

COUNCIL Business Paper



LISMORE
City Council

December 15, 1998



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue,

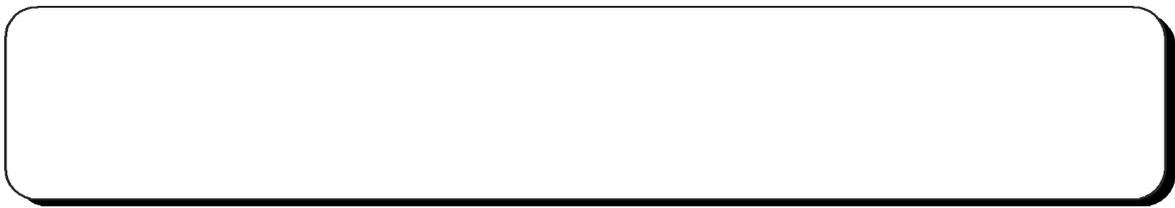
GOONELLABAH on TUESDAY,

DECEMBER 15, 1998, at 6.00pm and members of Council are requested

to attend.

(Ken Gainger)
GENERAL MANAGER

December 8, 1998



PUBLIC ACCESS SESSION:

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MAYORAL MINUTE

Subject/File No: Sale of Council Property at 16 Meadow Drive, South Lismore - Lot 41, DP 253852 (P6648)

Council determined at a workshop on 30 September, 1997 to sell various parcels of excess property, one of those being Lot 41, DP 253852. A Management Group Meeting of 25 June 1998 confirmed that the sale of these properties should occur.

A report, *Sale of Surplus Council Property 239/98*, was presented to Council on 14 July and the Council determined to sell this and other parcels of land.

Unfortunately, neither at the workshop nor in subsequent reports was Council advised that the land is used as a local park, that playground equipment was erected on it some four years ago and that there is an established neighbourhood garden at the back of the park. This park is maintained predominantly by neighbours and it is used by many local children.

You will have noted that there is great community concern that the park might be lost. In discussion with members of the community it seems likely that they would be prepared to mow and maintain the park, so retention of it should not impact negatively on Council's budget.

To ensure that it continues as a park into the future the land needs to be classified as community land.

STAFF COMMENTS:

Parks & Reserves Technical Officer - Sandy Pimm

No. 16 Meadow Drive is tucked in behind houses and not obviously accessible to anyone except the adjoining neighbours. The park is a cost to the Parks Department in maintenance and travelling time, and its level of usage is questionable. The equipment is aging, but useable.

Nesbitt Park is located at the end of Meadow Drive and is only a short walk for residents. It is recognised that the use of Nesbitt Park is primarily for active recreation, and no other playground facilities exist in the immediate locality. I suggest a better outcome for all would be to relinquish the Meadow Drive parcel and move the swings to a location within Nesbitt Park, so that structured and unstructured recreation may be integrated within this large area of open space.

Craig Kelly - Group Manager Business and Enterprise

In proposing to sell 16 Meadow Drive (Lot 41 DP 253852) there is no question that those houses immediately adjoining the property would be disadvantaged. This vacant lot, owned by Council, forms an extension of the adjoining properties back yards.

The issue at point is not what is in the best interests of that group but the broader interests of the community adjoining Nesbitt Park and Council in general. The adjoining property owners have had the benefit of this park for some years and the most pragmatic solution would be for those adjoining property owners to come to some agreement in respect of ownership.

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Mayoral Minute - Sale of Council Property at 16 Meadow Drive, South

Lismore

For the broader community the better solution would be to use any proceeds from the sale of the property for the embellishment of Nesbitt Park so that structured and unstructured recreation can take place in that open space.

My recommendation would be:

- 1 The land remain as operational
- 2 The land be offered for sale to the immediate property owners or owner.
- 3 If adjoining owners do not wish to take up the land then the land be offered for sale to the public
- 4 Any proceeds from the disposal of the land be used to provide recreation equipment in Nesbitt Park in accordance with the views expressed by the Parks and Reserves Technical Officer

RECOMMENDATION (MM001)

1. That Lot 41, DP 253832 at 16 Meadow Drive, South Lismore be withdrawn from sale.
2. That it be classified as Community Land and registered in Council's land register accordingly.
3. That negotiations commence now with residents on their accepting responsibility for maintaining the park.

MAYORAL MINUTE

Subject/File No: Upgrading and realignment of Skyline Road (S642,R5102)

Background:

Councillors will be aware that Skyline and Durham Roads were proposed as one of the arterial roads.

A report from Nick Juradowitch on the Council workshop on the DCP on Lismore Arterial Roads, dated 21 July 1994, recommended in regard to the Southern Bypass, that:

“The design of the Southern Bypass include appropriate Koala crossing and safety measures such as underpasses, speed restrictions and driver warning signs **and not be constructed until the Koala Management Plan is completed.**”

As we know, the Koala Management Plan has not been adopted and is therefore not completed.

Subsequent information demonstrated that an arterial road would have a ‘significant effect on the koala’. A report on this issue was considered by Council at it’s meeting of January 28, 1997 and the Council, on the basis of the information provided in that report, decided to proceed with upgrading Skyline and Durham Roads. No reference was made in this report to the above recommendations in regard to the DCP workshop. A copy of the report is attached for your information.

By now Councillors will have been aware of the fact that Council removed 8 Forest Red Gums, prime koala food trees in preparation for their work. At the request of a number of residents, I obtained the Review of Environmental Factors which is referred to in the attached report. I discovered that the Flora and Fauna Report on the road did indeed conclude that the negative impact of this road on the local koala population would be significant, however it also said a number of other things which were not reported to Council:

- a Species Impact Statement and an Environmental Impact Statement should be undertaken if there were to be any upgrading of the road
- the road should be redesigned and that in the redesign all koala food trees should be retained and measures should be undertaken to ensure that the current speed limits (50 km) were retained
- there should be an independent assessment of any redesign to ensure that the impact on koalas was minimised.

To the best of my knowledge, none of these actions occurred.

I believe Council was misled in that report. The Review of Environmental Factors does **not** state that upgrading Durham and Skyline Road to a bitumen standard would not cause a significant impact on the koala population. In fact it identifies that **any** increase in traffic volume or speed, as would clearly follow sealing and widening the road, **would** have a significant impact on the whole local population.

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Mayoral Minute - Skyline Road

I have contacted the consultant planner who prepared that report, and he has had no contact with anyone from Council since he wrote the report. He stands by his recommendation - in fact he said he was totally surprised by the evidence of sustained use of 93% of all the koala trees, and by his personal observation of a number of koalas when he visited the site. He has confirmed that **any** upgrading of the road should not proceed until a Species Impact Statement and an Environmental Impact Statement are completed to ensure that if it proceeds, compensatory measures such as underpasses, fences and traffic calmers can be included to provide some protection for koalas.

The consultant planner from Geolink, who prepared the Review of Environmental Factors (REF), has confirmed that he received a phone call from a member of Council's staff, that the engineers were clearly not happy about the recommendations in the REF, and that he was asked whether redesigning the road might mitigate against the impact on the koalas. He says that he said it might, however an independent assessment of any redesign would be necessary, and he heard nothing further from the Council on the issue.

Issues

The information provided to Council on this issue was misleading and incomplete as is clearly evident from reading the Review of Environmental Effects and the Council file.

It appears that the process followed by Council staff in handling this issue may not have ensured that the Council was in a position to fulfil its requirements under Schedule 5 of the Environmental Protection Act.

The Skyline Road area is the most significant area in our locality for koalas. The removal of the koala food trees that has already occurred will impact significantly on local koalas both now and in the future. The removal of any more trees **or** widening and sealing the road will have a high detrimental effect on koalas in both the short and long term.

This Council requires developers to address issues relating to the impact of developments on koalas. It is likely, in the negotiations around the Koala Management Plan, that it will also be seeking a commitment from landowners if we are to ensure the survival of the koala locally into the future. Our actions to date in regard to Skyline Road do not demonstrate that Council is prepared to practice what it preaches. If we proceed with upgrading this road without following proper process, how can we expect other developers and residents to do the right thing.

COMMENTS BY GROUP MANAGER-CITY WORKS

Following some years of planning and discussion, Council in August 1995 approved in principle the construction of an arterial road that would cross the river and connect the Bruxner Highway (Casino Road) with Wyrallah Road and Skyline Road.

The road formation was to be 13m. wide with a design speed of 100km per hour and when complete would attract traffic volumes at Skyline Road of:

2001 3000 vehicles per day
2016 5500 vehicles per day.

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Mayoral Minute - Skyline Road

Stage I of this project was to be the section of road between Wyrallah Road and Skyline Road. GeoLINK were employed to carry out the Part V assessment which included a Review of Environmental Factors and input from a koala specialist. GeoLINK's advice was that a road of this nature would have a significant impact on the koala population.

The Arterial Roads Committee met on December 5, 1996 and decided that mitigation was not an option as koalas would still have to cross a busy arterial road. The only real answer was not to construct the arterial road. The Committee was already aware that the local community had been campaigning to have the road sealed for some years and that the street meeting held at Wallaby Flat was generally in favour of the road being upgraded and sealed.

The planning advice received at the time was that if the road was to be sealed principally for local traffic and was to be constructed to a local traffic standard, no further assessments were required.

These facts were reported to Council on January 28, 1997 when Council resolved to construct this road as a "Link" road. (Refer to attachments.)

Due to the considerable time it took to negotiate the land transfer and Council's own heavy workload, construction has not commenced but was planned to begin this week. Work has been deferred pending Council's deliberations on the matter.

RECOMMENDATION (MM002)

1. That plans for upgrading Skyline Road be deferred pending:
 - preparation of Species Impact and Environmental Impact Statements on the road as currently proposed, preferably by the consultants who prepared the Review of Environmental Factors, given that they are already familiar with the area and the road.
 - A workshop on this issue so that Councillors can be fully informed prior to the consequent report coming to Council for a decision.
2. The General Manager be requested to enquire into the handling of this project to establish whether due and proper process was followed and a report on the outcome be provided to Council.
3. Steps be taken immediately to replace the removed trees with 160 koala food trees in the locality, with measures in place to ensure that they survive. It is normal practice for Council to request developers to replace a mature tree with 20 trees so this number is in line with that practice.

CITY OF LISMORE

NOTICE OF MOTION

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

That Council release a new flood warning pamphlet and publicity campaign as a matter of urgency.

COUNCILLO FF Swientek
R

DATE November 27, 1998

STAFF COMMENT BY: GROUP MANAGER CITY WORKS

Council has assembled a huge amount of information on flooding and the effects of flooding on the community. All of this information is held using Australian Height Datum to show the actual ground and flood levels.

In March 1998 Council started distributing this information, however it received criticism from the SES and Department of Public Works who have requested that all flood information be distributed using the Ballina River Datum (LWOST) which is what is shown on the old river gauge at the Rowing Club.

Unfortunately there is an 800mm difference between the two datums i.e. 10m AHD is equal to 10.80m LWOST. Clearly there is an urgent need to adopt only one datum.

To this date there have been three meetings to discuss this matter without resolution.

Last week I faxed a letter to the SES advising that Council would be making all its information available to the public in AHD. If the SES wished to use this information in any other format Council would make it available in AHD and the SES can convert the information to another datum.

Council in conjunction with Richmond River County Council is in the process of preparing flood and house floor level information for all the buildings within the flood affected areas of Lismore. This is planned to be available by the middle of December (see copy attached).

It is agreed that Council should proceed to circulate to all residents the floor and flood levels of buildings within the flood affected areas of Lismore and that additional information showing evacuation routes be contained with this handout.

(98-19520:S106)

CITY OF LISMORE

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 seek a cash contribution from Woolworths rather than \$420,000 development proposed for replacing the Lismore Neighbourhood Centre.*
2. *That Council call for expressions of interest from charitable institutions needing assistance and that \$100,000 from point 1 be earmarked for this fund.*
3. *That Council find alternative premises for the Lismore Neighbourhood Centre to rent, transferring any rental and financial assistance currently available to the Lismore Neighbourhood Centre to the new rental premises.*

COUNCILLO FF Swientek

DATE November 27, 1998

R

STAFF COMMENT BY GENERAL MANAGER:

The following comments are pertinent to the Notice of Motion:

- The discussions between the Council and McConaghy Holdings relative to the sale of Council land to the applicant to facilitate the shopping centre development, have been conducted on a *commercial in confidence* basis. These discussions include the proposed relocation of the Neighbourhood Centre. **For this reason discussion of the Notice of Motion should be held in Committee of the Whole.**
- DA 97/293 issued relative to the proposed Lismore Square extensions includes the following conditions which state:
 - 3.1 *“That a Development Application for the erection and use of a neighbourhood centre and associated infrastructure on lands known as 105 Diadem Street, (Lot 2 DP 368623) be made to Council and that the replacement to the Lismore Neighbourhood Centre be erected, completed and operational prior to the demolition of the existing Centre.”*
 - 3.2 *“That the re-location or redevelopment of the Lismore Neighbourhood Centre be at the full cost of the applicant or developer and at no cost to Council or the Lismore Neighbourhood Centre, or as negotiated between Council and the developer.”*
- The figure of \$420,000 stated in the Notice of Motion as the development cost for the relocation of the Neighbourhood Centre is not correct.

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- To change the proposed location of the Neighbourhood Centre from 105 Diadem Street would require a Section 96 application to vary condition 3.1 of the Development Consent including public exhibition of the proposed change.

