisations to deliver the programs.

The Crime Prevention Plan named six major issues in the LGA, which can each be placed within four Key Result Areas. They are:

- Building the communities image of safety.
- Monitoring of the CBD.
- Early intervention to support families.
- Environmental design factors.

Evaluation Methods and Findings:

SCIAR worked from the supplied brief to compile a schedule of consultations with relevant key stakeholders. The timetable included a series of 5 participatory workshops, involving about 45 stakeholders in all. SCIAR also conducted a document review and individual interviews to inform the process.

A summary of the findings can be found in the report's executive summary. It states:

Crime Prevention Plan Evaluation

“The crime prevention work carried out was substantially in accordance with the Plan. The commitment and enthusiasm of officers and those involved in the implementation of the plan ensured that its broad objectives were achieved. Crime prevention is a significant issue in contemporary society, and there is no firmly established processes or procedures by which it should be carried out. The Crime Prevention Plan explored many uncharted waters, and demonstrated considerable achievement on which all stakeholders can build in a sustainable way. Considering the very modest amount of funding appropriated, the findings indicate that the project could make a significant contribution to the well-being of the Lismore community if it were more adequately resourced.”

The report goes on to make the following recommendations in its conclusion:

“The findings indicate that it would be beneficial if ongoing funding is provided, particularly with regards the position of Crime Prevention Officer and the two project areas of Kids and Domestic Violence and the Nimbin Neighbourhood Improvement Project.”

Other Group Comments:

N/A

Conclusion:

Other factors contributing to the success of the Crime Prevention Plan have not been examined due to the limited scope for evaluation. From Council's perspective some of the most significant of these are:

- DCP (#43) on Crime Prevention Through Environmental Design, which offers guidelines to developers, architects and planners.
- Safety Audits in Goonellabah, South Lismore and Nimbin.
- The offering of expert opinion in regard to particular Development Applications. Legislation, which enshrines safety issues into planning law, has been introduced during the life of the Plan. This places Council ahead of the “pack” in coming to terms with new legislative requirements in this arena.
- The generation of positive media for the project (more than 60 articles appeared in local press throughout the project as well as radio and TV interviews).
- Licensed Premises Agreement on 1am curfew.
- Publishing of safety tips for householders and storekeepers.
- Meetings with business representatives and groups, such as Taxi Co-op, Lismore Unlimited, Neighbourhood Watch, etc.
- Support for local organisations and projects across a myriad of services, including funding applications, training and skills development, lobbying and networking government departments.
- Representation of Council at conferences, seminars and meetings at the local, state and federal level, including delivery of papers and presentations.
- Regional consultation to other Councils including Tweed, Byron, Casino, Grafton and the development of a regional network encompassing 10 LGA's.

The profile of crime prevention, both through environmental design and social supports, has been enormously increased in both the Lismore LGA and its surrounds from the period 1998 – 2002. Council is to be commended for seizing the opportunity to be leaders in the field of Crime Prevention/Community Safety in NSW and for endorsing the ongoing opportunity for this field of endeavour.

Recommendation (COR18)

1. That Council endorse the Crime Prevention Plan, Evaluation Report as prepared by Southern Cross Institute of Action Research.
2. That Council maintain an ongoing commitment to Crime Prevention/Community Safety as recommended in the conclusion of the Evaluation Report.

Subject/File No: LISMORE WATER BUSINESS PLANS
(AA:CD:S301:S387)

Prepared By: Anu Atukorala – Manager Lismore Water

Reason: To report on Business Plan activities

Objective: To inform Council

Management Plan Activity: Water and Wastewater Services.

Background:

In 1999/2000 business plans, financial plans and action plans were completed and presented to the Council, detailing what Lismore Water intends achieving in the long term. The purpose of this report is to update Council on the progress made so far.

The updated water and wastewater action plans are given in Attachments 1 and 2 respectively.

- Actions completed, commenced or on-going are highlighted.
- Actions not completed have been commented upon at the bottom of the sheet.
- Actions deleted or not relevant any more have been struck-through and have been commented upon at the bottom of the sheet.

The following report provides a more detailed explanation of some key components of the business plan. Since many of the items are common to both the water supply and wastewater businesses, comments have been combined.

Report

Objective 1 – Service Management and delivery

- For a number of years, Lismore Water has had an information system monitoring complaints and levels of service. A major modification was carried out in January 2002 in order to provide better information. A copy of a summary report is given in Attachment 3 as an example.
- The system provides Lismore Water with all the necessary information to benchmark its performance with other utilities and to monitor service levels on a monthly basis.
- Outsourcing of work –The following is a sample of works that are currently being outsourced:
 - All major construction works;
 - Tender documentation and contract administration (Client Services);
 - Maintenance work such as CCTV inspection, sludge reuse, reservoir cleaning, water main cleaning (air scouring), ground maintenance, laboratory testing, some electrical works, designs and GIS maintenance (part-time contractors working in-house).

Management is of the opinion that the right mix for service delivery has been achieved. However, in a dynamic environment, the service delivery models need to be reviewed periodically to obtain the best value for money.

- Sharing of resources with other councils is happening at many levels. Examples include sharing of CCTV and jetting equipment, water quality monitoring, demand reduction and education programs and wetlands maintenance.

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Report – Lismore Water Business Plans

Objective 2 – To provide services to existing areas and extend services to new residential and industrial areas at developers cost

- The Planning and Development Section is developing a new urban strategy and infrastructure requirements for this revised strategy will need to be reassessed. Additional staff resources will have to be allocated to develop and manage hydraulic models etc.

Objective 3 – To provide services on a full cost recovery and user pays basis

- Linking of billing of water and sewerage on a single account has been deferred as the estimated cost of the exercise is in the vicinity of \$20,000.
- Preparation of revenue plan and financial model was done as part of the business plan in 1999. Since then a number of changes have occurred. These include:
 - Non-availability of DLWC assistance for some works;
 - Latest information indicates that the assets (sewer and water mains) are in a poorer condition than originally assumed; and
 - Changes in legislation (OH&S etc).

As such the financial model was revised in April 2002. This revised model indicates that the sewer user charges should be approximately \$400 – \$440 in order to fund future capital works programs. Water user charges are at an acceptable level. A separate report on this issue will be presented to the Council in the near future.

- The S64 plans (Developer contribution plans) were reviewed in accordance with DLWC guidelines in 2000. The overall impact was a reduction in the S 64 charges. These plans will have to be revised again in 2003, once the infrastructure requirements for the new residential strategy are identified.

Objective 4 (Water Supply)

- Lismore Water has been actively participating in the Rous regional demand management initiatives. Programs, such as the “house tune-up” program, have been extended to Nimbin as well.
- Installation of bulk meters and calibration of a hydraulic model has not been done due to lack of engineering resources. This project will be carried forward. This project when completed will enable better utilisation of existing reticulated network to provide for future growth at lesser costs and improve service levels to existing customers.

Objective 4A (sewerage) – Inflow/Infiltration Management

- A report on the major flow gauging/sewer modelling exercise was presented to Councillors in August 2000.
- Condition assessment of sewer mains has commenced. Given the poor condition of the mains, the annual mains replacement program has been boosted to approximately \$900,000.
- Lismore Water also conducts regular smoke-testing programs to identify defective house connections. Where defects are identified, minor repairs are carried out at no cost to the owner, others are issued with a defects notice requesting rectification.

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- Six monthly, programmed inspections of the trunk mains are also undertaken to identify and rectify defects.

Objective 4B (sewerage) – Tradewaste

- It is pleasing to note that all categories of tradewaste dischargers except the schools have now been licensed. Previous requests to the Department of Education have not been actioned and a letter has been sent to them indicating that non-compliance will lead to penalty charges being imposed.
- Ongoing monitoring of tradewaste and community education will continue.

Objective 5 – Customer relations

- Since creation of Lismore Water, special emphasis has been placed on the use of the Council Website for dissemination of information.
- While a formal customer survey has not been conducted so far, there is considerable positive feedback from customers on the high quality and efficient service provided by Lismore Water's field staff.

Objective 6 – Community Involvement

- Community consultation occurs on all major projects. Establishment of community based committees has enabled interested parties and councillors to participate in the decision making process.
- The Clunes Wastewater Committee is about to commence reviewing the options report prepared by Geolink.
- The Nimbin Water Supply Committee has also been meeting for several months and is in the process of reviewing options. At its last meeting the Committee agreed to investigate the issue of drought security, given that restrictions were imposed in March/April 2002.

Objective 7 – Environment

- Procedures were put in place in 2000/01 in order to comply with the EP&A Act, Part V. As a result environmental assessments are carried out on all works before construction commences.
 - Tender documents etc. have been modified so that contractors have to submit Environmental Management Plans, before commencing works.
 - All supervisors and plumbers have received training in worksite environmental management/control. It is proposed that formal work method statements incorporating the above will be developed by 2004.
 - Effluent reuse – Maincamp Ltd handed over the operation of the tea tree plantation back to Council in 2001/02. Expressions of interest have been called and are in the process of being assessed.
 - Odour control – In 1999, a deodorisation bed (cost approximately \$40,000) was installed at the Union Street pump station. Since then no complaints have been received from residents in this area. These natural filters have little or no maintenance costs. Odours are neutralised by bacteria living in the soil/mulch bed. Other odour complaints are investigated and action taken when they are received.
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- Biosolids Management – Council in 2001/02 commenced land application of biosolids. This has resulted in reduced costs to customers (nearly 50%), reduced the load on Council's Waste Facility and benefited the farming community of Lismore. Since commencing the program many more inquiries from farmers have been received.