- 105 Diadem Street was selected as the proposed site for the relocation of the Neighbourhood Centre following extensive consultation with a Project Team which included Neighbourhood Centre representatives. During this process many alternative flood-free sites throughout Lismore together with a range of existing and available buildings were explored and rejected as being unsuitable.
- Council has already determined by resolution 528/95 (Special Meeting held 5/12/95) to commit to the relocation of the Neighbourhood Centre, viz:

“That any agreement to grant options to Woolworths Limited and/or their authorised agent for the sale/lease of the subject properties be dependent upon their acceptance of terms and conditions specified by the Council and/or its delegated agent/s, including the following:”

“The relocation of the Neighbourhood Centre by the developer (presently 13 McKenzie Street, Lismore) to the satisfaction of the Council and without cost to the Council.”

(98-19563:P6621)

CITY OF LISMORE

NOTICE OF MOTION

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

That Council reiterate its current position re: Aquatics and proclaim by way of media release and notification in Community Link and Northern Rivers Echo advertising page that Council has not resolved to proceed with the joint venture with Southern Cross University. Council reiterate it has a number of options to pursue, the joint/venture being just one possible option and that it is by no means a foregone conclusion.

COUNCILLO F F Swientek

DATE November 27, 1998

R

STAFF COMMENT BY: Manager - Community Services

Council's current position is clearly spelt out in its resolution of October 26, 1998.

389/98 **RESOLVED** that the report be received and

- 1) That Council adopt the concept of a partnership with SCU as a benchmark option with the following essential components:
 - 50 metre x 8 lane pool
 - open all year
 - indoor/heated
 - leisure water area 300-400 sq metres
 - regional standard facility
 - affordability- general admission charges within the range of \$2-\$3
- 2) To address the issues of probity, Council immediately call for expressions of interest for other possible joint venture partners, placing a time limit for responses of one month.
- 3) Depending on the quality of the responses, Council project team select the best offers and allow a further one-month for those chosen to work up a solid proposal.
- 4) Should there be no competitive response to the call for expressions of interest the project team will advise Council by way of a project status report and the process to develop a joint venture Regional Aquatic Centre at the University will commence.
- 5) Council concurrently conduct further market research in accordance with the proposal submitted subject to the inclusion of an additional focus group comprising

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the elderly. This market research to be funded from loan funds raised for the Aquatic Centre development pursuant to the 1998/99 Management Plan and Budget.

- 6) The final decision to be determined by Council by February, 1999

390/98 **FURTHER RESOLVED** that Council in co-operation with the media undertake a concerted effort to inform the public of all the facts relating to the above decision.

Council staff are proceeding with the implementation of this resolution.

(98-19541:S719)

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Subject/File No: DRAFT AMENDMENT NO. 51 TO LISMORE LEP 1992
(HM: S724)

Prepared By: Manager Strategic Planning - Helen Manning

Reason: To advise Council of submissions received during exhibition

Objective: To obtain Council's determination as to whether or not to proceed with the amending LEP

Management Plan Strategic Planning

Activity:

Background:

At its meeting of October 27, 1998, Council resolved to prepare draft Amendment No. 51 to Lismore LEP 1992. This is the second regular amending LEP for 1998 and contained changes to the written plan and to the maps to enable the following:

1. Rezoning of land at Lismore Airport for the development of a new terminal
2. Rezoning of land at Tuncester to 4(a) Industrial Zone in accordance with Council's Industrial Land Study
3. The development of a service station adjacent to the Hilltop Hotel, Bruxner Highway, Goonellabah.
4. Insertion of a clause relating to land zoned 6(a) Recreation to the effect that Council is not required to purchase the land so zoned if it has resolved to rezone it.

A copy of the exhibited draft LEP and accompanying maps is in the attachment to this Business Paper. All the rezoning applications were contained in the attachments to the Business Paper of October 27, 1998.

Manager - Financial Services Comments Not requested.

Public Consultations

The draft amending plan was publicly exhibited for 30 days, with advertisements notifying the public of the exhibition inserted in Council's Newsletter page in "The Echo" and "Northern Star" at the beginning and towards the end of the exhibition period. The applications for amendment to the LEP were also exhibited for public information. Adjoining landowners were notified by letter. Relevant Government Authorities were notified and comments sought, with a reminder letter being sent towards the end of the exhibition period including advice that if no submission was received by the end of the exhibition it would be assumed that the authority had no comment to make.

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Draft Amendment No. 51 to Lismore LEP 1992

As a result of the exhibition the following written submissions were received:

Item 1 Airport Rezoning: One objection

Item 2 Industrial Rezoning at Tuncester: Five objections

Item 3 Service Station at Hilltop Hotel: One petition from nine households along Ballina Road.

Item 4 Alteration to planning controls relating to 6(a) Recreation Zone: No submissions.

Copies of all submissions are in the Attachment to this Business Paper. Comment on the issues raised in these objections follows.

Item 1 Airport Terminal Rezoning

Two grounds of objection are stated: the first claiming Council bias in zoning land at South Lismore, and the second objecting to increased noise pollution.

Comment: In relation to the first claim, Councillors will be aware from studying the objection that there is a history behind this objection; this history and a consideration of the issues was the subject of a comprehensive report to Council on February 13, 1996, following which Council resolved not to proceed with rezoning the objector's land. Manager-Strategic Planning endorses the conclusions of that report, which is included in the attachments to this Business Paper. Council is further advised that a search of the relevant property and LEP amendment files has revealed no rezoning application from the objector that equates in content to the rezoning applications submitted to effect the other South Lismore rezonings referred to in the objection; ie there has been no proposal for future development that does not conform to current planning controls, no analysis by a qualified flood/engineering consultant on the effect of the proposed development on flooding characteristics and of flooding on the proposal, and no rezoning fees paid. Councillors are reminded that the objector's land use is specifically permissible under Lismore LEP 1992 and there is no impediment in current or proposed planning controls to the continuation of that use.

The objector states that Council resolved to build a new airport terminal on the site and called for expressions of interest from design architects for the project prior to public consultation on the rezoning and having gone through these processes Council is unlikely to consider objections.

Comment: Council determined to place the airport terminal in the location shown in this LEP amendment following consideration of the Lismore City Airport Strategy in 1997 and the Lismore City Airport Development Study in July 1998. However neither of these reports appear to have been exhibited for public information or comment and there is some justification for the objector's cynicism, notwithstanding the fact that Council is obliged under the Environmental Planning and Assessment Act to consider submissions received within the exhibition period for an LEP Amendment.

The objector further argues that a 'notwithstanding' or enabling clause could be used to facilitate the airport terminal development, rather than a change in zoning.

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Comment: This is agreed; Council could consider the use of such a clause instead of rezoning if it wishes. This option was not canvassed in the rezoning application.

In regard to the second ground of objection, it is stated that there is no evidence of any attention to noise pollution generated by aircraft operating in the new location and the effect of such noise on nearby development.

Comment: It is understood that a noise assessment has been commissioned; however an assessment of noise effects on nearby development should have been part of an initial appraisal of any proposal for relocation of the terminal. Development which may be affected are a motel, a caravan park and a dwelling. It is not sufficient to require such an analysis only as part of the development application process; in order to rezone the land Council must be assured that the land is capable of and suitable for such development and the absence of any analysis of likely noise effects on adjacent tourist and permanent accommodation means that Council is not in possession of full information.

Conclusion regarding Item 1 - Airport Terminal Rezoning: The absence of analysis of possible noise impacts on surrounding development is a substantial impediment to a recommendation for rezoning and it will be recommended that Council defer consideration of the proposed rezoning until a noise assessment has been completed and can indicate that noise levels affecting surrounding development will be no worse than those currently affecting that development.

Item 2 - Industrial Rezoning at Tuncester

As all five objections raise substantially similar issues these objections will be considered on the basis of those issues, rather than individually.

Concerns raised by the public early in the exhibition process were relayed to the applicant, who subsequently clarified that the extent of the rezoning sought was not the entire Lot 3 DP 828423 as contained in the draft amending LEP, but in fact was less than half of that lot, being the eastern section of approximately 10.5 ha. This area is shown on Diagram 1 in this report. This confusion alone is a reason for re-exhibition of the proposal; however other issues raised by objectors and listed below should also be advised to the applicant who could be given the opportunity to address these matters.

Issues raised in objections are:

- a) there should be no possibility of residential development on the land that would conflict with the continuing operations of the Rifle Range.

Comment: Any application for a caretakers' residence in conjunction with industrial development would be considered under the same terms as a previous refusal of an application for a dwelling, subsequently upheld by the Land and Environment Court.

- b) there is no substantiation of demand for industrial development on the site and the rezoning application is speculative.

Comment: The majority of rezoning applications are speculative as under the current planning legislation there is no requirement to follow a successful rezoning application with a development application and often rezoned land is simply on sold. The question of demand cannot be definitively

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Draft Amendment No. 51 to Lismore LEP 1992

addressed by Council staff without the allocation of special purpose resources: it is acknowledged that the 1995 Industrial Land Study is based on outdated population statistics and omits analysis of the economics of industrial land development, specifically the economic effects of the need for filling in the flood plain. A brief survey of the Centenary (Goonellabah) and South Lismore industrial areas showed:

Centenary Estate: From a total of 59 lots, 14 were vacant (23%) although only 5 of these Carried 'For Sale' signs.

South Lismore: 3 buildings and 1 vacant lot "For Lease" in the Habib Drive/Krauss Avenue area.

4 vacant lots (without "For Sale" signs) in the Snow/Cook Street area

Elliott St. area almost fully developed for industrial purposes.

Airport Industrial Estate (Wyrain development) Stages 1 and 2 (16 lots) under construction, Stage 3 (5 ha.) rezoned.

The conclusion reached from this limited survey was that there is a need for the additional lots to be provided in the Airport Industrial Estate, but that should the South Lismore area be unacceptable for any reason there is no choice of alternative locations. The Tuncester land may, should all relevant criteria be met, provide that alternative location for any proposal not suitable for South Lismore.

- c) The application does not substantiate that the land is capable and suitable for either industrial or offensive and hazardous industrial use. The application does not analyse slope, soils, site drainage and groundwater, vegetation, agricultural land class, impacts on adjoining land or service availability.

Comment: There is a limited flood analysis with the rezoning application but its findings have been questioned by surrounding landowners who can recall much higher flood levels. This is one of the issues which should be re-addressed by the applicant.

Inspection of the land shows that vegetation comprises pasture with isolated native trees. Advice on service availability was relayed to the applicant prior to submission of the application and reported to Council on October 27.

- d) The development of the land would have an adverse impact on surrounding properties because of interruption of natural drainage patterns.

Comment: The applicant has responded that the reduction of the rezoning area to less than half of Lot 3 leaves ample room for the continuation of natural drainage from the eastern section of Lot 3 to its western section and then north under the railway line. There would also be room for a retention basin within Lot 3 if this was required.

- e) The application is not consistent with the requirements of the Industrial Land Study in terms of the requirements for investigation and information to be submitted prior to rezoning.

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Comment: This is one of the issues the applicant will be asked to address before any re-exhibition of the proposal.

- f) The application should be accompanied by a Development Application for the intended use to demonstrate that the land is capable and suitable for the use and the use is viable and ecologically sustainable.

Comment: Combining a rezoning and Development Application is not an efficient method of facilitating any type of development because of the length of time required for rezoning and the uncertainty as to its outcome. If Council wishes to facilitate employment creating development then sufficient suitable land should be rezoned prior to submission of Development Applications.

- g) A comparison is made between the rezoning application for the Tuncester land and the processes required for rezoning of the Airport Industrial Estate.

Comment: An additional stage of the Airport Industrial Estate was rezoned in LEP Amendment No. 44, gazetted earlier this year. The application for that rezoning was similarly minimal, provided no evidence of demand and was based largely on the 1995 Industrial Land Study.

- h) The cumulative impact of filling in the floodplain has not been addressed and the land was not included as acceptable for filling in the 1997 SKM Report on cumulative impacts of filling.

Comment: The report referred to was limited to the South Lismore floodplain only and its brief did not require consideration of other parts of the floodplain. Nevertheless, information on the amount of fill required and the impact of such fill on adjoining properties should be provided.

Conclusion regarding Item 2: It will be recommended that Council defer this item from draft LEP Amendment No. 51 and that the substance of objections be advised to the applicant with a request to address these matters. Upon satisfactory addressing of the major issues the application could be resubmitted and the proposed rezoning re-exhibited. All objectors would be informed of this process. However it should be noted that industry (other than offensive or hazardous industry) is already permitted with Council's consent in the 1(r) zone currently applying to the land.

Discussion with Economic Development Manager - Graeme Newton indicates agreement on the inadequacy of the 1995 Industrial Land Study and a need for analysis of land supply to meet the various investment demands advised to that office. It will therefore be proposed that the next Budget include an amount for the employment of a consultant to analyse land supply and demand in relation to the various investment proposals considered by the Economic Development Unit.

Item 3 - Proposed Service Station, Bruxner Highway, Goonellabah.

Council is reminded that this development is proposed adjacent to the Hilltop Hotel, and the LEP amendment is by way of an enabling clause, rather than rezoning. The subject land is Lot 6, DP 549575. A petition from 9 households on the northern side of the Bruxner Highway objects on the following grounds:

- a) Residents bought residential land and were not to be subject to commercial, industrial and traffic noise.
-

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Comment: The land owned by the objectors is to stay in a residential zoning and would already be subject to traffic and noise from commercial premises by virtue of its location fronting a Highway and opposite a motel and drive-in bottle shop. The land directly opposite the subject land is vacant, with approval for construction of 4 units; with one exception objectors are slightly to the north of the subject land and there have been no rezoning proposals received to date for the land opposite these homes.

- b) Rezoning this land to 3B will set a precedent and open the floodgates for rezoning of the entire vacant parcel of land.

Comment: Rezoning to 3B is not proposed. Whether the service station is approved or not, the existence of the larger area of vacant land with Highway frontage has generated some interest for commercial development although firm rezoning/development proposals have not been submitted.

- c) The proposed median strip would stop residents from making right hand turns from their properties.

Comment: In commenting on the proposed service station in the report to Council on 27 October, Group Manager City Works - Bill Moorhouse stated that "It is anticipated that in the longer term this section of road will be upgraded to two through lanes each way, plus a parking lane; all separated by a centre median." It therefore appears that the median strip is proposed regardless of whether or not the service station proceeds.

- d) Noise and diesel fuel pollution will result.

Comment: The application contains an Environmental Impact Review which ranks potential physical or pollution impacts during construction and then during operation. Air impacts are ranked as low potential significance with management measures in place; noise and vibration impacts are ranked as being of low potential significance (page 12 of application).

- e) Property values would decrease.

Comment: No evidence has been submitted indicating that properties fronting a main road would be devalued by the construction of a service station in the vicinity.

Conclusion regarding Item 3: It is considered that the objections are not of sufficient substance to prevent the LEP amendment proceeding.

Item 4 - Change in LEP wording regarding land zoned 6(a) Recreation.

The effect of the proposed new clause would be that Council would not be bound to acquire land in 6(a) zoning if it resolved to rezone it within a certain specified time, after having considered the need for acquisition of the land for public purposes. The background to this proposal is the amount of land in Lismore LEP which is zoned 6(a) Recreation, the operation of clause 29 which requires Council to purchase such land on receipt of a written request from the landowner, the lack of funds to purchase such land, and the lack of documented reasons for zoning much of the land for acquisition. An inventory of all 6(a) zoned land recently completed recommends that 17 parcels of 6(a) zoned land be rezoned based on the premise that the environmental and recreation values of

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these lands will be protected under existing legal requirements (e.g. Rivers and Foreshores Improvement Act) or as development conditions or parkland contributions associated with any future site development.

The proposed new clause was copied from a gazetted LEP amendment for Port Stephens Council and was in fact drafted by the Parliamentary Counsel. Despite this, the Department of Urban Affairs and Planning has queried its inclusion on the grounds that it may be contrary to S. 34(4)(b) of the Environmental Planning and Assessment Act and stated Council should obtain its own legal advice on the relationship between the proposed clause and that Section of the Act. Unfortunately this advice was received too late in the exhibition process to enable legal advice to be sought and reported to Council within the deadlines for business paper production. It will therefore be recommended that this item also be deferred from draft LEP Amendment No. 51 pending the receipt of legal advice.

Views of Government Authorities

- DUAP also advised that no local environmental study was required for the amending LEP.
- Advice from the Department of Land and Water Conservation regarding the airport terminal was advised to Council in the report of 27 October. The Department has provided further advice regarding the proposed industrial rezoning at Tuncester, as follows:

The subject site is located in the Leycester Creek floodplain immediately upstream of the Terania Creek/Leycester Creek junction, and south of the Casino-Murwillumbah Railway line.

This site is not covered by Council's Development Control Plan No. 7 nor is it covered by the Lismore Flood Study report of 1993.

In the absence of a flood study, it is acceptable to determine floor levels of proposed developments by reviewing historical flood records in the area. It is noted that the proposal adopts a floor level of 15.2m AHD based on major flood records of 1974 and 1989 in the Leycester Creek.

The application proposed to fill (4,000m³) the north-west corner of the site to 15.2 m AHD. Council should satisfy itself that no existing properties are adversely impacted by the proposal, and if so compensatory works should be proposed.

- No comment was received from the Roads and Traffic Authority.

Other Group Comments

Manager-Development Assessment

Comments from Council's Development Assessment Section to the amendment of Schedule 5 of the Lismore Local Environmental Plan, 1992.

The erection of any proposed service station at the subject site would be an Integrated Development pursuant s.91 of the Environmental Planning and Assessment Act, 1979. The inclusion of a Liquid Petroleum Gas (LPG) cylinder will require assessment in accordance with the Department of Urban

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Affairs and Planning, Circular No. F3, *Hazardous Industry Locational Guidelines No. 1 - LPG Automotive Retail Outlets*, and State Environmental Planning Policy No. 33- Hazardous and Offensive Development.

Furthermore, other matters to be considered during any assessment would include satisfactory and legal access from both Ballina Road and the adjoining Hilltop Hotel, hours of operation, effect of any noise on adjoining residential areas, compliance of any security lighting with the relevant Australian Standard, signage, landscaping, carparking and the storage and handling of oils and chemicals.

Group Manager-City Works

Group Manager-City Works, Bill Moorhouse, provided comment on traffic management which was included in the previous report to Council.

Conclusion

It is unfortunate that objections raised or legal problems mean that three of the four items proposed in this amending LEP should be deferred pending receipt of further information and consideration. The resulting LEP Amendment No. 51 will therefore contain only the proposed enabling clause to permit the development of the service station on the Bruxner Highway at Goonellabah. LEP Amendment No. 51 is included in the Business Paper following this report.

Recommendation (PLA90)

It is recommended that Council:

- 1 Defer the proposed rezoning of land for the new airport terminal from LEP amendment No. 51 pending receipt of an evaluation of the effects of aircraft noise on surrounding development.
- 2 Defer the proposed rezoning of land at Tuncester from 1(r) to 4(a) Industrial from LEP amendment No. 51; request the applicant to address the major issues raised in objections.
- 3 Adopt draft LEP Amendment No. 51 only as it relates to the alteration of Schedule 5 of Lismore LEP 1992 to permit the operation of a service station on Lot 6, DP 549 575, Bruxner Highway, Goonellabah, and request the Minister for Urban Affairs and Planning to make this plan.
- 4 Defer from draft LEP Amendment No. 51 the proposed insertion of new clause 30A pending receipt of legal advice as to its consistency with the Act, and should that advice indicate that the proposed clause is legally acceptable, insert the new clause in Lismore LEP 1992 via the next general amendment to the LEP.

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Subject/File No: WESTON PARK DRAFT PLAN OF MANAGEMENT (S708)

Prepared By: Recreation Planner - David Edwards

Reason: Council resolution to prepare plan

Objective: Council endorse Draft Plan for public exhibition

Management Plan Community Services

Activity:

Background:

Previous Council Resolutions

Council at its meeting on October 7, 1997 resolved as follows:

- 1. That Council approve the use of surplus materials from "The Gabba" grandstand for use at Weston Park as spectator seating.*
- 2. That the Goonellabah Soccer Club meet all costs of the construction of the seating.*
- 3. That Council prepare a Plan of Management for Weston Park as a priority, to allow the project to commence as soon as possible.*

Subsequent to this, Council at its meeting on February 17, 1998 resolved to commence the Plan of Management in April 1998 upon the appointment of the new Recreation Planner.

Planning Process to Date

The preparation of the Draft Plan of Management for Weston Park has involved the following process:

- Project planning
- Site and park use analysis
- Survey of park users and neighbours
- Discussions with key stakeholders
- Release of a Discussion Paper for community comment
- Internal consultation (Public Lands Strategic Management Team, LDSA, Traffic Advisory Committee, Parks and Reserves, Planning and Development).

Key Findings

The following is a summary of the key recommendations of the Draft Plan. For more detail, refer to Section 4 of the Draft Plan.

The agent responsible for implementing respective recommendations are identified in brackets. Abbreviations have been used in accordance with the following:

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LCC - Lismore City Council

G&DSC - Goonellabah and District Soccer Club Inc.

GTC - Goonellabah Tennis Club Inc.

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1. Pedestrian Access

To improve pedestrian/ cyclist access, safety and comfort to and within the Park, provide a:

- Pedestrian refuge island in Rous Road near the intersection of Reserve Street (LCC).
- Shared pathway in Reserve Street and continue the Jubilee Street path to Oliver Avenue (LCC).
- Shared pathway with lighting along main thoroughfare routes in the Park (LCC).

2. Vehicle Access & Parking

To improve park user safety and maximise recreation opportunities, provide:

- Speed bump at the car park entry at the end of Reserve Street (LCC).
- Vehicle barriers to restrict access around the junior soccer field and enable the development of a multi-purpose court. To maintain rear allotment access for properties along the western park boundary, provide an alternative entry from Spring Avenue (G&DSC/ LCC).
- Formalise car parking next to the Soccer Club and Jubilee Avenue with any future expansion of club premises or park use (G&DSC/ GTC)

3 Soccer Precinct

To improve facilities for soccer players and supporters, provide:

- Upgraded field lighting on field 1 (main field) and training lights on field 3 (junior field) (G&DSC).
- Spectator seating for field 1, benched into the slope adjacent to the soccer club premises (G&DSC).
- Goal keeper training facility adjacent to field 3 (G&DSC).
- Combined storage shed and sheltered team bench adjacent to field 1 (G&DSC).

4. Tennis Precinct

To formalise club tenure and improve facilities for tennis players and improve supporters, provide:

- A lease agreement with the Goonellabah Tennis Club for the tennis complex area (LCC/ GTC)
- Outdoor BBQ area adjacent to the tennis club premises (GTC)

5. Other Sport Uses

To improve facilities for other outdoor sporting uses, provide:

- Softball training facilities (G&DSC)
- Multi-purpose sports court between the tennis complex and junior field (G&DSC)

6. Buffer Zone Issues

Minimise impacts on adjoining neighbours by:

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- Noise control from club premises at night (G&DSC/ GTC).
- Light design and management of proposed outdoor lighting improvements (G&DSC).
- Fencing and landscaping to trap stray balls and improve local amenity (G&DSC/ GTC/ LCC).
- Decommission cricket nets to enable buffer landscaping (G&DSC).
- Investigate purchase of part of the adjoining St Matthews development site to increase the buffer area between the main field and existing/ future residences (LCC).

7. *Maintenance*

- Ensure regular maintenance of sports surfaces, ancillary facilities and general park areas (G&DSC/ GTC)

8. *General Community Use*

To improve general park use, provide:

- Play equipment near the club premises and adjoining pre-school (LCC).
- Park seating along pedestrian routes etc. (LCC).
- Shade tree planting adjacent to pedestrian, play equipment and seating areas (LCC).
- Retention of public toilet for use during special events on a user-pays basis (LCC/ G&DSC).

Process Following Council's Endorsement

Upon Council endorsing the Draft Plan for public exhibition, the following will be undertaken:

- Place the Draft Plan on exhibition and call for public comment. This will be undertaken over a period of 8 weeks up until February 12, 1998. This includes a two week extension beyond the period required under the Local Government Act (LGA) 1993 to compensate for the Christmas/ New Year holiday period;
- Advertise the exhibition of the Draft Plan and call for public comment in the Northern Star (Saturday, December 19, 1998 edition) and The Northern Rivers Echo (December 24, 1998, January 14, 1999, January 28, 1999 and February 4, 1999 editions);
- Consider public comments received and review of the Draft Plan;
- Submit Final Plan to Council for approval (Council meeting of March 16, 1998); and
- Advertise approval of Final Plan.

Implementation & Budgetary Requirements

Section 5 of the Draft Plan includes Action Plans prioritising the implementation of recommendations over successive financial years.

Important to note is that the majority of recommendations are to be funded and implemented by the Goonellabah and District Soccer Club Inc..

Council's responsibilities for implementation predominantly relate to public infrastructure such as shared pathways, play equipment and park seating. Important to note is that funding for shared

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pathways adjoining the park (i.e. Reserve Street, Jubilee Avenue) and play equipment have already been identified under existing RTA and S.94 funds respectively.

The proposed acquisition of a portion of the adjoining St Matthews site for buffer purposes is currently being investigated by the S.94 Committee. The subject land is expected to be expensive (i.e. @ \$60 000 per 1000m²) given the existing development approval for self care aged residences, in addition to the stormwater, water supply and sewerage infrastructure works already undertaken. A land swap is not recommended given Weston Park's 'community land' classification and lack of suitable land within the park for residential development.

Public Consultations

Extensive community and internal consultation has occurred throughout the preparation of the Draft Plan of Management. Consultation has included:

- Discussions with key park user groups
- A survey of park neighbours and users
- Regular update letters to persons expressing an interest in the Park
- Exhibition of a Discussion Paper and review of comments
- A Community Workshop on issues and proposed actions
- Media releases and advertisements

Refer to Section 2.5 of the Draft Plan for more detail.

Expenditure Accountants - Comments

The Plan of Management specifies the type of development to take place at this precinct and attaches responsibilities and suggested timeframes to these works.

From Council's perspective, the list includes,

1999/2000

Rous Road Pedestrian Refuge, Shared Pathway to access Park, Landscaping of Park Perimeter and Play Equipment.

2000/2001

Shared Pathway within Park and Shade Tree Planting.

2001/2002

Speed Control Device and Park Seating.

Ongoing/As Funding Available

Acquisition of Buffer Area and Public Toilet Maintenance.

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It is understood that discussions have taken place between representatives from City Works regarding the provision of these works with the outcome being that, in the majority of cases, funding can be provided within existing allocations or programs.

The only areas of concern include :

- a) The funding source for the proposed acquisition of a buffer area has not been identified, and
- b) The shared pathway through the park specifies lighting. While the shared pathway is considered part of the Cycleways Plan, lighting is not. No costing and no source of funding is identified. The community consultation process has included this as a priority.