Objective 8 – Operations

- Quality control – In order to improve the quality of the construction works, during the last three years, quality control programs have been introduced for design and construction works. These include design verification of drawings (by field staff etc.) before issue for construction and introduction of hold and witness points in contract documents. The ultimate objective of Lismore Water is to seek full quality assurance in accordance with relevant Australian Standards. Once again additional human resources are required to achieve such objectives.
- EPA compliance – Numerous enhancements have been undertaken to improve the quality of effluent from the treatment works and reduce costs. At East Lismore STP, as part of the optimisation process, minor modifications to the biological nutrient process were carried out. Further modifications are proposed in 2002/03.
- The high quality effluent being produced at the East Lismore Plant is being re-contaminated within the tertiary lagoons (Phosphorus leachate and algal blooms). With the proposed construction of the UV disinfection unit in December 2003 (as per the directive issued by the EPA), the lagoons will be bypassed.
- The South Lismore wetlands are being regraded and revegetated with a view of substantially improving the performance.
- The Nimbin plant and reuse scheme is working satisfactorily.

Objective 9 – Maintenance

- Programmed Maintenance Management – Although a Computerised Maintenance Management system has not been put in place as yet, significant advances were made with respect to developing "manual" programmed maintenance schedules for all the treatment works (East Lismore plant in particular has many electrical and mechanical components). 80% of Lismore Water's electrical and mechanical activities are now undertaken under programmed schedules. This is being extended to other areas such as sewer main inspections and repair, reservoir cleaning etc. This has substantially reduced equipment downtime, sewer spills, breakdown maintenance costs and overtime costs.
- A Computerised Maintenance Management system will streamline the above-mentioned process even further and assist staff in increasing productivity. It is anticipated that the system will be commissioned by December 2003.

Objective 10 – Capital works

- Wastewater - As indicated previously, a condition assessment program (CCTV inspection) of the sewer mains has been initiated. Lismore has one of the highest sewer blockage rates in the state. Given the poor condition of the mains, the mains replacement program has been boosted to approximately \$900,000. Other major programs to be completed in the next few years are the UV unit at East Lismore (\$2.5 million) and Clunes wastewater system (\$6 million).
 - Water Supply – once again, due to the very high failure rate of water mains (three times the State average), the mains replacement program has been increased to \$800,000. Renewal of
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some of the worst effected mains will lead to better customer satisfaction, reduced operational and over time costs.

Objective 11-Human resources

- Significant emphasis has been placed on multi-skilling staff in order to handle the wide variety of work undertaken by Lismore Water staff.
- In order to meet the ever-increased demand placed on Lismore Water's Asset Management section, it has been identified that an additional junior engineer is required.

Objective 12 – Finances

- As mentioned previously, the 30-year financial model was recently updated. Modelling indicates that the proposed accelerated sewer mains replacement program, Clunes wastewater system and reduced subsidies will have a significant impact on the sewer charges. A separate report will be presented to Council on this matter.
- The revised model for the water supply business indicates that, the user charges are adequate to cover the increase in capital expenditure. It should be noted that these charges should rise with inflation.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

Preparation of the business plans has enabled Lismore Water to focus on an action plan and achieve many of the key objectives specified in the action plan.

The key tasks ahead include:

- Inflow / infiltration reduction program;
- Condition assessment and grading of sewer main;
- Further development of the sewer and water mains renewal program;
- Improving the effluent quality from the South Lismore and the East Lismore plants and construction of the UV disinfection facility at East Lismore;
- Improvements to the Nimbin Water Supply system;
- Upgrade of the telemetry system;
- Clunes sewerage scheme; and
- Lismore's infrastructure strategic plan to cater for future growth.

The increased capital works program within the sewer fund will result in increased user charges. To effectively manage this increased level of activity, additional engineering resources are also required.

Recommendation (ENT07)

That the report be received and noted.

Subject/File No: NORTHERN RIVERS WASTE STRATEGIC BUSINESS PLAN –
PROGRESS ON MAJOR ACHIEVEMENTS (KW:CD:P25041)

Prepared By: Manager Northern Rivers Waste - Kieran Wade

Reason: Request from Council meeting October 9, 2001

Objective: Provide an overview of Business Plan

Management Plan Activity: Northern Rivers Waste.

Background:

On October 9, 2001, Council resolved that “an overview be presented to Council identifying the major achievements of Northern Rivers Waste over the past twelve months”.

Significant achievements of this plan to date are as follows.

A. Actions in the plan completed by the scheduled date:

- 1) Council’s adoption and implementation of the Business Plan.
- 2) Reduction of waste to landfill;
 - a) Commencement of weekly organic service to 1030 services to non-domestic premises outside CBD area in February 2001.
- 3) Council obtaining EPA Licensing for landfill in March 2001.
- 4) Identify, fund and progress the necessary landfill capacity to cover the period through to 2020;
 - a) Landfill has approximately twelve (12) years life remaining (refer also Section C below).
- 5) Develop a Customer Service and Marketing ethos for Northern Rivers Waste;
 - a) All enquiries routed through B&E Customer Service group in Goonellabah for improved response and co-ordination of action;
 - b) Record complaints on Civil system for analysis and follow-up;
 - c) Monitor customer satisfaction. A structured customer survey will be undertaken in the coming year;
 - d) Develop Waste Services’ position of lowest cost on North Coast. Council has the lowest waste collection costs compared to adjoining Councils.

B. Actions in the Plan completed later than expected with explanation:

- a) Construction of Revolve Centre for Recycling at WRWF;
Reason: Delay in approval of Tender documents by GMBE.
- b) Tendering of Customer Traffic Controllers functions;
Reason: Delay in approval of Tender documents by GMBE.

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Report - Northern Rivers Waste Strategic Business Plan – Progress on Major Achievements

- c) Establishing Customer Services Policy & Procedures Manual.
Reason: Manager Northern Rivers Waste had completed draft, however, final review not completed without Business Development Manager.
- d) Appointment of team leader as backup for Manager.
Reason: Appointment deferred awaiting budget considerations.
- e) Skill assessments completed.
Reason: All staff assessments completed except two completed by June 2001 as requested by GM.
- e) Tryton Waste Services commenced operations on November 27, 2001 receiving kerbside organics to worm farm;
Reason: Tryton Waste Services took longer to have Worm Farm operational due to plant commissioning delays.
- f) Construction of Leachate Pond as part of Landfill Environment Management Plan (LEMP);
Reason: Construction site created difficulties, wet weather and supply of the necessary equipment.

C. *Actions in the Plan due to be completed but not yet completed and reasons why:*

Council investigate, purchase and extension of landfill to west of landfill;

Reason: Council staff had approached the three adjoining properties to establish what would be their asking price for the sale of their properties. The offers that staff received were considered excessive, compared to valuations. The next stage will be to re-open negotiations some time in 2002/03.

D. *Actions undertaken in the review period those were not planned and have therefore impacted on completion of other Actions:*

- a) Submission of Tender in March 2002 for the Drop-Off Centres in Lismore.
- b) Commenced waste service collection to village of North Woodburn and Tregagle areas in February 2002.
- c) Additional ground works and construction at the Revolve Centre.
- d) Engaging in new commercial business such as Trinity Catholic College and expanded services to Southern Cross University.
- e) Discussions with Richmond Valley Council regarding possible tender to collect all waste services within the Council area.

Conclusion

Since the introduction of the Business Plan for Northern Rivers Waste, there are a total of sixty-three (63) Aims and Objectives in the Business Plan, of which thirty-six (36) have been completed in the first year of the Business Plan.

The remaining Aims and Objectives of the Business Plan are long-term strategies, which will require further planning, development and financial commitment from Council to complete.

Recommendation (ENT06)

That the report be received and noted.

Subject/File No: GETTING MORE “CLOUT” FROM OUR REGIONAL DEVELOPMENT BODIES
(AL:SV:S640)

Prepared By: Manager – Economic Development & Tourism

Reason: There are many regional development bodies that are currently working in relative isolation

Objective: Encouragement for the regional bodies to co-locate bringing about greater effectiveness and efficiency

Management Plan Activity: Not applicable

Background:

I have listed below a number of bodies located here in the Northern Rivers Region that have similar objectives in bringing about a better environment for development of the region.

- 1 Northern Rivers Regional Organisation of Councils
- 2 Northern Rivers Regional Chamber of Commerce & Industry
- 3 Northern Rivers Tourism
- 4 Northern Rivers Area Consultative Committee
- 5 The North East NSW Sustainable Regions Secretariat
- 6 Northern Rivers Regional Strategy
- 7 Lismore Living Centres Project
- 8 Northern Rivers Regional Development Board – Invest Northern Rivers
- 9 Northern Development Task Force / NOREDO
- 10 Norlink
- 11 Australian Business (Northern Rivers Office)

There is a reasonable level of co-operation that occurs between a number of these bodies. The situation, however, is far from optimal. These bodies are often competing for funding and have objectives in similar areas that may conflict.

The proposal outlined in this report is that Council write to each of these organisations encouraging them to consider co-locating their activities. If some or all of the bodies were to take this step, a number of very significant benefits could be gained:

- 1 Alignment and co-ordination of activities;
- 2 A greater “political voice” for the region;
- 3 Resource sharing; and
- 4 Cost savings in administrative areas.

Here in Lismore we have seen a similar co-location take place for Lismore Tourism, the Economic Development Unit, Lismore Unlimited and the Lismore Business Enterprise Centre. The result of the co-location of these activities has been of significant benefit. At a “nuts & bolts” level there has been a simplification of phone systems, removal of duplicated facsimile and printing resources and other improvements in operations.

It is quite reasonable to expect the same sorts of benefits would accrue at a regional level.

Consultations with Neighbouring Councils

The General Manager has undertaken discussions on this topic with neighbouring councils through the General Manager's Group. During these discussions he called for input with regard to the draft of this report.

The only response was from the General Manager of Byron Shire Council ("BSC"). It appears that BSC encounter similar issues and problems. BSC's response cites problems of overlap "between authorities and departments in the area of strategic and environmental planning on the coast and coastal catchments." The bodies identified as overlapping on these issues are:

- Northern Rivers Regional Catchment Management Board
- Planning NSW (Coastal Urban Planning Strategy)
- The Northern Rivers Regional Strategy
- Living Centres (draft rural land use strategy)
- NSW Coastal Council (guidelines for coastal development)
- Marine Parks Authority (proposals affecting land use)
- Healthy Rivers Commission

Generally, these are different bodies and issues to the subject of this report. There is an underlying theme, however, and that is the proliferation of bodies with similar objectives.

Manager - Finance & Administration Comments

I agree with the concept that an amalgamation of these bodies, if possible and successful, may result in a better co-ordinated approach to development in the region. From this perspective, it is worthwhile pursuing.

Public Consultations

Not required.

General Manager

Having been one of the primary instigators of the successful co-location of Lismore business organisations I can readily attest to the effectiveness of such initiatives.

The large number of regional bodies/QANGO's (many of which have common or related objectives) servicing the Northern Rivers region, is becoming an impediment to the future development of the region. There appears to be little communication/co-operation between the organisations, some are funded/politically aligned by/to the State Government and others by/to the Federal Government, and each is jealously guarded by associated government bureaucracies. As a result there is significant duplication of effort and ineffective utilisation of resources.

It is about time there was some rationalisation of these organisations with fewer of them, better alignment of purpose, co-operative regional strategies, and where practicable, shared administration/resources.

I commend the initiative proposed in this report.

Group Manager – City Works

This would appear to be a very logical step in the right direction which should increase efficiency and ultimately save money.

Author’s Response to Comments from Other Staff

Not required.

Conclusion

The region is well serviced with organisations endeavouring to improve the “fortunes” of the Northern Rivers. Our performance as a region is not optimised because the organisations are insufficiently co-ordinated and aligned in their activities. By co-locating the organisations would retain their autonomy yet reap the benefits of improved cost efficiencies, greater “political and economic clout” and better service their clients.

Recommendation (GM02)

That:

1. The General Manager write to the governing board of each of the organisations referred to in the report, asking them to consider co-locating and outlining the potential benefits; and
2. The General manager write to relevant State and Commonwealth Ministers, seeking their assistance in achieving a more streamlined network of regional organisations.

Subject/File No: VOLUNTARY FLOOD PRONE ACQUISITION SCHEME –
3 TERANIA STREET, NORTH LISMORE
(P9441)

Prepared By: Manager – Client Services, Lindsay Walker

Reason: A Council resolution is required prior to acquisition

Objective: To gain Council approval to proceed with the purchase of 3 Terania Street,
North Lismore

Management Plan Activity: Emergency Services

Background:

The abovementioned property, being lot 1 in D.P. 922522 is situated in the eastern section of Terania Street adjacent to Wilsons River.

The property is in the area identified in the current flood mapping as being “floodway”.

This property has been subjected to inundation by fast flowing water in previous large floods and its acquisition under the Voluntary Flood Prone acquisition scheme is seen as fundamental to orderly planning in the North Lismore area.

Valuation:

This property was valued by Tsikleas and Andrews Valuers at \$80,000.00.

Manager - Finance & Administration Comments

This property is a 'priority' acquisition due to its location in the floodway as identified in the Lismore Floodplain Risk Management Plan.

The contribution required from Council is estimated to be \$28,300 and these funds are available.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

The purchase of this property represents an excellent opportunity to acquire a dwelling which is within the “Floodway” and should be removed in the interests of safety.

Recommendation GM47

1. That Council authorise the General Manager or his delegate to purchase No 3 Terania Street, North Lismore.
2. That Council contribute its 1/3 funding contribution for the purchase of lot 1 in D.P.992552, for an agreed price of \$80,000.00 together with reasonable legal expenses, from its Voluntary Acquisition Funding and such contribution be contingent upon matching 1/3 funding being available from both Richmond River County Council and the Dept of Land and Water Conservation.
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: VOLUNTARY FLOOD PRONE ACQUISITION SCHEME – 7 TERANIA STREET, NORTH LISMORE (P9441)

Prepared By: Manager – Client Services, Lindsay Walker

Reason: A Council resolution is required prior to acquisition

Objective: To gain Council approval to proceed with the purchase of 7 Terania Street, North Lismore

Management Plan Activity: Emergency Services

Background:

The abovementioned property, being lot 1 in D.P. 772994 is situated in the eastern section of Terania Street in close proximity to Wilsons River.

The property is in the area identified in the current flood mapping as being “floodway”.

This property has been subjected to inundation by fast flowing water in previous large floods and its acquisition under the Voluntary Flood Prone Acquisition Scheme is seen as fundamental to orderly planning in the North Lismore area.

Valuation:

This property was valued by Paul Murphy Valuer at \$65,000.00.

Manager - Finance & Administration Comments

This property is a 'priority' acquisition due to its location in the floodway as identified in the Lismore Floodplain Risk Management Plan.

The contribution required from Council is estimated to be \$23,300 and these funds are available.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

The purchase of this property represents an excellent opportunity to acquire a dwelling which is within the “Floodway” and should be removed in the interests of safety.

Recommendation GM48

- 1 That Council authorise the General Manager or his delegate to purchase No 7 Terania Street, North Lismore.
 - 2 That Council contribute its 1/3 funding contribution for the purchase of lot 1 in D.P.772994, for an agreed price of \$65,000.00 together with reasonable legal expenses, from its Voluntary Acquisition Funding and such contribution be contingent upon matching 1/3 funding being available from both Richmond River County Council and the Dept of Land and Water Conservation.
 - 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 COUNCIL PUBLIC ROAD – UNFORMED SECTION OF TOMKI/TATHAM ROAD adjacent to Rogerson Road, South Gundurimba with a view to purchase when closed. (P27525)

Prepared By: Manager Client Services, Lindsay Walker

Reason: Requested by Application, Mr Ian James Rhodes

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

Management Plan Activity: N/A

Background:

Council is in receipt of an application from Ian James Rhodes for the closure of an unformed portion of Tomki/Tatham Road passing through his property, Lot 1 DP 725819 in the Parish of North Codrington as shown on the attached plan.

The road referred to in the application is an unformed section of Tomki/Tatham Road (20.115 metres wide) that does not contain any reticulation services and has never been used for property or river access. Although a Council road, it will become vested in the Department of Land and Water Conservation upon formal closure as no construction has ever been undertaken by Council. Subsequent negotiations by the applicant to purchase the land will then be with the Department of Land and Water Conservation.

Manager - Finance & Administration Comments

Not applicable.

Public Consultations

In accordance with Department of Land and Water Conservation guidelines, public consultation will occur at the time of preliminary gazettal, if approved.

Other Group Comments

Acting Manager – Development Assessment, Warren Rackham has indicated that no objections are held to the closure of the road.

City Works have indicated that although they have no objection to the closure of the public road as requested they are desirous of an area across the subject site to accommodate stormwater flows. Recommendation 4 has been included to accommodate this requirement.

Recommendation – GM46

1. That the application to close the unformed section of Tomki Tatham Road passing through Lot 1 DP 725819 be endorsed and the application sent to the Department of Land and Water Conservation for adoption and gazettal if approved.
2. Any costs associated with the road closure by borne by the applicant.
3. That the General Manager be authorised to sign any documents necessary to bring about the action.
4. The City Works negotiate the provision of a suitable area for the construction of a stormwater drain with the landowner prior to Council's endorsement of the road closure application. The provision of the above mentioned land area be at no cost to council.

Subject/File No: ANNUAL POLICY REVIEW
(GW/LM: S9)

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Council policy

Objective: To ensure all policies are relevant

Management Plan Activity: Administration

Background:

Council was presented with a report in April this year which represented the first part of the annual review of Council policies. This report finalises the review.

Please note that only policies which staff are recommending be changed or deleted are included in the report.

Changes

2.2.1 Release of dogs to RSPCA and animal shelters

Comment: This policy is intended to update practices in relation to the release of abandoned companion animals to give them the best opportunity of finding a new home rather than having to be put down. The amended policy is included in the attachments.

5.12.1 Acquisition of and disposal of flood-prone land

Comment: Acquisition guidance is now provided in the “Lismore Flood Plain Risk Management Plan”. Recommend deletion.

11.2.2 Electronic digital sign

Comment: This sign has been removed so the policy should be deleted.

11.3.2 Commercial Property Opportunities

Comment: The amended policy is included in the attachments.

8.4.1 City Hall – Conditions of hire to retailers

Comment: This policy should be deleted as the City Hall should be allowed to collect revenue from any hirer with the exception of illegal activities. Casual retailers will only find alternative accommodation to trade with a loss of revenue contributed to City Hall.

8.4.2 City Hall – reduction in rentals

Comment: Item 4 should be deleted as it's not applicable.

5.2.7 Orders to complete development

Comment: This appears to be a restatement of the provisions of S121B of the Environmental Planning & Assessment Act and is therefore superfluous. The Act will apply whether or not Council has such a policy. Recommend deletion.

LISMORE CITY COUNCIL - Meeting held June 11, 2002

Annual Policy Review

5.2.18 Bulky goods showrooms

Comment: The provisions of this policy have been inserted into the LEP through Amendment No. 6 (soon to be gazetted). Therefore this policy will be superfluous and should be deleted.

5.2.20 Cigarette & tobacco advertising

Comment: This is no longer relevant due to Federal government legislation applying to outdoor advertising for tobacco products. Recommend deletion.

11.6.1 Lismore (CBD) Magellan Street kerbside dining incentive policy

Comment: This policy is now redundant as its "time line" has expired. Should be deleted.

10.6.1 Aerodrome hangar site leases

10.6.2 Air charters

10.6.3 Electricity & water connection to Aerodrome hangar sites

10.6.4 Fees for hire of Lismore Airport

Comment: The Group Manager-Business & Enterprise has discussed these policies with the Airport Advisory Panel and it was agreed that these policies were no longer required as they are either outdated or superfluous.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

The relevant sections of Council were consulted in the compilation of this report.