It is suggested that all costings and sources of funding for these works be formalised so that commitments to the plan can be maintained when nominated.

Other Group Comments

Manager - City Works Comments

This document appears to cover all the relevant points. The exhibition process should further refine the community needs.

Manager - Planning and Development Comments

Comments from the Planning and Development Group have been considered in the preparation of the Plan of Management.

Conclusion

The Draft Plan of Management for Weston Park presents recommendations for the improved use and management of an important district sports facility and neighbourhood park. Whilst extensive community input to the Draft Plan has occurred to date, the public exhibition and submission period as required by the LGA 1993 will give the community a further opportunity for input before finalising the Plan.

Recommendation Cor82

That Council endorse the Draft Plan of Management for Weston Park, and it be placed on exhibition and public submissions invited until February 12, 1999.

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Subject/File No: CREATING AN ENVIRONMENT FOR ECONOMIC DEVELOPMENT (S653)

Prepared By: Manager Economic Development – Graeme Newton (in collaboration with General Manager and Group Manager Corporate & Community Services)

Reason: Council resolution (235/98) “A further report by the General Manager be submitted in relation to the administrative procedures and timing for implementation of the Lismore Incentives for Investment Policy”

Objective: Provide administrative mechanisms for the policy adopted by Council aimed at encouraging investment in the Lismore Local Government Area

Management Plan Economic Development

Activity:

Background:

Council will recall that at the 14 July 1998 meeting it adopted the Lismore Incentives for Growth Policy (Policy No. 11.1.1). This policy provides incentives for potential investors to establish or expand businesses in the Lismore Local Government Area.

The policy and supporting documentation included eligibility criteria and a draft implementation process for administering the incentives.

As requested by Council, this report will outline the administrative procedures and timing for implementation of the Incentives for Investment Policy.

Since the last report to Council further legal advice has been received in relation to the policy. This advice clearly re-enforces Council's ability to offer incentives.

Eligibility for incentives

It is proposed that when an investment is to be undertaken, an application will be made in relation to the adopted eligibility criteria. These are weighted to focus on core criteria while recognising the significance of the other important criteria. The proposed criteria is listed below together with a suggested weighting factor:

Core Criteria

1 Employment Created /15

- The number and type of employment created and the likely sustainability of this employment

Note: Both direct and indirect employment should be considered

2 Revenue Generation for the region /15

- The amount of revenue the investment brings to the region in dollar terms. This includes cost of construction and input, output figures

3 Multiplier effect to other existing sectors /15

- The downstream positives an investment creates for existing sectors in the region and the
-
-

economic employment multiplier factor/level

4 Value adding to other sectors

- The ability for the investment to value add to products and materials created in the region thus strengthening the economic fabric of the region, leading to sustainability /15

Other Important Criteria

5 Export potential/import replacement

- The export or import replacement created by an investment
Note: This is considered at the two levels, international export/import replacement and regional export/import replacement /10

6 Environmental issues

- Compatibility with the local environment and any positive or negative impact of an investment. This includes compatibility with Council and associated planning instruments /10
- Investments which incorporate Environmentally Sustainable Development principles will be considered desirable

7 Social issues

- The impact on the local social environment and any positive or negative results of a proposal
- Investments which enhance the social character of the city will be considered desirable /10

8 Likely revenue flow to Council / infrastructure enhancement

- Additional revenues (via rates, etc) an investment brings to Lismore. This will assist Council's cashflow and result in better facilities and services for the city's residents and businesses. The inclusion of developer funded infrastructure, e.g. Roads, water and sewerage etc, which a) is compatible with Council's infrastructure planning, and b) reduces future costs to Council will be highly regarded /10

The Manager Economic Development will facilitate the application process to assist with the level and standard of applications lodged.

Administrative procedures

As outlined in the Incentives for Investment Policy, any project where the level of incentive to be offered is \$50,000 or above will be immediately referred to Council for consideration. Incentive submissions below \$50,000 are to be managed by the General Manager.

Projects referred to Council will be accompanied by a detailed report with a recommended level of incentive to be offered. Projects to be co-ordinated by the General Manager will follow the process below:

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- Investment opportunity arises
- Economic Development Unit Manager discusses proposal and eligibility for incentives with applicant.
- The investor's project proposal is facilitated by the Economic Development Manager and the relevant Lismore City Council Departments until greater detail of project is known and a level of commitment is demonstrated
- The investor writes draft incentive submission and the Economic Development Unit Manager facilitates input from the necessary Council departments and committees
- Incentive Submission lodged with the General Manager
- General Manager considers the submission and determines the level (if any) of incentive to be offered. If necessary, the General Manager will refer the proposal to Council
- Formal reply issued to investor

In the interest of probity, the General Manager will consult with at least one (1) Group Manager and the Manager – Economic Development when finalising the incentive to be offered.

Period of Eligibility

The incentive/s offered to a potential investor will be given clear conditions and a set timeframe for review if not utilised. This timeframe and the conditions will be set by the General Manager and derived from input provided during the incentive submission procedure.

The incentive/s offered to a business will remain “commercial in confidence” until commencement of the project or expiry of the offer.

Monitoring the Policy's Success

The Incentives for Investment Policy will be reviewed every 12 months and an Annual Report distributed to Councillors. Cumulative figures will also be kept.

The Report will discuss the following:

- Number of policy applications
- Business Growth - jobs created
 - turnover dollars
 - investment dollars
- Additional facilities provided to the community
- Section 94 and Section 64 issues
- Details of incentives offered

This Report will allow refinements to the policy to keep pace with market trends.

Timing

It is intended the policy will be implemented immediately with the first annual report to be produced in December 1999.

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Creating an Environment for Development

Council will also recall the report by the Manager-Financial Services at its 17 November 1998 meeting in relation to the Incentives Contribution Fund. The resolution by Council (COR59) was that the Incentives Contribution Fund (relating to discounting) will remain unfunded until the 1999/2000 financial year. This does not preclude the implementation of the other components of the Incentive for Investment Policy.

Expenditure Accountant's Comments

I agree with the financial comments included in the body of the report.

Other Group Comments

Not required.

Conclusion

The Incentives for Investment Policy adopted by Council in July 1998 has provided the foundation for Lismore to offer incentives to potential investors with a focus on employment creation and revenue generation.

This report provides the implementation procedures to be used when this policy is applied in practice.

This policy may require future refinement with the benefit of experience and this will be accommodated as part of the policy implementation and administrative procedures.

Recommendation (ENT45)

1. That Council adopt the attached policy (Number 11.1.2) in relation to the implementation of the Incentives for Investment Policy.

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Subject/File No: LISMORE ECONOMIC DEVELOPMENT ADVISORY BOARD STRATEGIC PLAN 1998/99

Prepared By: Graeme Newton – Manager Economic Development

Reason: To inform Council of the activities to be undertaken by the LEDAB during the next 12 months

Objective: To provide a managed and strategic approach in the economic development of Lismore as capital of the Northern Rivers Region

Management Plan Economic Development

Activity:

Background:

Council will recall the establishment of the Lismore Economic Development Advisory Board was in April 1997 and the adoption by Council of the Board's first Strategic Plan on 5 August 1997. An annual report was produced in April of this year and the second Strategic Plan has now been written.

Introduction:

Successful communities will require proactive businesses, business organisations and local government. They must communicate effectively and work together in achieving common goals. Local communities world wide are realising there is a need to do things better.

Lismore is no exception. With many active business and community organisations, Lismore has the framework to build a more sustainable future. This drive is also reflected in the Lismore City Council's Strategic Plan to 2020.

Economic Development:

In conjunction with commercial and business stakeholders, assess and develop opportunities for local and regional enterprises that lead to an enhanced quality of life.

It was as a result of this vision Lismore City Council and the business community established the Lismore Economic Development Advisory Board in April 1997. The Board represents major interest groups in the city and has as its aim;

To advise Council and the Economic Development Unit Manager on economic development strategy/policy and specific proposals/opportunities that may exist or arise in the Lismore region.

Long Term Goal

Through an assessment of Lismore's local economy within the broader context and an assessment of future opportunities the Lismore Economic Development Advisory Board has developed the following long term goal:

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For Lismore to maintain and enhance the position as regional centre for specific industries, services and activities.

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A more sustainable economy is achievable through the maintaining and strengthening of key business sectors which are established and have competitive advantages through being located in Lismore.

Lismore's business sector has a strong comparative representation in retail/wholesale; communications; finance and business services; education, health and community services; and recreation.

In addition to the above sectors the future is also presenting opportunities for growth business sectors. These are either naturally developing or are being actively pursued by commercial enterprises and/or government representatives.

To maximise benefits gained by such enterprises proactive assistance and facilitation is an essential key. Lismore's successful future will depend on an ability to strengthen its existing industry base and adopting new industries.

Change in Lismore's business mix is inevitable and this will undoubtedly result in the decline of some industry sectors. However, through maximising benefits from new industry opportunities and minimising the adverse impact of those industries in decline, Lismore will continue to grow and prosper.

Near Term Goals

The Lismore Economic Development Advisory Board's 1997/98 Strategic Plan identified 10 Near Term goals which represented primary areas of focus and allowed the allocation of appropriate resources. Significant progress was made in all ten Near Term Goals and the results of these activities are shown in the Board's 1997/98 Annual Report.

The Board recognised their ability to be involved directly in some of these areas and more indirectly in others. As a result the Board resolved to the following 3 levels of involvement:

<ul style="list-style-type: none">• Direct Action	<ul style="list-style-type: none">• Direct actions undertaken by the Board and Lismore Economic Development Unit
<ul style="list-style-type: none">• Facilitation	<ul style="list-style-type: none">• Board & Lismore Economic Development Unit work with other key organisations on projects
<ul style="list-style-type: none">• Advice	<ul style="list-style-type: none">• Board & Lismore Economic Development Unit recognise importance of project and provide advice where appropriate

Similarly to the previous year the Lismore Economic Development Advisory Board went through a process of assessment and identified key near term goals needed to further develop Lismore's strengths. In order to attract investment in the key industry sectors there is a need to provide a vibrant modern city.

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With this in mind, the near term goals developed are activities which can be achieved within a 5-year time frame and are directly linked to the Board's long term strategic direction for the City.

The 10 near term goals selected are believed to be the priority activities and take into consideration the goals of the previous year. The goals represent new initiatives; existing Council and community activities; and potential opportunities which have been often tabled but not fully investigated.

Priority Near Term Goals

Following are the Near Term Goals for 1998/99 with a brief explanation of what each is likely to entail. The exact detail of each goal will be further explored by the Board throughout the forthcoming year. (For more detail see the attached Strategic Plan document)

- Develop and implement a key strategies aimed at further marketing and promoting Lismore as a location with significant opportunities for investment (Direct Action)
- Develop and promote collaborative relationships between Southern Cross University, the local business community and Lismore City Council (Direct Action)
- Develop a master plan and implementation strategy which identifies the true potential of the Lismore riverbank for recreation and other activities (Direct Action)
- Generate quality information which provides benchmarking for Lismore as a city and local businesses within their sectors (Direct Action)
- Develop a program to attract call centres to Lismore for employment creation and technology utilisation (Direct Action)
- Develop high standard cultural and sporting facilities to maintain the status as regional capital for such activities (Advise)
- Promote and assist micro and small business development within the Lismore area (Advise)
- Promote major hotel development and an increase in the range of available accommodation to retain and expand tourism and business visitor numbers (Facilitate)
- Minimising impacts of Council's contribution fees and infrastructure demands to encourage appropriate development for the city (Direct Action)
- Industrial land provision in accordance with future demand to provide a solid employment and economic base for Lismore (Facilitation)

The 10 near term goals include some items which are already being addressed by bodies within the community. The Board believes these issues should be highlighted as important for Lismore's future however involvement will be through providing advice where necessary.

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Lismore Economic Development Advisory Board Strategic Plan 1998/99

Other goals provide opportunities for the Board to take direct action in investigating these opportunities and facilitating outcomes.

The Lismore Economic Development Unit will act as the operational arm of the Board with the 10 near term goals reflected in its Business/Marketing Plan.

Anticipated Results

Through direct action, facilitation and indirect involvement with existing bodies the following results are achievable:

Overall outcomes

- Additional investment by existing stakeholders in Lismore
- Additional investment by businesses outside Lismore looking to invest in the city
- Investment by businesses who may not have previously considered Lismore as an investment destination

Specific Outcomes

- Improved understanding of Lismore's investment opportunities by locally and broader based businesses
- Availability of up to date and benchmarked economic data for local businesses and prospective investors
- Enhanced relationships between Lismore City Council, local businesses and business organisations
- An increased standard and range of facilities for residents and visitors to the city
- Lismore City Council recognised as being proactive in the creation of a better lifestyle for its residents

Manager - Financial Services Comments

Not required

Public Consultations

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Lismore Economic Development Advisory Board Strategic Plan 1998/99

A range of business and community sectors are represented on the EDA Board.

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Lismore Economic Development Advisory Board Strategic Plan 1998/99

Other Group Comments

Lismore Economic Development Advisory Board

The LEDAB formally adopted the 1998/99 Strategic Plan at its meeting on 23 November 1998.

General Manager

The creation of the Economic Development Unit and the Economic Development Advisory Board has been fundamental to Council's efforts to develop closer relations with Lismore's business community, and to facilitate an environment conducive to the promotion and nurturing of appropriate and sustainable development.

Whilst the initial period of its operation inevitably comprised establishing its credibility with the business sector and Councillors, the EDU has nonetheless already chalked up some impressive achievements. With the benefit of having now established a strong business support base, it is appropriate that the EDU/LEDAB begin to focus on strategic issues which will significantly impact on the economy of the Lismore region. In preparing its strategic plan for 1998/99 the Board has focussed its attention on a number of these key issues recognising that it has a variable role to play – from giving advice and information to taking direct action.

A vibrant Lismore economy is critical to the health of the economy for the entire Northern Rivers region – this has been readily recognised by NOROC which has, through the auspice of its Regional Economic Development Standing Committee, created a collaborative forum for encouraging non-parochial debate and discussion on regional economic development. The role played by the Tweed and Lismore Economic Development Units in this process has been critical.

I commend the draft strategy to the Council.

Conclusion

Lismore's employment has continued to grow with trends emerging, which will shape the city's future. With a sound business and industry base Lismore is clearly the region's capital.

However, the Lismore region faces significant national and international issues in the encouragement of new and existing business.

Trade is now becoming more liberalised and better, more cost effective telecommunications are providing opportunities such as electronic commerce. Such innovation means that transactions can be instantaneous, regardless of the buyer or seller's geographic location.

With these issues in mind the Lismore Economic Development Advisory Board has identified key goals and actions required to maximise opportunities that are being presented. These goals will act as a guide and will be reviewed every 12 months to ensure their relevance to the evolving city.

This strategic plan is a clear indication of a city aiming at taking on future challenges and is directly aligned with Council's 2020 longer-term vision for Lismore's future.

Recommendation

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Lismore Economic Development Advisory Board Strategic Plan 1998/99

That Council endorse the 1998/99 Strategic Plan of the Lismore Economic Development Advisory Board.

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Subject/File No: LISMORE PUBLIC TRANSPORT STUDY - FINAL REPORT
(HM S135)

Prepared By: Manager-Strategic Planning - Helen Manning

Reason: To inform Councillors of the finalisation of this Study.

Objective: To advise Councillors of the outcomes of the Study and future action.

Management Plan Strategic Planning

Activity:

Background:

'Public Transport, Access and Transport Related Infrastructure' was the top priority issue arising from the 2020 strategic planning process and community consultations. A Public Transport Study was commissioned by Council, to be undertaken by consultants Veitch Lister Consulting Pty Ltd.

The objectives of this Study were stated in the brief as:

- *to determine the current and likely future transport needs of residents and visitors in the local government area;*
- *to particularly assess the needs of transport disadvantaged groups in the community;*
- *to estimate the costs of current transport strategies;*
- *to determine infrastructure requirements for an effective, efficient public transport system within the LGA;*
- *to identify barriers to the use of public transport and how these can be overcome;*
- *to determine the best method of integrating public transport services within Lismore and regionally;*
- *to consider likely future transport-related trends in the preparation of strategies;*
- *to improve the integration of land use and transport and in particular to ensure that the way the city develops supports public transport use for the benefit of residents and visitors;*
- *to develop a set of strategies which together form an action plan with an associated time frame to improve the availability and use of public transport and/or reduce dependence on private vehicle use;*
- *to estimate the financial implications of the strategies that are developed, and to identify the organisation or government agency that is responsible for implementation of each strategy;*
- *to ensure that the action plan integrates other relevant Council, State, Commonwealth or corporate strategies;*
- *to prepare a Section 94 Contributions Plan for public transport facilities and services within the city.*

The Study preparation required further community consultation and workshops, with the findings reported in the Study. Progress of the Study was monitored by the Public Transport Advisory Panel and the Manager-Strategic Planning. The consultant attended several meetings of the Panel to report findings and receive feedback. The Panel considered the 'Public Transport Study Final

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Report' at its meeting of November 18, 1998 and determined that it had, with one exception, met the objectives of the brief and that its finalisation should be reported to Council for information pending review of its recommendations by the Panel.

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Lismore Public Transport Study - Final Report

The exception is the requirement to prepare a S94 Contributions Plan for public transport facilities and services. The Study states that such a Contributions Plan would be problematic because of the difficulties in establishing nexus between new developments and public transport costs; the impossibility of recouping on-going operating costs, which are generally the major costs; and the difficulty in funding the 'backlog' needs not attributable to new development. The consultant further states that there are no precedents for the use of contributions to recoup costs associated with the provision of public transport from developers and any such attempt would be subject to legal challenge and potentially costly to Council without any surety of success. This conclusion was agreed by the Public Transport Advisory Panel.

Study Outcomes

The Study in its entirety has been provided separately to all Councillors, and a copy of the Summary Action Plan is included in the Attachments to this Business Paper.

In summary, the Study recommends that Council play a leading role in improving public transport in the Lismore Local Government Area by facilitating the expansion of community based demand responsive transport services. Possible funding sources are listed as CBD parking charges, rates levy, corporate sponsorship/advertising and Section 94 Contributions (although given the difficulties described above this does not seem to be a practical solution). Additionally Council (through the PTAP) should lobby the State Government to improve the existing licensing and regulatory arrangements which are seen as an impediment to the flexible provision of true public transport. Responsibility for implementing recommendations is also given to Northern Rivers Community Transport, Kirklands, Department of Transport, Bus and Coach Association.

Manager - Financial Services Comments

Expenditure Accountant Comments

On the basis that a further report is to be presented to Council on the recommendations of the Study, the financial comment will be prepared in conjunction with that report.

Public Consultations

Findings of public consultations are included in the Study. The Study itself will be provided to the public and University libraries, and the Public Transport Development Project and will be available for sale to the public if required, but at a cost sufficient to cover the colour copying involved.

Implementation of the recommendations, if adopted by Council, would be the subject of additional community consultation, particularly in relation to the possibility of CBD parking charges and a rate levy.

Other Group Comments

Manager-Community Services

The completion of the Public Transport Study is most welcome as transport is an issue that has consistently been raised in public consultation from the development and review of Section 94 Plans

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to the 2020 Strategic Plan. Whilst the advice suggests that there are no precedents for the use of developer contributions to recoup costs associated with the provision of public transport, this does not however preclude Council from levying development for transport infrastructure such as traffic calming, bus shelters, cycleways, footpaths, etc. In addition, it is important for Planning staff to assess the transport impact of new development as one of the several heads of consideration.

Conclusion

The Lismore Public Transport Study is a top priority outcome of the 2020 strategic planning and community consultation process. However the implementation of its major recommendation for improving public transport services throughout the LGA demands considerable resources from Council and the community.

The PTAP resolved on November 18, 1998 that it

“Ask Council to formally receive the final report and to note that the Panel will review its recommendations and report back to Council.”

Recommendation (PLA88)

That Council formally receive the Lismore Public Transport Study - Final Report and note that the Public Transport Advisory Panel will review the recommendations of the Study and report back to Council.

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Subject/File No: INTEGRATED WASTE STRATEGY IMPLEMENTATION PLAN
(GFQ: S371)

Prepared By: Waste Strategy Officer - Gordon Fraser-Quick

Reason: Update on Integrated Waste Strategy developments.

Objective: Inform Council of Waste Strategy Implementation Plan progress.

Management Plan Waste Minimisation: Environmental Health

Activity:

Background:

Council adopted an Integrated Waste Minimisation and Management Strategy in July 1998. An implementation plan has been developed in relation to the Strategy and has been updated to reflect the current implementation schedule.

The Implementation Strategy has been discussed with Manager Waste Services, Client Services Officer and all members of MGM.

Necessary transfers of Reserves funds have been arranged. Tenders for Reprocessing and Marketing of Organic Resources and for Supply and Delivery of Bins have been advertised (refer Attachment One). The Waste Services display has been prepared and the Posters, Slogans and Logos competition has been conducted. A brochure designed to inform the community of the new waste services was delivered in the week Monday November 30 to Friday December 4, 1998 (copy attached)

The Urban Area Waste Collection District has been defined by the Manager Waste Services. It should be noted that this district does not include Pineapple Road or Richmond Hill Road area. Collection routes and dates are still being developed.

A Summary of Key Dates in the Implementation Strategy follows.

<u>ACTIVITY</u>	<u>DATE / MILESTONE</u>
Tenders Close	23 December 1998
Report on Tenders to Council	2 February 1999
Education Kit finalised	April 1999
Promotion campaign Phase One (Pre-notice)	May 1999
New Truck (replace aged vehicle V172)	1 June 1999
Education Kit delivered	1 June to 18 June 1999
Bins delivered and assembled at houses	7 June to 18 June 1999
Promotion Campaign Phase Two (User-advice)	1 June to 27 Aug. 1999
NEW SERVICE COMMENCES	5 July 1999
Full time Info / query service	5 July to 1 Oct. 1999
Re-use Centre / Waste Facility Rebuild	February 1999

Finance Manager's Comments

Not sought due to MGM concurrence

Integrated Waste Strategy Implementation Plan

Other Group Comments

Not sought due to MGM concurrence.

Conclusion

The Implementation Plan for Council's Integrated Waste Minimisation and Management Strategy is proceeding. The deadline for implementation is identified as having a major milestone at 5 July 1999. It is anticipated Council will achieve the stated deadline.

Recommendation (PLA91)

- 1 That Council note the report and the amended implementation timeline.

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Subject/File No: RURAL HALLS - SECTION 356 DONATIONS
(PH:LC:S164)

Prepared By: Manager Financial Services - Paul Hickey

Reason: Council Resolution

Objective: Respond to Council Resolution

Management Plan Community Services
Activity:

Background:

Council resolution 262/98 stated, in part, that;

“Council review the list of halls with a view to recommending consolidating support for the 1999/2000 financial year to those halls most heavily utilised in strategic locations”.

Information

Councillors will be aware that as part of this year’s budget, an allocation of \$29,000 was included, to forward to each rural hall an amount of \$1,000 (29 in total) for expenses related to maintenance and insurance. Policy 1.4.11 was also amended to include the following paragraph;

“ Council shall each year make a donation of \$1,000 from the Rural Halls Section 356 donations for each of the listed Rural Public Halls for the purpose of insurance and hall maintenance.”

The concern with this and as conveyed in resolution 262/98, is that a straight payment of \$1,000 to each hall is not a very effective distribution of Council’s resources. Essentially this type of annual allocation does not take into account issues such as usage, condition of the facilities, location etc. Also the amount of \$1,000, on the majority of occasions, will not result in a significant improvement to the facility, whereas perhaps an allocation of say \$5,000 may make a difference. By paying each hall \$1,000, Council is spreading itself “too thin”, trying to appease everyone and effectively underwriting the annual operation of certain halls.

With the above in mind it is recommended that Council modify Policy No. 1.4.11 - “Section 356 Donations to Rural Halls”, to align it more closely with the manner in which Miscellaneous Section 356 Donations are handled (Policy No. 1.4.13). By doing this, once the annual budget is adopted, Council staff can then call for submissions from the rural hall management committees. The submissions can then be assessed and submitted to Council for determination. This should result in a more informed decision making process and subsequently a better allocation of ratepayer funds.

A draft policy is attached, which attempts to take into account each of the key issues that Council applies in the allocation of its Miscellaneous Section 356 Donations; i.e. eligibility, maximum allowed, frequency etc.

Public Consultations

The proposal includes consultation with the users of the rural halls.

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Rural Halls - Section 356 Donations

Other Group Comments

Community Services

It is not disputed that halls need to be supported by Council. Halls play an important function in communities where it is sometimes the only community building, along with a primary school. They can be the focus for the community and where 'everything happens'. This is as important in a small community as it is in a larger one. The proposal to require rural halls to make application for funding on a needs basis under the section 356 funding is supported.

Given the age of most of our halls maintenance and capital works to be undertaken are often substantial, eg. re-roofing, replacing flooring, disabled access, modernising kitchens and toilets. The amount of \$1,000. is inadequate to cover this type of work. Communities appear to be able to raise funds and volunteers for smaller jobs, eg. painting, etc. they are unable to raise funds for those bigger projects.

In order to retain some consistency with the section 356 miscellaneous donations policy it is suggested that halls are eligible to apply every three years. Additionally, the process of applying for funds will maintain consistency in Council policy.

The suggested amount of funding will enable Council to more readily fulfil its section 94 community facilities obligations.

The proposed process will enable Community Services Staff to liaise with the rural communities more often so as to identify their current needs.

Conclusion

The primary purpose of this report is to obtain better outcomes from the expenditure of Council funds. The proposed amendments to Policy 1.4.11 should achieve this.

Recommendation Cor 58

That Council amend Policy as 1.4.11 as per the attached draft.



POLICY MANUAL

POLICY NO:	1.4.11
FUNCTION:	SECTION 356 DONATIONS - RURAL HALLS
ACTIVITY:	Administration
OBJECTIVE:	Encourage equity and fairness in the provision of funds to rural halls
SECTION RESPONSIBLE:	Corporate & Community Services
AUTHORISED: 10/11/92	REVIEWED: 6/8/96, 14/7/98, 15/12/98

The objectives of this policy are;

- i) to ensure Council makes an informed decision based on an assessment of all the available information; and
- ii) to ensure Council consults with users of the rural halls on a regular basis;

which in turn should result in an equitable and fair decision making process.

Eligibility:

This policy will apply to the halls included on the attached list, as determined by Council. Successful applicants will only be allowed to reapply every three years.

Details:

Council will set aside two specific budget allocations for rural halls each year;

1. an allocation equivalent to the General Rates applicable to each property. Council will make a donation under Section 356 of 100% of the General rates levied; and
2. an allocation for funding of specific capital works. These funds will be distributed by Council, based on information submitted by the management committees of each rural hall.