Author's Response to Comments from Other Staff

Not applicable.

Recommendation (COR16)

- 1 That Policies Nos. 5.12.1, 8.4.1, 5.2.7, 5.2.18, 5.2.20, 11.2.2, 11.6.,1, 10.6.1, 10.6.2, 10.6.3 and 10.6.4 be deleted.
- 2 That Policies Nos. 2.2.1, 11.3.2, 8.4.2 be amended in accordance with attachments.

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Subject/File No: ANNUAL REMUNERATION FEE FOR MAYOR AND COUNCILLORS
(GW/LM: S38)

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Determination by Local Government Remuneration Board

Objective: Adopt mayoral and councillor fees for 2002/2003

Management Plan Activity: Councillors

Background:

Pursuant to Section 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal has determined the annual fees to be paid to mayors and councillors during the period July 1, 2002 to June 30, 2003. A copy of the Report and Determination can be made available for interested councillors. The Tribunal has determined that there will be an increase of all minimum and maximum fees for councils by 3% for councillors and mayors.

Council must now determine the annual fee to be paid within the minimum and maximum range as determined by the Tribunal. (If Council does not fix a fee the amount defaults back to the minimum.)

Councillor Fee

The councillor fee for Category 3 councils is now a minimum fee of \$5,510 and a maximum fee of \$12,125.

Mayoral Fee

The mayoral fee for Category 3 councils is now a minimum fee of \$11,330 and a maximum fee of \$25,605.

Council currently pays the maximum fee for both councillors and the mayor. In accordance with a previous resolution of council, allowance has been made in the draft budget for the 3% increase.

Manager - Finance & Administration Comments

In accordance with Council's previous direction, funding for \$12,100 (councillors) and \$25,600 (mayor) has been included in the 2002/03 Management Plan. This is sufficient to meet the Tribunal maximum recommendations.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

LISMORE CITY COUNCIL - Meeting held June 11, 2002

Annual Remuneration Fee for Mayor and Councillors

Conclusion

The recommendation is based upon the previous Council resolution.

Recommendation (COR17)

That in accordance with Sections 248 and 249 of the Local Government Act 1993, Council fix the 2002/2003 annual fee for councillors at \$12,125 and for the mayor at \$25,605.

LISMORE CITY COUNCIL - Meeting held June 11, 2002

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD ON MAY 15, 2002 (Cont'd)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Ken Gallen, John Hampton & Mervyn King, Ms Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Snr Const Dave Sales (*Lismore Police*), Messrs Michael Baldwin (*RTA*), John Daley (*Lismore Unlimited*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic & Law Enforcement Co-Ordinator*).

In attendance: Messrs Peter Burge, Luke Rytenskild and Chris Soulsby for Item 17, John Bancroft for Item 24, and Chris Allison for Item 25.

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

Minutes of Traffic Advisory Committee Meeting – March 20, 2002

Members were advised that the Minutes of the meeting held on March 20, 2002 were adopted by Council at its meeting of April 9, 2002, excluding Item No. 1 (*CBD Resident Parking*) and No. 13 (*Access from St Vincent's Hospital – Dalley Street, East Lismore*).

Disclosure of Interest: Nil

Business Arising:

1. **Item No. 1 (TAC32/02) - CBD Resident Parking**

The Chairperson advised that a report would be prepared by the Planning Services Department on residential development within the CBD which would also deal with parking requirements relevant to same.

TAC46/02 **RECOMMENDED** that the above be noted. (02-284:S353)

2. **Item No. 13 (TAC43/02) - Access from St Vincent's Hospital – Dalley Street**

Mr MacDonald explained that this investigation was as a result of a representation received by Mr Trevor Saunders of St Vincent's Hospital from an elderly lady driver who had experienced a 'near miss' while exiting from the carpark area in question. As a result, the area had been inspected with a Police representative and it was found that if due care was taken there was adequate sight of oncoming vehicles. There was no indication that the entry/exit had been a significant problem in the past. The fact that Dalley Street was also relatively narrow would make it difficult to install a centre median to prohibit right-turn movements. In light of the above it was felt that no further action was required.

TAC47/02 **RECOMMENDED** that the above be noted. (R7426)

Correspondence:

3. **Thomas George, MP;** forwarding correspondence from the Clunes Progress Association regarding traffic issues throughout the Village.

Mr Baldwin advised that additional speed camera signs on the approach to the Village from the north were not possible. Signage relative to speed cameras was specific and standardised on a State-wide basis.

The intersections of Booyong Road and Walker Street with Main Street, and the location and operation of the 'two-way right-turn lane' (TWRTL) was discussed. It was noted that a roundabout for this area had been proposed in the past but had not attracted funding.

3. **Thomas George, MP** (*Cont'd*)

LISMORE CITY COUNCIL - Meeting held June 11, 2002

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD ON MAY 15, 2002 (Cont'd)

Whilst it was acknowledged that a roundabout would have obvious benefits in terms of efficiency of movements, its construction was unlikely in the short term. In the meantime the 'TWRTL' was an appropriate facility and in accordance with RTA guidelines.

An RTA plan was tabled at the meeting which showed two (2) proposed kerb blisters located on both sides of Main Street, each side of the General Store. Mr Hemsworth had advised that the RTA had requested an estimate from Council for this work to be carried out in the near future. Whilst the Committee raised no objection to this proposal there were some doubts as to the effectiveness of the devices in slowing traffic. The installation of a pedestrian refuge in front of the General Store was still considered appropriate and funding for this project should still be sought from the RTA.

It was noted that an 'Entry Threshold' was currently being installed on the northern approach to Clunes and would also assist in regulating traffic speeds.

TAC48/02 **RECOMMENDED** that the writer be advised in accordance with the above.

(02-3232:S352)

4. **Trinity Catholic College;** advising in connection with parking facilities on Dawson Street in the vicinity of the main entrance to the St Mary's site, and also seeking the installation of speed bumps on Brunswick Street.

Mr MacDonald advised that he had met with the College Manager on-site and, as a result, it was proposed that two (2) watts profile speed bumps be installed on the one-way section of Brunswick Street where it joins Keen Street, below the old St Mary's buildings. This would require the erection of guideposts at both ends of the speed bump closest to the corner of Dawson Street to eliminate the potential for motorists to drive around the speed bump. In addition, it was proposed that 'No Stopping' signs be installed on both Dawson and Brunswick Streets, positioned 10m back from the kerb line on each street to restrict parking close to the corner.

It was also proposed that a 30m length of 1-hour parking be introduced on the western side of Dawson Street from the new 'No Stopping' sign up to the Main Entrance to the College.

TAC49/02 **RECOMMENDED** that the above works be carried out at the earliest opportunity.

(02-3341:R6009,R6017)

5. **E Chawner;** drawing attention to the hazard for traffic turning at the intersection of Dibbs and Bright Streets, East Lismore, and requesting improved conditions.

It was confirmed that the eastern leg of Bright Street, at its intersection with Dibbs Street, was narrow with insufficient space for two vehicles to pass safely when either turning out of or into this street. As Bright Street was becoming more frequently used, both as an access to the University and onto Ballina Street via Nielson Street, it was agreed that there was a need for this intersection to be upgraded.

TAC50/02 **RECOMMENDED** that this item be referred to Council's Design Services Department with a view to preparing a plan and estimate for consideration of funding in a future works programme.

(02-3721:R7413,P1423)

6. **Lismore Taxis Co-Operative Limited;** seeking amendment to the existing taxi ranks within the Lismore CBD.

Mr MacDonald advised that further negotiations had taken place with Lismore Taxis with the result that it was now proposed that the four (4) ranks to be retained in the CBD would be at the –

1. Gollan Hotel corner and its feeder on the eastern side of Keen Street;
2. Transit Centre;
3. Lismore Central, Carrington Street; and
4. Lismore Workers' Club, Keen Street.

LISMORE CITY COUNCIL - Meeting held June 11, 2002

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD ON MAY 15, 2002 (Cont'd)

6. **Lismore Taxis Co-Operative Limited** (Cont'd)
It was also proposed to extend the length and times of operation for the existing part-time rank on the eastern side of Molesworth Street, north of the mid-block crossing. The new times of operation would be 7.00pm to 6.00am with ½-hour parking at other times in accordance with current signage. The rank would extend north to the kerbside dining area adjacent to the Strand Arcade.
The existing taxi ranks on the northern side of Magellan Street, west of Keen Street, and on the southern side of Woodlark Street, east of Molesworth Street, would be converted to ½-hour parking - motor cycles only.
- TAC51/02** **RECOMMENDED** that the above alterations and additions be carried out at the earliest opportunity. (02-3954:S352)
7. **M Oliver**; providing comment on the removal of the marked pedestrian crossing on Ballina Street, near Keen Street, Lismore.
NSW Roads & Traffic Authority; advising in connection with pedestrian access across Ballina Street, near Keen Street, Lismore.
The Committee expressed disappointment at the RTA's response to Council's request for consideration of an underpass and noted that the location would still be identified on the PAMP plan currently being prepared as needing facilities to be significantly upgraded to that which currently existed.
It was suggested that the issue of widening the centre median at the existing pedestrian refuge location be referred to Council's Design Services Department for preparation of a plan and estimate for works necessary to upgrade the facility to a more appropriate standard.
- TAC52/02** **RECOMMENDED** in accordance with the above. (02-4588,02-4730:S342)
8. **Lismore Turf Club**; seeking permission to hold a Truck Parade and Show on Saturday, September 7, 2002, and outlining parade details.
It was noted that the parade would require close co-operation with the Police Service and that no road closures would be required. The Committee raised no objection to the proposed parade provided Police consent was also obtained.
- TAC53/02** **RECOMMENDED** in accordance with the above. (02-4944:S336)
9. **L Beattie**; expressing concern for the lack of visibility afforded to motorists by the decorated roundabouts in Lismore and requesting action be taken to improve safety at these intersections.
It was noted that this issue had been raised on many occasions in the past and it was felt that adequate sight distance was afforded of approaching vehicles to the right provided due care was taken by motorists. Generally, restricted sight distance had the effect of slowing approach speeds which could be seen as a positive attribute to the operation of the facility.
- TAC54/02** **RECOMMENDED** that the writer be advised accordingly. (02-4953:S342)
10. **NSW Roads & Traffic Authority**; seeking review and approval of the Contractor's Environmental Management Plan for the rehabilitation of Coleman's Bridge over Leicester Creek, Lismore.
The Committee noted the proposed closure and traffic regulation times and dates. There were some concerns that these were not in accordance with the conditions of approval and this issue was being pursued by Council's Development Assessment Engineer.
- TAC55/02** **RECOMMENDED** that the above be noted. (02-5078:D010223)
-