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Page 2

POLICY NO: (Cont.)	SECTION 356 DONATIONS - RURAL HALLS
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Guidelines for Provision of Capital Funding:

In determining which proposals will be eligible for capital funding, Council will consider;

- i) the impact each project will have on the community, along with the number of potential beneficiaries from the proposed project;
- ii) the condition of the hall;
- iii) the availability of other funding sources;
- iv) linkages with Council's finances such as Section 94 Plans;
- v) the maximum funding for each project will be \$5,000; and
- vi) successful applicants will only be eligible for additional funding every third year.

Process:

- 1 Council will forward expressions of interest to the management committees of each of the eligible rural halls annually (excluding successful applicants from the previous year). This will normally occur in July / August following adoption of that financial year's budget. Applications are to be made on a standard form, which requires the following information as a minimum;
 - President
 - Secretary
 - Number of Members
 - Estimated Attendance Numbers Per Annum
 - Events held Annually
 - Project Details
 - Estimated Project Cost
 - Funding Requested
 - Funding Available
- 2 This information will be assessed by Community Services staff, with a report prepared and submitted to Council for adoption.
- 3 Upon payment of the capital improvement funds, each management committee will be requested to furnish to Council (following expenditure of the funds) a statement that the

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Rural Halls - Section 356 Donations

funds have been expended for the purposes as applied for, along with a brief description of the project outcomes (to assist in assessing any future applications).

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Subject/File No: REVIEW OF PAYMENT COLLECTION OPTIONS (PH:S373)

Prepared By: Manager - Financial Services

Reason: Council Resolution

Objective: To explore the action needed to allow Electronic Funds Transfer

Management Plan N/A

Activity:

Background:

Council resolution 119/98, requested that “*Council explore the action needed to allow for EFT of rates instalments by programmed payment at intervals of monthly or fortnightly in addition to quarterly and in exploring this option also review all existing services on offer.*”

Council currently accepts payment of rate, water and other accounts by the following methods.

- Payment in person at Oliver Avenue, by cash, cheque, credit card or EFTPOS
- Payment by post
- Payment at any branch of the Commonwealth Bank
- Payment at three Post Office Agencies
- Payment by phone through Cardlink

With the provision of each type of service there is an associated cost and the primary objective is to balance that cost against the needs of the ratepayer. The other problem with discussing collection methods is that the options available continue to grow and it becomes more a matter of determining, which is the *best combination* of services available.

Probably the appropriate approach to this issue is to examine *all* the options available to Council, comparing factors such as cost and convenience.

Assessment of Options:

The various options to be considered in this report are;

- i) Credit Card
 - ii) Cardlink 24 Hour Telephone Service
 - iii) Commonwealth Bank
 - iv) Australia Post - Manual
 - v) Australia Post - Automated
 - vi) Direct Debit
 - vii) Bpay
-

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Payments by post, or at the Council Administrative Centre, have deliberately been excluded from this evaluation, as these are seen as core services that must be provided.

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Review of Payment Collection Services

i) Credit Card

Comment: The use of credit cards for payment of accounts continues to increase in popularity. During the last four months in excess of \$1 million has been paid by this method. A large proportion of these payments is made through the Cardlink telephone facility.

Charges: Council is charged 1.3% commission on the value of each credit card transaction. At an average payment of say \$250, this equates to a charge to Council, of \$3.25 per transaction. It should be noted that the current commission of 1.3% is comparable to that offered by other banks, and in fact has been recently negotiated down from 1.7%, which applied during the early part of 1998. Verbal advice is that the standard industry rate for credit cards is around 2%, subject to negotiation.

Advantages: Convenient to the customer and Council is guaranteed its revenue once the transaction is approved.

Disadvantages: The cost at an average of \$3.25 is relatively high.

Recommendation: From a purely financial perspective the annual cost to Council of people paying by credit cards (1998/99 budget \$40,000) is high. One issue canvassed previously, is that Council should not accept credit cards as we are not trying to attract business as is the case with a commercial operator. Rather in Council's case, the accounts being paid are basically debts owing. However, recognising the convenience factor and that the cancellation of credit cards would create a significant amount of negative comment, it is recommended that credit cards remain an option. Although in saying this, the approach of Council should be to try and provide other less expensive options, which may help to slow the ever-increasing use of credit cards.

ii) Cardlink

Comment: Cardlink is the 24 hour telephone service available for customers to pay their rates or water accounts by credit card. Due to the ever-increasing use of credit cards, Cardlink has also proven very popular.

Charges: Cardlink charge \$1.15 per transaction with Council paying 15 cents and the customer being charged \$1.00. The credit card commission is also applicable.

Advantages: Convenient to the customer with 24-hour accessibility. The information is downloaded into the Council computer system daily, without the need for staff to reprocess the transactions. Also there are significant savings in staff time as resources are no longer tied up in answering telephones.

Disadvantages: As Cardlink is a credit card based transaction, the 1.3% commission is still charged to Council, on top of the 15 cents transaction charge.

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Review of Payment Collection Services

Recommendation: If credit cards are to continue, Cardlink must also continue.

iii) Commonwealth Bank

Comment: This option refers to the micr-encoded deposit slip attached to all rate notices and water accounts. This allows rates and water accounts to be paid at any Commonwealth Bank branch.

Charges: The charge for this service is 75 cents per transaction.

Advantages: This is a relatively cheap service, with savings in staff time as the information is downloaded into the Council computer system daily, without the need for reprocessing the transactions.

Disadvantages: The only real criticisms of this service are that the rate and water accounts have to have the micr-encoded deposit slip attached when they are printed. This also means that the deposit slip can only be used once.

Recommendation: This is a cost effective and efficient service and it is recommended that the service continue.

iv) Australia Post - Manual

Comment: Council has resolved to receive payments at three Post Office Agencies - East Lismore, Nimbin and The Channon.

Charges: There is no charge to Council for this service as the Agency operator charges the customer direct.

Advantages: Provides convenient access for specific groups of the community. There are no direct costs to Council.

Disadvantages: The major drawback with this service is that staff have to process the information once it is transferred to the Council administrative centre. Basically the agency operators are providing a courier service to Council and there are **no** benefits from Council's perspective in that the receipting still has to be undertaken by staff.

Recommendation: One of the problems with this service is that the reasoning behind the three agencies is location, however there are a number of other agencies who can lodge a similar argument, yet Council does not allow those agencies to take payments. An increase in agencies is **not** supported, as Council may well find on the due dates for water and rates, large numbers of transactions delivered to the administrative centre, that then have to be processed.

Also, this is the only "off-site" collection method whereby the payments have to be reprocessed. The preferred option from a financial perspective is for this method of operation to cease, as long as more convenient methods are

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Review of Payment Collection Services

provided. The balance of this report looks at additional methods that are currently available.

v) *Australia Post - Automated*

Comment: Australia Post now offer a service called "Bill Pay", whereby customers can pay their accounts at any Australia Post Office or Agency. The process is fully automated, based on a bar coding system.

Charges: The cost per transaction is \$1.25. Credit card transaction fees are also passed back to the Agency Principal (i.e. Council) at a current rate of 2.2%.

Advantages: The service is available Australia wide. The information can be downloaded into the Council computer system daily, without the need for reprocessing.

Disadvantages: The major disadvantage with this service is the transaction charge of \$1.25, plus the credit card commission, which are both relatively high compared to the other services on offer. Also, as with the Commonwealth Bank, the deposit slip can only be used once.

Recommendation: This service has significant benefits regarding the service being available through a wide variety of Australia Post offices and agencies. Australia Post have advised that almost all Post Office agencies now have the software required to operate this system. Unfortunately due to the cost involved in providing this service it is not recommended that it be offered, as this will only result in a further increase in operating costs for Council and is basically a duplication of the service already provided by the Commonwealth Bank.

vi) *Direct Debit*

Comment: Direct debit provides Council with the option of making a call on a customer's bank account for an agreed amount at an agreed date.

Charges: The cost to Council for this service is 10 cents per transaction along with the credit card commission of 1.3% for any credit card transactions.

Advantages: This is one of the cheapest options available to Council. Also the information is downloaded into Council's computer system without the need for reprocessing.

Disadvantages: The major disadvantage with this system is that Council must forward a data file to our bank when the payments are due. Also in order to ensure that the customers are aware of the payment amount and due date, it may be appropriate to forward some form of advice to the customer, advising of the payment, to ensure the system operates smoothly. There may also be occasional problems with dishonoured payments, when the customer does not have sufficient funds in his / her account.

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Review of Payment Collection Services

Recommendation: This service should be encouraged due to its relatively low cost. At this stage it is recommended that the direct debit service only operate on the due dates for rate instalments and water accounts, as this will minimise the amount of administrative work involved. For example, instead of forwarding specific notices to the customer, Council will be able to use the existing rate notices and water accounts to convey this information.

vii) Bpay

Comment: BPAY requires Council to place a standard logo on its rate notices and water accounts, along with a unique biller code. If a ratepayer has phone-banking facilities with their bank, they can use the telephone to pay their rate or water account by transferring funds from their own accounts.

Charge: From Council's perspective BPAY is also one of the cheapest options available as the transaction charge to Council is 65 cents per transaction or 75 cents for a credit card based transaction. The 1.3% commission must also be included for credit card transactions.

Advantages: Inexpensive and allows the customer to be in control of the payment. Also the customer can vary the payment amount.

Disadvantages: One disadvantage is that the format of the rate and water accounts will have to be amended slightly, which may result in a slight increase in printing costs. There is also a charge from the customer's viewpoint if they have to transfer funds from their own bank (i.e. Westpac, NAB etc) to the Council's bank (Commonwealth).

The other major disadvantage is that a number of smaller institutions such as credit unions do not yet offer this service. However, this is expected to change, as its frequency of use increases.

Recommendation: This method of payment appears to be cost beneficial to Council and it is recommended that it be implemented.

Community Consultation

The consultation undertaken to date is largely with owners of Post Office Agencies, who wish to have access to the service currently being provided by the East Lismore, Nimbin and The Channon Post Offices.

Conclusion

As outlined in the report the biggest problem Council has with the options available is to try and determine what is the best combination for Lismore's situation. The objectives are largely to balance service and costs.

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Review of Payment Collection Services

The recommendation that follows extends our current options to include the Direct Debit and Bpay options, while at the same time cancelling the current Post Office Agency agreements. This may not be politically acceptable, however it is firmly believed that the mixture of options recommended overcomes all arguments over accessibility and convenience. Basically if a ratepayer or water account holder have a bank account and a telephone there is no need for them to leave their home to pay their accounts.

Unfortunately the options listed do not overcome the problem that resulted in the original resolution, whereby a person can make fortnightly or monthly payments by direct debit. However the Bpay system does allow payments to be made at any time, as the account holder drives it. The only problem is that it is not automatic in that a telephone call must be made.

It also needs to be mentioned that staff are in constant contact with not only our current bank, the Commonwealth, but also the other main banks, as to who offers the most competitive charges. This is especially important in relation to credit card commissions. There are obvious costs in changing banks, such as printing new stationery and so long as the Commonwealth remains competitive, which is currently the case, there is no intention of changing. However if there is the possibility of making savings, it is staff's intention to change, albeit subject to a further report to Council explaining why.

In conclusion, it is my opinion that the services proposed are more than adequate and are comparable to those offered by other major service providers such as Telstra and Northpower. Check your next bill for a comparison. Also this level of service is well in excess of that provided by other neighbouring Councils.

Finally, it is recommended that the services on offer commence from July 1, 1999 as this will allow staff time to put together the appropriate stationery, promotional material etc. It will be essential for Council to promote these changes to maximise their use and minimise the chance of any problems occurring.

Recommendation Cor 81

That from July 1, 1999 Council;

- i) implement Direct Debit and Bpay for payment of rate and water accounts; and
- ii) cancel the Australia Post Office Agency collection service.

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Subject/File No: NAMING OF PUBLIC PLACES

Prepared By: Tourism Director - Andrea Roberts

Reason: Response to Councillor request for a policy to be prepared for the naming of public places.

Objective: To implement an appropriate policy for the naming of public places.

Management Plan Administration

Activity:

Background:

At the Council meeting held July 14, 1998 it was resolved (232/98) that a report be presented outlining an appropriate policy for the naming of public places. This resolution followed discussions relating to the naming of the new 'Kirklands Riviera Car Park'.

Manager - Financial Services Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation (ENT47)

That Council adopt the 'Naming of Public Places Policy (No. 8.9.1)' as presented.

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Subject/File No: LEGAL EXPENSES (S378)

Prepared By: Manager - Financial Services

Reason: Council Resolution No. 349/98

Objective: Comply with Council Resolution

Management Plan Corporate Management

Activity:

Background:

Part 2 of Council resolution 349/98 requested that;

“Council be provided with a report outlining full details of legal expenditure for the past five years and presenting a strategy for reining in these costs”.

As per the audited financial statements, the legal expenses for the last five years have been as follows;

Financial Year	Expenditure (\$'000)
1993	43
1994*	10
1994/95	80
1995/96	59
1996/97	290
1997/98	322

** This period was for six months only, as Council's financial reporting changed from a calendar year, to the July - June financial year.*

Information

In preparing this report, staff have reviewed all legal accounts for the past two financial years, in order to give an indication as to where and why legal expenses are being incurred. The review was undertaken for two years only, as this type of exercise takes up a significant amount of staff time and the two years reviewed, relate to the major expenditure periods.

This information derived from the review is included as an attachment to this report, presented as a table and a pie chart. People may wish to draw various conclusions from this information, however it is history and the primary purpose of this report is not to question why these costs were incurred. Rather the onus must be on Councillors and staff to ensure that in future legal costs are minimised and ratepayer funds are not “wasted” on excessive legal bills.