11. **C Wilson;** seeking the provision of safe pedestrian access near the intersection of Wickham Place and Bangalow Road, Clunes.
Mr MacDonald advised that he had spoken with Mr Wilson and the owner of the property on the north-eastern corner of Main Street and Wickham Place with the result that an area opposite the front gate to No. 55 Main Street had been identified as offering the best view of oncoming traffic in both directions for pedestrians wishing to cross the road within the area in question. This location could be enhanced by the construction of a small length of footpath along the eastern side of Main Street, from Wickham Place up to a point opposite the front gate to No. 55.
As the number of pedestrians who would normally cross at this location was relatively small, the installation of a formal pedestrian crossing was not warranted.
The installation of a 'School Zone' on Main Street was also not possible as the Clunes School did not have direct frontage to this road. The owner of the property on the corner of Wickham Place had also undertaken to trim the shrubs overhanging onto the road reserve in an effort to improve visibility in general.
- TAC56/02 RECOMMENDED** that the writer be advised in accordance with the above and that the footpath works be referred to the Roads & Infrastructure Department for inclusion in a future works programme. (02-5118:S342,R1308,R4101)

12. **NSW Roads & Traffic Authority;** forwarding a copy of the document entitled "A Practical Guide to Addressing Road Safety Issues Around Schools" for the Committee's information.
The new guide was tabled at the meeting and its contents noted by members.
- TAC57/02 RECOMMENDED** that the above be noted. (02-5197:S374)

13. **Thomas George, MP;** on behalf of Ms Carolyn Ezzy who expressed concern for the safety of children awaiting the School bus at the intersection of Muller and Rous Roads, Tregeagle.
The Committee was advised that the location had been inspected and there was an area immediately on the bottom side of the intersection that could be developed as a proper bus bay with little work. The Chairperson pointed out that the Developer of land on the corner was being required to carry out some upgrading works to Muller Road and it may be possible to undertake the bus bay works at the same time. The issue of funds would obviously need to be clarified prior to any works commencing.
- TAC58/02 RECOMMENDED** that the above bus bay works be undertaken as soon as a funding source had been identified. (02-5339:R5304,R6610)

GENERAL BUSINESS

14. **Intersection of Buckendoon School Lane / Forest Road, Buckendoon**
Mrs Marie Hull had asked that the Committee investigate the need for signage at the above intersection.
Whilst an on-site inspection had indicated that adequate sight distance of vehicles propped at the intersection did exist, due to the relatively high speeds of vehicles heading north, it was suggested that a T-Junction warning sign, together with a 'Slow Down' plate beneath, be erected for north-bound traffic approximately 250m-300m before the intersection.
- TAC59/02 RECOMMENDED** in accordance with the above. (R5707,R5708)

15. 'No Stopping' Signs – Avondale Avenue, Lismore

Mr Raymond Hill had asked that the Committee investigate the need for 'No Stopping' signs opposite the St Vincent's Hospital entrance.

The Committee was advised that there was a need for a 'No Stopping' zone to be erected on the northern side of Avondale Avenue, opposite the entry/exit driveway to the St Vincent's Hospital. The resident immediately behind the proposed zone had been consulted and had raised no objection to the proposal to prohibit parking in this area.

TAC60/02 RECOMMENDED that a 'No Stopping' zone be introduced along the northern side of Avondale Avenue, from the existing 'No Stopping' sign east of No. 58 to just west of the driveway to No. 58 Avondale Avenue. (R7408)

16. Parking Facilities – Woodlark Street, Lismore

The Access Committee had requested that consideration be given to changing the existing ½-hour parking area on the southern side of Woodlark Street beside the bridge, to 1-hour.

The intention of this change was to give visitors to the Northern Rivers Area Health Service located in the Manchester Unity building adequate time for their appointment, bearing in mind that many were elderly or less mobile. The proposed 1-hour limit would generally be in accordance with the remainder of the outer block kerbside parking.

TAC61/02 RECOMMENDED that 1-hour parking be introduced on the southern side of Woodlark Street, between Molesworth Street and Glasgow Lane. (R7329)

17. Eastpoint Shopping Centre, Goonellabah

Messrs Peter Burge, Luke Rytenskild (TTM) and Chris Soulsby were present for this item.

A layout plan of the proposed development was tabled at the meeting and issues that had not been addressed were identified and discussed. These included the –

- provision of a pedestrian refuge on Holland Street;
- adequate loading facilities to cater for 19m semi-trailers showing turning movements to and from;
- an access point to the development for pedestrians from subdivisions to the north;
- centre median fencing to restrict pedestrian access from the northern side of Ballina Road;
- identification of pedestrian routes from east and west of the development;
- deceleration lane for west-bound traffic wishing to enter the development;
- detailed plan of Holland Street and how it met with existing facilities such as the existing bus shelter and staff entrance to the Media Centre carpark;
- provision of a pedestrian access point onto the development site from Holland Street, and
- any footpath facilities to be of a minimum width to cater for a shared footpath.

Mr Burge undertook to arrange amendments to the plan to address the above criteria and resubmit the plan to individual members during the following week for further comment with a view to obtaining agreement at the earliest opportunity.

TAC62/02 RECOMMENDED that the above requirements be addressed and plans amended accordingly prior to approval, provided voting members' agreement is reached. (D010772)

18. **Lismore Lantern Parade – Prohibition of Centre-Rank Parking, Molesworth Street, Lismore**

Mr MacDonald advised that as a result of further discussions with the Organisers of the parade, it had been proposed to restrict parking in the 2-hour section of the centre rank parking on Molesworth Street, from the ¼-hour parking in front of the Transit Centre heading south to the gap in front of the Fire Station. This location had proved to be a prime viewing point for people during last year's parade and prohibiting parking would eliminate any potential conflict between motorists wishing to exit the parking area in question, and pedestrians watching or taking part in the parade. The area would need to be barricaded off early on the morning of the parade for practical reasons.

TAC63/02 **RECOMMENDED** that the above proposal be implemented on the day of the parade. (R7322)

19. **No. 162 Blue Knob Road – Bend in Road**

Mr Ian Harrison had expressed concern for the dangerous 'blind' bend outside his home at the above location.

Mr MacDonald advised that insufficient time had prevented an investigation of this matter and he undertook to pursue this issue with Mr Harrison within the next few weeks and report back if required.

TAC64/02 **RECOMMENDED** that the above be noted. (R2001)

20. **Parking Facilities – Dalley Street, East Lismore**

Members were advised that a meeting had been held on-site with residents from Nos. 31-33 Dalley Street and discussions held with residents from Nos. 27 & 35 Dalley Street. As a result, it was proposed that 'No Stopping' zones be created for the driveway areas of No. 31 Dalley Street (*between 4m east and 2m west of the driveway*); No. 33 Dalley Street (*between 10m east and 2m west of the driveway*), and No. 35 Dalley Street (*between 6m east and 2m west of the driveway*). A 'No Stopping' zone already existed for No. 27 Dalley Street which allowed residents to reverse into the parking lane when leaving the property and proceed west. However, they had requested that consideration be given to providing 'Resident Parking Only' or 'Residents Visitors Parking Only' in the vicinity of their residence. It was noted that this proposal was not possible under RTA guidelines as the Permit Parking Schemes had been introduced only where period parking (eg, 2-hour parking) also existed. The permit provides an exemption from the time limit signposted.

TAC65/02 **RECOMMENDED** that the 'No Stopping' zones be introduced as outlined above. (R7426)

21. **Hollingsworth Creek Bridge - Union Street, South Lismore**

Results of recent traffic movement investigations were tabled for the Committee's consideration. It was noted that generally during peak periods the bridge saturated at the same time as the roundabout at the intersection of Union Street and Elliott Road (*ie, there were no gaps in traffic between the bridge and the roundabout*). It had been proposed that right-turns into Foleys Road be prohibited and the inside north-bound lane on Union Street be converted to a dedicated 'All Traffic in Right Lane Must Turn Right'. However, there were concerns that these measures may cause other problems, particularly for larger vehicles wanting to access Foleys Road. It was suggested that this area could be further monitored.

The Chairperson pointed out that the significance of the Hollingsworth Creek Bridge had been reduced due to current flood mitigation works which meant the flows in the creek during times of flood would not have the same impact. It was suggested that it may be possible to remove or extend the existing structure with a large culvert. It was suggested that this option could be submitted to the RTA for consideration.

TAC66/02 **RECOMMENDED** in accordance with the above. (R6938)

22. Lismore Central Delivery Bay – Keen Street, Lismore

Mr Warren Latimer had expressed concern for the damage being caused to the video store by large vehicles accessing the delivery bay at Lismore Central.

Mr MacDonald advised that he had met with the Manager of Woolworths at Lismore Central on-site to discuss the problems associated with large vehicles reversing into the loading bay area from Keen Street, and the consequent damage to adjoining buildings. It was noted that access to the loading bay area was originally constructed with the intention that vehicles would enter from Carrington Street and leave via Keen Street, all in a forward movement. However, it would appear that the severe change in grade of the internal driveway closer to the Carrington Street end resulted in many of the larger delivery vehicles grounding on the driveway, leaving them no option but to reverse in from Keen Street.

The existing concrete driveway was in a deteriorated state in the vicinity of the loading area and it was felt that it may be appropriate for the Centre owners to consider resolving the existing grounding problems by carrying out upgrading works which would include close examination of the grade of the driveway to ensure that all delivery vehicles could enter and leave the facility in a forward movement.

TAC67/02 RECOMMENDED that a letter be addressed to the Centre Management and Woolworths outlining Council's concerns and seeking their support in resolving the above issues. (R7313)

23. Parking Area - Whian Whian Road

A plan was tabled at the meeting which showed a proposal to upgrade and formalise the existing parking arrangements just west of the bridge on Whian Whian Road. The Committee raised no objection to the proposed upgrade but suggested that a 'Turning Traffic' warning sign be erected on Whian Whian Road, each side of the proposed carpark, as part of any future works.

TAC68/02 RECOMMENDED in accordance with the above. (R3453)

24. Herbfest 2002

Mr John Bancroft was in attendance for this item and invited to outline the proposed event relevant to traffic arrangements. Mr Bancroft clarified that this would be a 'one off' event in the proposed location and had been necessary because of the impending flood levee construction at Heritage Park where the event was held last year.

It was proposed to close a section of Molesworth Street and Bounty Street from 10.00am on Friday, August 16, 2002 until approximately 6.00pm on Sunday, August 18, 2002. At this stage it was also proposed that a parade be conducted on the Saturday with the most likely route being south along Molesworth Street from the Clyde Campbell Carpark.

Snr Const Sales advised that separate Police approval would need to be obtained for the parade. Mr Bancroft would liaise with all businesses in the affected road closure area in the near future, advising them of the proposal and there would be extensive media coverage which would include the road closure times, etc. The Committee suggested that Molesworth Street be closed from Ballina Street to just south of the Medical Centre, and Bounty Street be closed from Molesworth to Carrington Streets.

TAC69/02 RECOMMENDED that approval be given for the road closures as outlined above and for the parade subject to Police consent also being obtained. (S704)

25. Memorial Baths Redevelopment

Mr Chris Allison was in attendance for this item and invited to outline traffic issues relevant to the proposed development. A plan was tabled which showed a bus bay to be constructed on the north-western corner of Market and Victoria Streets with direct access to the Baths facility adjoining the bay. Whilst the Committee supported this option in principal, there were some concerns regarding the access route to the bay by buses.

It was suggested that Kirklands Coaches be contacted with a view to gaining its support to test the route from beneath the Ballina Street Bridge to confirm that such a proposal would not present problems. A drop-off/pick-up area and disabled parking should also be incorporated along the northern side of Market Street.

TAC70/02 RECOMMENDED that the Committee's views be taken into consideration when final determination was being made. (P6768)

26. Culvert - Dorroughby Road

Mr Stan Heywood had expressed concern for the corner at the top of the hill on Dorroughby Road before Boomerang Creek; on the right-hand side between the first and second driveway. A vehicle had gone into the culvert at this location.

Mr MacDonald advised that he had been unable to identify the exact location as described by Mr Heywood and further contact would be made to allow the matter to be fully investigated and appropriate action taken.

TAC71/02 RECOMMENDED in accordance with the above. (R3501)

27. Appointment to NSW Staysafe Committee

It was noted that Mr Thomas George, MP, had recently been appointed to the NSW Staysafe Committee which would allow greater representation from this area to the many relevant issues.

TAC72/02 RECOMMENDED that Council extend its congratulations to Mr George on his recent appointment. (S352)

This concluded the business and the meeting terminated at 12.00 pm.

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

EPA Licence – quarterly report on controlled waste facility for period 1/7/01 to 30/9/01

This is a report submitted quarterly which requires the common seal.

EPA Licence – quarterly report on controlled waste facility for period 1/10/01 to 31/12/01

EPA Licence – quarterly report on controlled waste facility for period 1/1/02 to 31/3/02
(P25041)

Service Agreement for funding from NSW Department of Community Services

\$10,859 salary subsidy for a community worker and \$31,939 for funding of the Koala Long Day Care Centre.

(02-6205: S728)

Contract for the Supply of Electricity to Non-Metered Sites

As part of the deregulation of the power industry, councils are able to choose the supplier of electricity for street lighting. Council has previously (June 2000) chosen to use the State Supply contract for the supply of power for contestable sites. The State Government has now finalised the Electricity Supply Agreement for the supply of electricity to non-metered sites, which includes street lighting with Energy Australia.

(S95)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, MAY 14, 2002 AT 6.02PM.

Present: His Worship the Mayor, Councillor Gates; Councillors Baxter, Crowther, Gallen, Hampton, Irwin, King, Roberts, Suffolk, Swientek and Tomlinson, together with the Acting General Manager (Craig Kelly); Group Managers- Corporate & Community Services, City Works, Acting Group Manager-Planning & Development (Helen Manning); Manager-Client Services, Manager-Finance & Administration, Manager-Community Services, Manager-Human Resources, Manager-Communications & Community Relations, Contracts Officer, Acting Manager-Environmental Health, Manager-Waste Services, Waste Minimisation Officer, Waste & Education Officer, Recreation Planner, Events Co-ordinator, Events Administrative Officer, Manager-Economic Development & Tourism, Administrative Services Manager and Team Leader-Administrative Support.

86A/02 **Apologies/**
Leave of
Absence: An apology for non-attendance on behalf of Councillor Chant was received and accepted and leave of absence granted.
(Councillors Baxter/King)

87/02 **Minutes:** The minutes of the Ordinary Meeting held on April 9, 2002 were confirmed.
(Councillors Irwin/Tomlinson)

88/02 The minutes of the Special Meeting held on April 16, 2002 were confirmed.
(Councillors Crowther/Swientek)

PUBLIC ACCESS SESSION:

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

Margaret Nelson re Mayoral Minute – Continuation of Pumping into Lismore Lake

(See Minute No. 89/02)

Ms Nelson spoke to a number of points with respect to the usage of powerboats and birdlife. (P27012)

Peter Cordery re Lismore Masters Games 2003

(See Minute No. 97/02)

Mr Cordery stressed the success of past Games, both in terms of their conduct and broad economic benefit to the City. He sought Council's ongoing support for the Games. (S805)

Frances Trimboli, Fran Hopkins and Local Residents re Goonellabah Indoor Sports & Leisure Centre

(See Minute No. 98/02)

All expressed the need for a youth facility in Goonellabah. A brief description of existing services was given as well as details of how the proposed development would enhance these services and benefit the youth of Goonellabah.

(P22522)

Clint Mallett re FNC Hockey – Financial Assistance

(See Minute No. 100/02)

Mr Mallett supported the report and recommendation before Council. He outlined the benefits to Lismore of the proposed works and sought an ongoing relationship with Council.

(P25886)

Effie Ablett re Skyline Road Realignment and Sealing

(See Minute No. 101/02)

Ms Ablett spoke to her submission, stressing possible conflict between the local koala population and the new road. She warned Council of possible legal action in this regard and urged the consideration of alternative routes.

(S642)

Richard Crandon re Kadina Park

(See Minute No. 99/02)

Mr Crandon outlined grants that Goonellabah Rotary Club had received for this project and work completed to date. He stressed that the grants were not transferable to other projects.

(P517)

MAYORAL MINUTES:

Continuation of Pumping Into Lismore Lake

89/02

RESOLVED that the minute be received and Council authorise staff at the appropriate time to pump water into Lismore Lake providing all the necessary approvals are granted to Council.

(Councillors Gates/Crowther)

Voting against: Councillor Irwin

(P27012)

Financial Plan for Levee Bank & Memorial Baths

90/02

RESOLVED that the minute be received and a financial plan or plans be presented to a Council workshop using at least the criteria contained within the revised minute.

(Councillors Gates/Crowther) (S106,P6768)

Refund of Section 64 Fees for Properties Purchased under the Flood Acquisition Scheme

91/02

RESOLVED that the minute be received and the Group Manager-Business & Enterprise be requested to submit a report on the issues raised in the mayoral minute.

(Councillors Gates/Crowther) (S744,S106)

Purchase of Lift – New Library Building

92/02

RESOLVED that the minute be received and –

- 1 Due to extenuating circumstances, Council not call tenders for the supply and installation of a lift for the library.
- 2 Council contract directly with Kone Australia for the supply and installation of “motor room less” lift for the amount of \$175,000.