Regarding the second part of the resolution in respect to a strategy for reining in costs, there are a number of initiatives that have already been implemented to try and minimise legal costs. These include;

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Legal Expenses

- a) Procedure (Cors. 2.19) requests staff, prior to obtaining legal advice, to obtain written advice from the legal firm detailing the estimated cost of the legal advice required. Only when that written advice is obtained and a Council order raised, can the advice be formally requested;
- b) Project teams have been formed for all major Council projects. The teams consist of representatives from applicable departments of Council and this helps to ensure that *all issues* are covered before any development proceeds;
- c) Mediation is now more prevalent;
- d) Staff are more active in obtaining legal advice where it is considered essential prior to a decision being made. Basically this is a case of having to spend money to save money. The key here is to ensure that this advice does not become excessive and unnecessary.

Whether or not any further action can taken at this stage is debateable. The only other issue occasionally mentioned is the possibility of having an in-house solicitor. It should be noted that Byron Bay Council is in the process of calling expressions of interest for an in-house solicitor and it will be interesting to watch the outcome of their deliberations. Staff's view on this issue has always been that one solicitor will not be capable of handling the wide range of issues that confront a Council and you need the expertise of a range of firms to carry out this function.

General Manager's Comments

From the information presented by the Manager-Financial Services it is clear that the overwhelming bulk of legal costs incurred by the Council over the past 5 years are attributable to Council's defence of appellant action initiated by external parties. This appellant action has been initiated in the majority of instances because of dissatisfaction with decisions made by the Council relative to the determination of Development Applications pursuant to the Environment Planning and Assessment Act. Only a comparative handful of expenditures relate to discretionary advice sought by the Council and/or staff pursuant to administrative matters.

Given the non-discretionary nature of the expenditure incurred, it is not possible for the Council/staff to "*present a strategy for reining in these costs*" other than to reiterate the importance of making informed, merit-based, decisions on planning matters based on sound advice and objective criteria. Regardless of the foregoing, disaffected applicants and third parties will continue to lodge appellant action against Council decisions and Council will have a continuing obligation to vigorously defend such actions in the community interest.

Whilst I share Council's concerns about the trending growth in legal costs, it is pleasing that decisions taken at the beginning of this Council term to review the quality of Council's legal representation/advice, have led to dramatic improvements in Council's success rate in litigation. Council's policy of seeking legal advice on selected matters prior to decisions being made has also led to better informed decision-making by the Council and is aimed at the avoidance/mitigation of appellant action. A significant reduction in the list of matters currently being litigated indicates that this has been an effective strategy.

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Legal Expenses

Growth in litigation and associated legal costs are becoming an issue for all Councils, and are symptomatic of a society which is generally better informed on environmental issues, the growing complexity of our legislative framework, the introduction of statutory processes involving extensive consultation processes and appellant rights, and a general trend towards the use of litigation as a tool of personal empowerment in fighting "*the system*". Lismore City Council is not immune from these pressures.

It is my contention that staff have been very responsible in monitoring and containing legal costs. As reported by the Manager-Financial Services, a range of strategies have been adopted to ensure that **A)** staff gain appropriate authorisation before requesting legal advice, and **B)** legal issues are clearly identified before decisions are made. The current trend in legal costs is downwards with only 25% of the legal expenses budget being committed to date despite nearly 50% of the financial year having passed. This indicates that the strategies adopted have been successful.

Conclusion

Overall considering the active legal environment in which Council operates, the key to minimising legal costs is to ensure that *staff and Councillors* operate in a thoroughly professional manner, considering all relevant issues and making fully informed decisions. By keeping these thoughts in mind, legal costs may not be eliminated, but the risk of them arising should be minimised.

Finally, it should also be noted, that for the current year, the legal budget is travelling reasonably well. Expenditure incurred as at 30 November, 1998 was \$34,615 out of a total budget of \$133,800. In percentage terms this equates to 25% of the budget expended, with 42% of the year gone. Unfortunately the problem with legal expenses is that they can "blow out" in a short period of time and what may be a good result now, can change quickly. Therefore the onus will always remain on staff and Councillors to ensure legal costs remain stable by acting appropriately and professionally.

Recommendation Cor 80

That the report be received and noted.

LISMORE CITY COUNCIL - Meeting held December 15, 1998

Legal Expenses

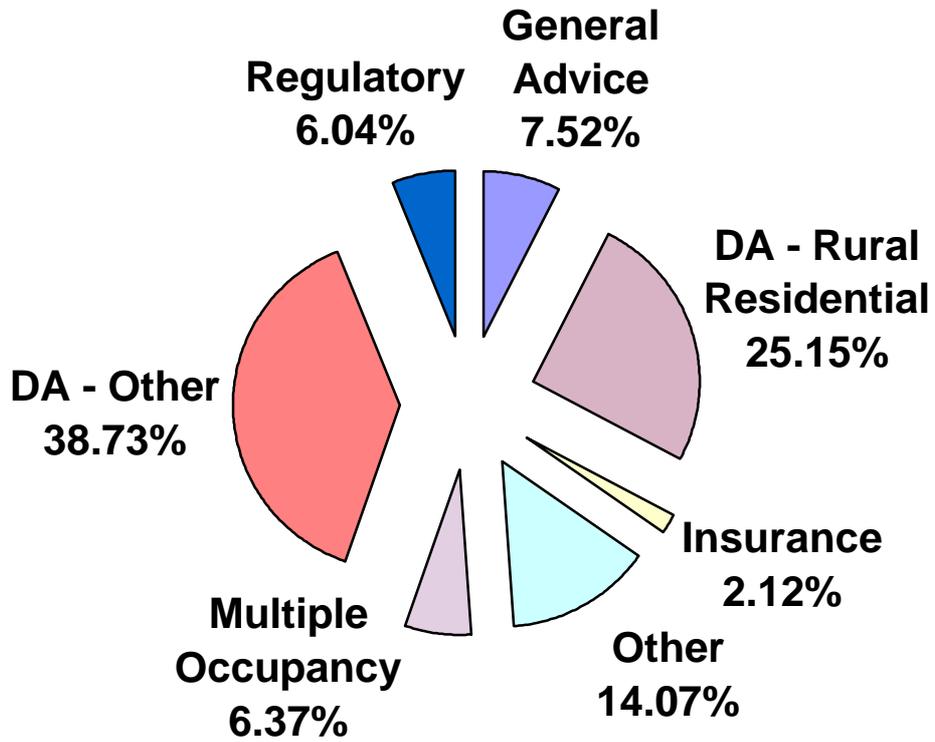
Legal Expenses - 1 July, 1996 to 30 June, 1998

Party / Issue	Costs (\$'000)	% of Total	Comment
Anson	11	1.79	Multiple Occupancy
Baldock	1	0.16	Rural Residential Subdivision
Bazzana	10	1.63	Rural Residential Subdivision
Berger Brothers	5	0.82	Insurance
Bryant	50	8.17	Rural Residential Subdivision
Buckley Hamilton - Various	35	5.72	Rural Residential Subdivisions
Casto	4	0.65	Insurance
Dayal Singh / Duck Pond	27	4.41	Landscape supply yard
Dunlop and Middleton	4	0.65	Rural Residential Subdivision
Freecloud	1	0.16	Dwelling Entitlements
Friends of Lismore Park and Oshlack	96*	15.69	Crozier Oval / Plan of Management
General Advice - Miscellaneous	21	3.43	General advice on a variety of issues such as; rates, staff contracts, management plans, planning issues, Council seal, building regulations etc.
General Advice - Quarries	5	0.82	
General Advice - Regional Library	3	0.49	Agreement - Expenses largely recouped
General Advice - Section 94	5	0.82	
General Advice - Staff Delegations	3	0.49	
General Advice - Third Party Access	9	1.47	Advice re Third Party Access to Council's Businesses
Graham	32	5.23	Rural Residential Subdivision
Other	26	4.25	Multiple Occupancy
Khyentse	2	0.33	Building Supervision
Lane	18	2.94	Rural Residential Subdivision
Lismore Square	10	1.63	Commercial Retail Development
Litevale	85	13.90	Commercial Retail Development
McDonnell Douglas	5	0.82	Contract for Computer System
Nimbin Community Development Association	12	1.97	Purchase of former Nimbin School Site and Loan Agreement with Council
Pagura	3	0.49	Building Matter
Parkview Farm	4	0.65	Rural Residential Subdivision
Ridgeland Close - Richmond Hill	4	0.65	Pavement Investigation
Robinson	4	0.65	Insurance
Smart and Maso	2	0.33	Multiple Occupancy
Smoothmist and Hanistock	39	6.37	Residential Subdivision
Steltech	69	11.28	Contract Dispute
Steven Couper Acoustics	4	0.65	Rural Dwelling
Wise	3	0.49	
Total	612		

Legal Expenses

* Reimbursement of legal costs is being sought through the Court.

LEGAL EXPENSES ANALYSIS- 1996 - 1998



LISMORE CITY COUNCIL - Meeting held December 15, 1998

Subject/File No: ALBERT PARK BASEBALL / SOFTBALL COMPLEX USAGE MANAGEMENT
(JB:LC:P16984)

Prepared By: Recreation Officer - John Bancroft

Reason: Request by Management and User Groups

Objective: Have Council endorse the Albert Park Baseball / Softball Complex Maintenance Guidelines and Usage Agreement Document.

Management Plan N/a

Activity:

Background:

With the impressive development of Albert Park over recent years came the necessity to better document park usage matters.

Upon receiving reports relevant to the Clubhouse Development Application, Council Management (May 1997) sought better detail on future obligations re: maintenance etc.

In addition to this, User Groups met with the Mayor and relevant Council staff on April 22, 1998 seeking clarification and better documentation with respect to theirs and Councils obligations/roles. Historic arrangements needed to be amended or certified.

Several meetings with Baseball & Softball Executive to review draft documents have been held. In addition to this Council Parks and Reserves Manager and the LDSA have endorsed its contents. (see separately enclosed)

AIM OF THE DOCUMENT

The purpose of this document is to provide a frame work for usage and management of the Albert Park Baseball and Softball Grounds. It is intended to provide direction to User Groups, Council, Council Management and Staff with respect to usage rights and management systems. Council has traditionally expected facility developers to maintain (and repair) recreation based buildings. This document better defines Councils and major users obligations/roles relevant to the venue. Council, at this point in time, is the Manager of the Reserve Trust. Hence it reserves the right to amend, re-consider, ignore or enact items listed in this document as it sees fit.

Albert Park's legal property definition is:

Lot 37 DP 755718 (71.03ha)
Crown Reserve No R89503
Zoning: 6A Recreation

LISMORE CITY COUNCIL - Meeting held December 15, 1998

This document relates solely to that section of Albert Park bordered by Keen Street to the East and the Wilson River to the West i.e. all sections west of Keen Street. . This area is known, via Councils computerised property system as Property No 16984.

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Albert Park Baseball/Softball Complex Usage Management

The Crown Lands Office (as land owner) will be forwarded a copy of the document once determined. If the Crown express concerns re any part of the document a further report to Council will be compiled.

Expenditure Accountant Comments

From a financial perspective, this document identifies Council's responsibilities associated with this facility.

While not specifically estimating the cost of the services delivered, it does formalise to a degree, the existing arrangements for maintenance. Consequently, it is not anticipated that there are any additional costs to Council associated with this agreement.

The real benefit of this arrangement is that it provides some '*policy*' for Council to resolve issues which may arise from time to time.

Conclusion

All affected parties have generally endorsed the document. A vast majority of the documents content merely states the current systems of management and usage and "draws lines in the sand" with respect to future maintenance and development. The document is not of a "legal" nature and can be amended if necessary.

Recommendation Cor79

1. Council endorse the Albert Park Baseball / Softball Complex Usage and Management Guidelines document.
2. A copy be forward to the Crown for their comment or endorsement.

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Subject/File No: LISMORE WORKERS CLUB RAINBOW REGION MASTERS GAMES
(JB:LC:S720)

Prepared By: Recreation Officer John Bancroft

Reason: Request by Council

Objective: Inform and have Council sanction the Organising Committee's Plan of Management.

Management Plan

Activity:

Background:

Council on October 6, 1998 resolved to

“sanction the Masters Games Event”

and form a Committee to operate the games with several delegations including

“Marketing, Planning and sponsorship procurement”

In addition to this Council requested

“a detailed Plan of Management for the Committee be formulated and presented to Council by December 1998”

With these facts in mind I advise as follows:

Naming Rights Sponsor

The Games Committee is pleased to advise that the Lismore Workers Club has formally accepted the Games Committees “Naming Rights” proposal and for that we sincerely thank them.

The 1999 event will now be known as the ***Lismore Workers Club Rainbow Region Masters Games***.

It is once again prudent to acknowledge our other current sponsors they being:

- * Southern Cross University
- * Lismore Unlimited
- * Lismore City Council
- * NBN Television
- * Northern Star
- * Radio 2LM

LISMORE CITY COUNCIL - Meeting held December 15, 1998

Lismore Workers Club Rainbow Region Masters Games

Organising Committee Plan of Management

A Plan of Management relevant to the Committee that is consistent with Council's October 6, 1998 resolution is attached for determination.

Games Patron

Mr Stan Perkins, Ex Lismore resident and General Manager of the ASPAC Games has agreed to be Games Patron. Mr Perkins has an illustrious background in Masters Sport and his advice and assistance has already been extremely valuable.