(Councillors Gates/Irwin) (P26243)

RESCISSION MOTION:

Herb Festival

- 93/02 Formal notice having been given by Councillors Irwin, Roberts and Tomlinson it was **RESOLVED** that the Council rescind its decisions at the special meeting of Council on April 16 re funding for the Herb Festival.
(Councillors Irwin/Roberts)
Voting Against: Councillors Baxter, Hampton, Suffolk, Gates and Crowther.
(02-4783: S704)

NOTICE OF MOTIONS:

Herb Festival

- Formal notice having been given by Councillor Irwin, it was **MOVED** that the Herb Festival be funded to the sum of \$ \$28,000.
(Councillors Irwin/Gallen)
On submission to the meeting the **MOTION** was **DEFEATED**.
Voting Against: Councillors Swientek, Baxter, Hampton, Suffolk, Gates and Crowther.
(02-4784: S704)

Electronic Phone-Answering Services

- 94/02 Formal notice having been given by Councillor Irwin it was **RESOLVED** that –
- 1 In future if changes are proposed to be made to Council's services which impact on the way the citizens communicate with the Council, Councillors' advice be sought on that decision ahead of time.
 - 2 Staff initiate formal opportunities for the community to provide feedback on the new diversion system.
 - 3 Council appoint Councillor Irwin to work with staff in evaluating community feedback.
 - 4 A report be submitted to the Council outlining the findings of the evaluation proposed to be conducted after the initial 6 month operating period.
- (Councillors Irwin/Swientek)
Voting against: Councillors Baxter and Crowther
(02-4785: S64)

Residential Occupation of the CBD

- 95/02 Formal notice having been given by Councillor Roberts it was **RESOLVED** that a report be brought to Council as part of the review of the Urban Development Strategy canvassing the merits or otherwise of encouraging residential occupation of the CBD. That such a report give consideration to parking issues, flood risk concerns and any other issues considered of importance.
(Councillors Roberts/Irwin)
Voting against: Baxter, Suffolk, Hampton, Gates and Crowther.
(02-4186: S137)

Consultation Process – Reconstruction of Memorial Baths

- Formal notice having been given by Councillor Tomlinson it was **MOVED** that Council conduct a wide-ranging consultation process with the community on the options for the reconstruction of the memorial baths. The consultation to take place before any further decisions are made regarding the baths and to include the business community, pool user groups, urban and rural residents and other interested parties.
(Councillors Tomlinson/Roberts)
On submission to the meeting the **MOTION** was **DEFEATED**.
Voting against: King, Baxter, Suffolk, Hampton, Crowther and Gates.
(02-4923: P6768)
-

SUSPENSION OF STANDING ORDERS:

96/02 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- **Lismore Masters Games 2003**
- **Goonellabah Indoor Sports & Leisure Centre**
- **Kadina Park**
- **FNC Hockey – Financial Assistance**
- **Skyline Road Realignment and Sealing**
(Councillors Irwin/Hampton)

Lismore Masters Games 2003

97/02 **RESOLVED** that the report be received and -

- 1 Council disband the Games Interim Committee and thank all for their efforts.
- 2 Council sanction the 2003 Masters Games subject to a comprehensive sponsorship/financial report being compiled for consideration in October/November 2002.
- 3 Council sanction formation of the 2003 Lismore Rainbow Region Masters Games Organising Committee with the following Committee Members:

Councillors x 2	To be nominated by Council
North Coast Academy of Sport x 1	Tony Clarke
Lismore Economic Development Board x 1	Vacant
Southern Cross University x 3	Peter Cordery, Jak Carroll & Dave Arthur
Lismore Unlimited x 2	Ian Carrington and vacant
Tourism Industry x 1	Maree Walo
Department Sport & Recreation x 1	Vacant
Lismore District Sports Association x 2	To be nominated by LDSA.
Community/Sport x 4	Paul Deegan, Dave Graham, Alison James and vacant.

- 4 Council appoint Councillor Chant and Councillor Hampton to the 2003 Games Committee.
- 5 Vacant Committee positions be pursued and nominations be reported to Council in October 2002.
- 6 The dates for the 2003 Games be September 26th, 27th and 28th (Friday to Sunday).
- 7 2001 Game Sponsors and Sports be given first option to be involved with the 2003 Event.
- 8 Council signal its "in principle" endorsement of recommendations contained within the Games Strategic Review and Lismore Rainbow Region Masters Games Vision, Mission and Goals documents.

(Councillors Gallen/King) (S805)

Goonellabah Indoor Sports & Leisure Centre

A MOTION WAS MOVED that the report be received and –

- 1 That Council allocate Section 94 and Community Facility funds as set out in this report for the construction of the Goonellabah Indoor Sports and Leisure Centre and its adjoining infrastructure.
- 2 That Council commit and allocate the following funds to the construction of both the facility and its associated infrastructure as set out in the report, being
 - a) Contractors reserve fund - \$200,000
 - b) Roads construction budget -\$120,000
 - c) Loan funding - \$180,000

from which to fund the \$500,000 shortfall as outlined in this report to provide the facilities and infrastructure as indicated.

- 3 That Vantage Project Management P/L be advised that Council will proceed with the construction of the Goonellabah Indoor Sports and Leisure Centre and that this is contingent on their previous offer being finalised.
- 4 That Council continue to seek partnerships with community groups to operate and manage the facility.
- 5 That Council apply for RTA funding to provide an appropriate footpath to the facility.
- 6 That Council staff conduct small scale public consultation to ascertain the appropriateness of the current design and improvements that could be made to better satisfy community needs.

(Councillors Swientek/Irwin)

AN AMENDMENT WAS MOVED that this matter be deferred until the financial plan is finalised, as detailed in the Mayoral Minute and in the interim, the Goonellabah Rotary Club be approached to ascertain whether they would be agreeable to transfer the Regional Solutions Grant to this project. It be understood that the Rotary Club would receive credit for the project and erect a plaque indicating such recognition.

(Councillors Crowther/Hampton)

At the request of the mover and seconder the amendment was WITHDRAWN

AN AMENDMENT WAS MOVED that this matter be deferred until the financial plan is finalised, as detailed in the Mayoral Minute.

(Councillors Gates/Hampton)

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

AN AMENDMENT WAS MOVED that the report be deferred until the budget management meeting and then be reported to the next Council meeting.

(Councillors King/Hampton)

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

Voting against: Irwin, Roberts, Tomlinson, Swientek and Gallen.

98/02 **RESOLVED** that the report be deferred until the budget management meeting and then be reported to the next Council meeting.

(Councillors King/Hampton)

Voting against: Irwin, Tomlinson, Swientek and Gallen.

(P22522)

Kadina Park

A MOTION WAS MOVED that the report be received and –

- 1 That Council approve funding for the staged development of Kadina Park, as proposed within this report.
- 2 That other sources of funding continue to be actively pursued to offset Council's financial contribution to the project.

(Councillors Irwin/Roberts)

AN AMENDMENT WAS MOVED that the report be deferred until the budget management meeting and then be reported to the next Council meeting.

(Councillors Gates/King)

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

Voting against: Councillors Irwin, Roberts, Tomlinson, Gallen and Suffolk.

- 99/02 **RESOLVED** that the report be deferred until the budget management meeting and then be reported to the next Council meeting.
(Councillors Gates/King)
Voting against: Councillors Irwin, Roberts and Tomlinson.

FNC Hockey – Financial Assistance

- 100/02 **RESOLVED** that the report be received and Council financially assist the Far North Coast Hockey Incorporated in the upgrading of the playing surface by providing :-
- 1 A grant of \$30,000 from S94 (\$20,000 City Wide & \$10,000 Urban Catchment East)
 - 2 A loan of \$420,000 from reserves, with the terms being primarily:
 - a) interest rate equivalent to the local government investment 'benchmark' rate plus .5%;
 - b) the term of the loan being 10 years;
 - c) the amount of the loan to be supported by personal guarantees;
 - d) all legal costs associated with this agreement to be borne by FNCH;
 - e) the General Manager be delegated authority to negotiate with FNCH on any other issue surrounding the loan.
- (Councillors Baxter/Hampton) (P25886)

Skyline Road Realignment and Sealing

A MOTION WAS MOVED that the report be received and –

- 1 That Council approve of the proposed upgrade and realignment of Durham Road and Skyline Road, Monaltrie, as set out in plans accompanying Mr Malcolm Scott's report of April 2002 entitled "Assessment of the proposed up-grading of Durham Road and Skyline Road, Monaltrie Lismore".
 - 2 That such approval be subject to the "conditions of approval" contained in Mr Malcolm Scott's report of April 2002 entitled "Assessment of the proposed up-grading of Durham Road and Skyline Road, Monaltrie Lismore".
 - 3 That Council forward its determination to National Parks and Wildlife Service for its concurrence.
- (Councillors Crowther/Hampton)

AN AMENDMENT WAS MOVED that the report be deferred pending legal advice and discussion at a workshop.

(Councillors Gallen/Tomlinson)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting against: Gates, Crowther, Hampton, Suffolk, King and Baxter.

- 101/02 **RESOLVED** that the report be received and –
- 1 That Council approve of the proposed upgrade and realignment of Durham Road and Skyline Road, Monaltrie, as set out in plans accompanying Mr Malcolm Scott's report of April 2002 entitled "Assessment of the proposed up-grading of Durham Road and Skyline Road Monaltrie Lismore".
 - 2 That such approval be subject to the "conditions of approval" contained in Mr Malcolm Scott's report of April 2002 entitled "Assessment of the proposed up-grading of Durham Road and Skyline Road Monaltrie Lismore".
 - 3 That Council forward its determination to National Parks and Wildlife Service for its concurrence.
- (Councillors Crowther/Hampton)
Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen and Swientek.
(S642)

102/02 **RESUMPTION OF STANDING ORDERS:**
RESOLVED that standing orders be resumed.
(Councillors Irwin/Hampton)

ADJOURNMENT:

The meeting adjourned at 9.08pm and resumed at 9.18pm.

REPORTS:

Lismore Masters Games 2003

(See Minute No. 97/02)

103/02 **S96 Amendment to DA98/123 – 116 Fischer Street**
RESOLVED that this matter be deferred to the June or July meeting to give the proponent more time to seek a legal opinion or negotiate a compromise solution.
(Councillors Hampton/Baxter)
(D98/123)

Goonellabah Indoor Sports & Leisure Centre

(See Minute No. 98/02)

Kadina Park

(See Minute No. 99/02)

FNC Hockey Inc. – Financial Assistance

(See Minute No. 100/02)

104/02 **Recycling Service Review – Service Funding**
RESOLVED that the report be received and given the complexity of the issues discussed within this report, Council provisionally allocate \$35.80 in the 2002/03 budget, in lieu of the issues being considered further in a special workshop for Councillors, to be held at the earliest possible date and prior to Council's final approval of the budget for 2002/03, scheduled for June 25, 2002.
(Councillors Gates/Swientek)
(S763)

105/02 **Tenders for Collection of Recycling Materials from Drop-off Centres**
RESOLVED that this matter be deferred until after the Council workshop on the Recycling Services Review.
(Councillors Swientek/Baxter)
(T22010)

106/02 **Replacement of Council Plant V147 - Water Tanker**
RESOLVED that the report be received and –
1 Council purchase one (1) only **Mercedes Benz 3240** truck with the **Holmwood/Highgate** tanker unit as tendered (T22016) from **Southside Agencies of Lismore** for the cost of **\$292,114.25** (includes GST \$26,555.84),
and
2 Accept the 'Private Offer to Purchase V147' from **City Truck & Bus Centre of Ascot Vale, Victoria**, for the amount of **\$90,805.00** (includes \$8,255.00 GST component – Non ITC).
Change-over cost to Council will be **\$201,309.25** (with GST) (\$174,753.41 after ITC).
(Councillors Crowther/Gallen) (T22016)

Water & Wastewater Developer Contributions

- 107/02 **RESOLVED** that the report be received and Council adopt the policy on charging S64 contributions detailed in Attachment 1.
(Councillors Tomlinson/King) (S744)

Wastewater Usage Charging Strategy

- 108/02 **RESOLVED** that the report be received and –
- 1 That in determining wastewater loads for Basic Strength and Agreed Strength customers, fractions greater than or equal to .5 ET, be rounded up to the next whole number and if under .5 ET, rounded down to the next whole number.
 - 2 That the revised Wastewater Usage Charging Strategy Document be exhibited with a view to adopting it after seeking public comments.
 - 3 Council investigate ways to modify the charging system to accept fractions.
- (Councillors Hampton/Swientek) (S518)

Wayiganna Aboriginal Advisory Group Recommendations Following Comments Regarding Rabbit Proof Fence

- 109/02 **RESOLVED** that the report be received and that Council:
- 1 Note and implement recommendations 1,2,3,4, and 12.
 - 2 Note recommendations 8,9 and 10 have been commenced by Community Services staff and are further fully endorsed by Council.
 - 3 Request the General Manager to carry out recommendation 11.
 - 4 Refer recommendations 5,6,7 and 13 to MGM for consideration and provide subsequent advice to the Wayiganna Committee.
- (Councillors Irwin/Swientek)
Voting Against: Councillors Baxter and Crowther.
(S136)

Skyline Road Realignment and Sealing

(See Minute No. 101/02)

Master Plan for Oakes Oval

- 110/02 **RESOLVED** that the report be received and –
- 1 That the LDSA Committee be requested to liaise with the Lismore Council Economic Development and Tourism Unit Events Office, the business sector, and key stakeholders, to evaluate the proposals contained in this report.
 - 2 That a further report be prepared for the consideration of the Council following this evaluation, such report to clearly outline any proposed actions together with an associated time frame and a budget.
- (Councillors Irwin/Swientek) (P849)

DCP 17 Vegetation Management

- 111/02 **RESOLVED** that the report be received and Council proceed to adopt Development Control Plan No. 17 – Vegetation Management Order.
(Councillors Swientek/Roberts) (S453)

General Amendment to LEP 2000

- 112/02 **RESOLVED** that the report be received and –
- 1 Pursuant to S. 54 of the Environmental Planning & Assessment Act, draft Amendment No. 10 to LEP 2000 (General Amendments for 2002) include 'places of public worship' as permissible with Council's consent in the 6(b) Private Recreation Zone.

- 2 The proposed draft LEP be exhibited in accordance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 titled LEPs and Council Land - Guideline for Council using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council.

(Councillors Roberts/Hampton) (S800)

Management Plan Review – March 2002

A MOTION WAS MOVED that the report be received and -

- 1 The report be received and content noted.
- 2 No additional appointment be made to administration staff until the new General Manager takes up his duties.
- 3 Staff who produced the Management Plan Review be congratulated on the clear, easy to read document.

(Councillors Hampton/Swientek)

AN AMENDMENT WAS MOVED that –

- 1 The report be received and content noted.
- 2 Staff who produced the Management Plan Review be congratulated on the clear, easy to read document.

(Councillors Roberts/Tomlinson)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Gallen, Swientek, King, Baxter, Hampton, Suffolk, Gates and Crowther.

113/02 **RESOLVED** that –

- 1 The report be received and content noted.
- 2 No additional appointment be made to administration staff until the new General Manager takes up his duties.
- 3 Staff who produced the Management Plan Review be congratulated on the clear, easy to read document.

(Councillors Hampton/Swientek)

Voting Against: Councillors Irwin, Roberts and Tomlinson. (S4)

March 2002 Quarterly Budget Review Statement

114/02 **RESOLVED** that the report be received and –

- 1 Council adopt the March 2002 Budget Review Statement for General, Water and Sewerage Funds.
- 2 This information be submitted to Council's Auditor.
- 3 Council confirms management's actions in borrowing \$200,000 for Flood Prone Property Acquisitions.

(Councillors Swientek/Irwin) (S779)

Councillor Membership of the Northern Rivers Herb Festival Committee

A MOTION WAS MOVED that the report be received and –

- 1 Council nominate Councillor Irwin as a member of the Northern Rivers Herb Festival Organising Committee
- 2 Council allocate \$20,000 for the Herb Festival.

(Councillors Gallen/Crowther)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 Council nominate Councillor Irwin as a member of the Northern Rivers Herb Festival Organising Committee
- 2 Council allocate \$28,000 for the Herb Festival.

(Councillors Tomlinson/Irwin)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Gallen, Swientek, Baxter, Hampton, Suffolk, Gates and Crowther.

- 115/02 **RESOLVED** that the report be received and -
- 1 Council nominate Councillor Irwin as a member of the Northern Rivers Herb Festival Organising Committee
 - 2 Council allocate \$20,000 for the Herb Festival.
(Councillors Gallen/Crowther)
- Voting Against:** Councillor Swientek. (S704)

Contribution to Legal Costs – Telecommunication Carriers

- 116/02 **RESOLVED** that the report be received and Council contribute the amount of \$4,391 to the LGSA appeal to the High Court.
(Councillors Irwin/Roberts) (02-4957: S158)

DOCUMENTS FOR SIGNING AND SEALING:

- 117/02 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Contract of Sale and Transfer – Sale of Lot 22, DP 855155, 16 Bristol Circuit, Goonellabah

Council has received an offer of \$52,000 for the purchase of Lot 22, DP 855155, being vacant land. This price is consistent with the previous two sales, being Lot 20 for \$47,000 and Lot 23 for \$52,500. This resolution to execute the contract of sale and transfer documents follows Council's previous resolution of July 2001 in which Council resolved to sell Lot 22.
(P25533)

Contract of Sale and Transfer Sale of Lot 16 DP855155, 4 Bristol Circuit, Goonellabah

Council has received an offer of \$49,000 for the purchase of Lot 16 in DP855155, being vacant land at Bristol Circuit, Goonellabah. This lot was previously valued at \$46,000 and is somewhat steeper than the lot noted above. The price is above expectation and considered good value.
This resolution to execute the contract for sale and transfer documents follows Council's previous resolution of July 2001 in which Council resolved to sell Lot 16.
(P25527)

Transfer to Berger – New Lot 26 in subdivision at Airport

Transfer to Wright – Lot 22, DP 1035497 – subdivision at Airport

Hangar space at Lismore Airport.

(02-5334: P25804) (Councillors Hampton/Baxter)

MATTER OF URGENCY

- 118/02 **RESOLVED** that the following item be admitted to the business paper as a matter of urgency.
(Councillors Gates/Suffolk)

S96 Amendment DA99/910 - Macadamia Processing Company

- 119/02 **RESOLVED** that the S96 Amendment for DA99/910 for Macadamia Processing Company be delegated to the General Manager, provided that the minor variation is not one of the issues identified as a major concern by residents.
(Councillors Gates/Suffolk) (D99/910)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:

A MOTION WAS MOVED that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters:-

Item 1: Report - Lismore Square Property Matters

Item 2: Mayoral Minute - General Manager's Annual Performance Review 2000/01 and associated matters

Item 3: Report - Appointment of New General Manager
(Councillors Crowther/Hampton)

AN AMENDMENT WAS MOVED that only Items 2 and 3 be dealt with in Committee of the Whole and Item 1 be dealt with in open Council.

(Councillors Swientek/Tomlinson)

On submission to the meeting the AMENDMENT was DEFEATED

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

120/02 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters:-

Item 1: Report - Lismore Square Property Matters

Item 2: Mayoral Minute - General Manager's Annual Performance Review 2000/01 and associated matters

Item 3: Report - Appointment of New General Manager
(Councillors Crowther/Hampton)

Voting against: Councillor Swientek

RESUMPTION OF OPEN COUNCIL:

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

Item 1: Report - Lismore Square Property Matters

121/02 **RESOLVED** that the report be received and Council adopt the recommendations 1 to 5 as outlined in the conclusion of the report.

(Councillors Gates/Hampton)

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

Dissenting Vote: Councillors Irwin, Tomlinson, Gallen and Swientek.
(S725, P6834)

Item 2: Mayoral Minute - General Manager's Annual Performance Review 2000/01 and associated matters

122/02 **RESOLVED** that the minute be received and the terms of the proposal submitted by the General Manager be adopted by the Council.

(Councillors Gates/Crowther)

Voting Against: Councillors Gallen, Swientek, Baxter and Hampton.
(E/GAI-020)

- 123/02 **Item 3: Report - Appointment of New General Manager**
RESOLVED that report be received and the preferred candidate Mr Paul O'Sullivan be made an offer of appointment to the position of General Manager, Lismore City Council, and the terms of contract be negotiated in relation to the incumbent's contractual terms, excluding performance bonus. Councillors be provided with a copy of the contract. The contract also to be copied to Councillors.
(Councillors Crowther/Swientek)
Voting Against: Councillors Irwin, Roberts, Tomlinson and Gallen.
Dissenting Vote: Councillors Irwin, Roberts, Tomlinson and Gallen.
(J2002-01)

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

CONFIRMED this 11th day of JUNE 2002 at which meeting the signature herein was subscribed.

MAYOR