Manager - Financial Services Comments

Not Requested.

Recommendation Cor78

- 1 Council note the information contained within this report.
- 2 Council adopt the Lismore Masters Games Organising Committee Plan of Management as presented.

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Subject/File No: WATER SCHEMES – NIMBIN
(S304)

Prepared By: Water and Sewerage Operations Engineer - Terry Gobbe

Reason: To commence water quality investigations into the Nimbin supply

Objective: To accept the offer of subsidy from the DLWC.

Management Plan N/A

Activity:

Background:

The Department of Land and Water Conservation (DLWC) has made an offer of subsidy to Council for an investigation into the quality of the Nimbin water supply. The offer is for 50% subsidy for an estimated total of \$80,000 for the investigation of possible strategies to ensure a consistently high standard of water quality.

Report:

The water supply to Nimbin is unfiltered and sourced from a weir on Mulgum Creek. Following even light rainfall the water supply can become laden with sediment following runoff from the catchment. The associated turbidity can last for up to three days after a rain event.

The increased turbidity has two major effects on the supply. Firstly the turbidity and associated sediment can adversely effect the efficiency of the disinfection process. Secondly it produces customer complaints related to both turbidity and the colour of the water.

Council staff spend a considerable amount of time flushing sediment from the 7 km long delivery main. This causes intermittent fluctuations in pressure with elevated areas experiencing total disruption. The operation of the Nimbin supply to meet customer expectations is becoming increasingly difficult.

The water supply to Nimbin community is basically an urban supply. An expectation of an urban supply is that the quality is consistent, comparable to Lismore and complies with the relevant health guidelines.

Expenditure Accountant's Comments

There are sufficient funds within Nimbin Section 64 Developer's Levies to meet the 50% (\$40,000) contribution towards this investigation.

This would appear to be an appropriate use of these funds.

LISMORE CITY COUNCIL - Meeting held 15 December 1998

It should be noted that this project and other works in Nimbin will exhaust all available Section 64 funds for Nimbin. Consequently, the source of funding required to implement the recommendations of the investigation will need to be further considered.

Water Schemes - Nimbin

Other Group Comments – Manager Environmental Health

Health Implications – Unfiltered waters

As identified the unfiltered source of the Nimbin Water Supply does adversely affect the efficiency of the potable water disinfection process. This has been confirmed by Council's water monitoring programme identifying that the Nimbin Water Supply has been the system more likely to fail microbiological water quality standards.

It is essential as the Water Service Provider that Council has an appropriate level of confidence that the water quality is of a consistent and acceptable standard. The Australian Drinking Water Quality Guidelines, 1996 identifies that:

Water treatment can significantly reduce the number of water-borne micro-organisms present, and provides an excellent additional barrier to pathogens entering the distribution system. Treatment may range from simple direct sand filtration to the standard treatment of coagulation with a flocculant (such as alum, iron compounds, polyelectrolytes, and other organic flocculants), followed by sedimentation and filtration through graded sand or a combination of anthracite and sand. Granular or powdered activated carbon may be added to remove taste and odour compounds. These processes can be expected to reduce coliform counts by a further 99%, and produce water of high microbiological quality.

The removal of pathogens and pollutants should be as complete as possible before disinfection, so that total reliance is not placed on disinfection.

Conclusion

The long term goal of the Nimbin water supply is to maintain a constant quality of water that meets National Health and Medical Research Guidelines at an affordable cost. The strategy to be prepared by Department of Public Works and Services will provide a basis for Council and the community to evaluate and decide on a preferred option to achieve this goal.

Recommendation (Ent 041)

1. Council accept the DLWC's offer of 50% of the \$80,000 estimate subsidy for the preconstruction investigation of the Nimbin Water Supply.
2. That Council's contribution to the Study of \$40,000 be funded from S64 levies.
3. Council engage Department of Public Works and Services to carry out the investigation into options to improve the consistency of water supplied to Nimbin.

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Subject/File No: FLOOD PRONE LAND ACQUISITION
59 VICTORIA STREET, LISMORE
(GRD:CD:P9962)

Prepared By: Graeme Davis - Property Services Manager

Reason: Required by Vendors, D O & N Oom

Objective: To gain approval to proceed with purchase.

Management Plan N/A
Activity:

Background:

Over the past 28 years, Council has endeavoured (as funds become available) to acquire all properties in that sector of Lismore which are considered "High Risk" and "Flood Liabile". The main focus of the programme has been the Victoria/Barrie Streets precinct.

The property that is available at present and on offer to Council is **one** of only **two** houses still remaining in that part of Victoria Street between the Ballina Street Bridge and Gerard Street. It has been offered to Lismore City Council on at least **three** other occasions, but due to lack of funds the property was never acquired.

A report from the State Valuation Office dated November 17, 1998 advises that:

1. Site Description

The property is below street level and has slight fall to the rear.

The land is flood affected, having a ground level at the front gate of 8.18 metres AHD (From Lismore SES Floor Levels Report - December 1996).

2. Services

Services to the site include town water, electricity and telephone. There is a LPG gas cylinder connected. Sewer is questionable.

3. Town Planning

The property is zoned 6 (b) (Private Recreation Zone) under Lismore's Local Environmental Plan 1992, Government Gazette No. 40, March 27, 1992.

4. Improvements

A circa 1920 single storey timber framed, weatherboard clad cottage with a galvanised iron roof. It has a timber framed floor and timber internal linings.

The cottage contains three bedrooms, lounge-room, kitchen and bathroom. There are verandahs to the front and rear and a basic laundry underneath the dwelling.

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At the time of inspection the property appeared to be in fair to good condition.

The floor level of the dwelling is **10.2 AHD**. The 1974 flood level at the Rowing Club marker was **12.12 metres AHD**.

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Report - Flood Prone Land Acquisition - 59 Victoria Street, Lismore

Council's advice from the State Valuation Office is such that a **valuation range from \$83,000 to \$85,000** is a fair price for the property.

Expenditure Accountant's Comments

Council's 1998/99 Budget provided \$200,000 for the acquisition of flood prone properties. At this stage, approximately \$20,500 has been spent on the acquisition of 12 Winterton Parade.

Based on a maximum valuation of \$85,000 (plus legal costs), sufficient funds are available for the acquisition of this property.

This is on the proviso that subsidised funding of at least 2:1 is available from DLWC.

Public Consultations

Via Richmond River County Council.

Other Group Comments

Group Manager City Works:

This purchase will greatly improve the river park potential.

From State Emergency Services point of view, this property is very vulnerable to high velocity flood waters and should be removed as soon as possible.

Acting Manager - Water & Wastewater:

The Victoria Street Sewer Pumping Station (SPS) was upgraded last year. Part of this upgrading included relocating the pumping station to Gerard Street to tie in with the proposed flood levee.

A consequence of the SPS's relocation is that 59 Victoria Street is no longer adequately sewered.

That the property was to be purchased under the Flood Prone Land Acquisition Scheme was one of the factors considered when the SPS was moved.

59 Victoria Street should be purchased and removed as soon as possible to eliminate the existing unsatisfactory sewer connection.

Conclusion

As funds are available in the 1998/99 Acquisition Programme and in order to maintain Council's programme of voluntary purchase of flood-affected properties in high risk areas of Lismore's Flood

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Report - Flood Prone Land Acquisition - 59 Victoria Street, Lismore

Basin, Council's Business and Enterprise Group (Property Services) considers the acquisition of 59 Victoria Street as vital and accordingly make the following recommendations.

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Report - Flood Prone Land Acquisition - 59 Victoria Street, Lismore

Recommendations (ENT42)

1. That, conditional upon approval being forthcoming from Richmond River County Council, the Department of Land and Water Conservation and the availability of subsidiary funding, Lismore City Council acquires Lot 5 DP 535385 being 59 Victoria Street, Lismore at a sum not exceeding \$85,000 (plus legal costs).
2. That the Contract of Sale be signed under seal when presented.
3. That the land, on transfer, be entered in Council's Land Register as "**Community Land**".

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Subject/File No: APPROVAL TO LET CONTRACT FOR THE INVESTIGATION INTO STORMWATER INFLOW/INFILTRATION OF THE LISMORE SEWERAGE SYSTEM
(CH:JMc:S/472)

Prepared By: Acting Manager-Water & Wastewater - Chris Hennessy

Reason: Tenders for the measurement of inflow/infiltration flows.

Objective: To gain Council approval to let the tender

Management Plan N/A

Activity:

Background:

At its meeting held on 7 October 1997, Council resolved to accept an offer of subsidy from the Department of Land & Water Conservation (DLWC), for \$225,000. This amount represented 50% of the proposed \$450,000 project to measure and analyse the stormwater inflow/infiltration (I/I) into Lismore's sewerage system.

Estimates of stormwater inflow into the Lismore sewerage system can be up to 15 times higher than normal dry weather flow. The system is designed to cope with 7 times normal dry weather flow. Consequently there are wet weather sewer surcharges in periods of high rainfall. (Councillors would be aware that this phenomenon is not restricted to Lismore. Sewer surcharges into the Parramatta River, being the best known example.)

Associated risks to public health and the environment lead to the project being accepted for subsidy by DLWC.

The I/I project approved for subsidy by the DLWC has four components:

	Estimated Costs
a) Project management including management of the flow gauging contract:	\$ 45,000
b) Flow gauging of actual I/I over a 12 month period:	\$190,000
c) System modelling and analysis of the extent of I/I Development of a rectification program of works:	\$175,000
d) Contingencies:	\$ 40,000
Total	\$450,000

Item a) is being handled by Australian Water Technologies (AWT).

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Item b) is the subject of this report.

Item c) will be dealt with separately.

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Contract - Monitoring of Stormwater

Report:

Tenders were called for flow gauging of inflow and infiltration. Only one tender was received, that being from ADS Environmental Services Pty Ltd. As can be appreciated, the gauging of flows in sewers is a specialist field with limited practitioners. Apart from ADS Environmental there are two other accredited suppliers of the service. One, AWT did not tender as it saw a conflict of interest with the principal consultants to Council, that also being AWT. The other potential contractor chose not to tender as they do not wish to tender on work in country centres.

The tender evaluation panel consisted of AWT, Council and DLWC. The panel concluded that the single tender received would fully fulfil the requirements of the contract at an acceptable price. Following an evaluation process, the proposal submitted by ADS Environmental Services Pty Ltd has been recommended by AWT.

Their price to undertake the flow gauging phase is \$247,394.50 some \$60,000 (30%) higher than the original estimated amount.

Reasons for the variation between the estimated and tender price are:

- i) An additional 6 gauging points were required (21% increase).
- ii) 10% extra location costs (The original estimate was prepared using lower Sydney prices).
- iii) Additional quality checks on data collected have increased the costs.
- iv) Inflation

Council has been given verbal assurances that the DLWC will support an application for extension of the subsidised scheme to cover 50% of this additional expenditure. Application should be made to extend the scheme by \$60,000 to cover the tender increase. AWT have indicated that to reduce the scope of the monitoring program sufficiently so that the costings conform with the original budget estimates would compromise the data. This data would be not sufficiently accurate to base the system modelling and analysis on.

Funding:

\$250,000 has been budgeted for the I/I investigation during the 98/99 financial year (\$125,000 revenue funds and \$125,000 DLWC grants) and \$200,000 for 99/00.

The proposed 12 month monitoring program will straddle the 98/99 and 99/00 financial years. Therefore, funds are available within the current financial year to cater for the increased cost of the flow gauging. Additional funds can be budgeted next year if required.

Manager - Financial Services Comments

If funds are available, and all due processes have been followed, there is no reason not to proceed with the proposal.

Contract - Monitoring of Stormwater

Recommendation (Ent 44)

It is recommended that Council:

- 1) Approve the engagement of ADS Environmental Services Pty Ltd to undertake the stormwater inflow/infiltration monitoring program contract for a tendered price of \$247,394.50.
- 2) This work to be funded jointly by Council and DLWC under the existing subsidy arrangements.
- 3) Council to make application to the DLWC to have the subsidised scheme extended by \$60,000 from \$450,000 to \$510,000.

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Subject/File No: REGIONAL ARTS DEVELOPMENT (S389)

Prepared By: Anne Meagher, Manager-Community Services

Reason: To seek a Councillor nominee for appointment to a Steering Committee which will investigate the structure and financing of a Regional Arts Board

Objective: To secure Council's involvement in the cultural development of the region

Management Plan Strategic Plan Link 5 and 8

Activity:

Background:

In June this year, Michelle Hall, Policy Officer Cultural Development and Maisy Stapleton, General Manager of the Arts Council of NSW toured the Far North Coast Region, meeting with Councillors and staff. The purpose of their tour was to investigate the cultural needs of the Local Government Areas and to investigate structures, which would assist and support councils in cultural development.

Supporting Regional Cultural Development:

Following this visit, the Shires Association of NSW convened a meeting in October of Councillors, General Managers and staff. This meeting was attended by the Mayor, Ros Irwin, the Regional Art Gallery Director, Irena Hatfield and the Manager-Community Services, Anne Meagher. This meeting discussed the feasibility of developing a **Regional Arts Board** as the proposed model for cultural development in the region.

There was strong support at this meeting for regional cultural development as there are long-term economic benefits which flow from cultural projects and infrastructure such as increased employment, increasing tourist visitation and revitalisation of our town centres. In the future a member from every Regional Arts Board across New South Wales will be represented on the board of the Arts Council of NSW providing an effective lobby to promote regional arts development as well as equity and access to government funding.

The Regional Arts Board:

The model proposed is to establish a Regional Arts Board with representation from eleven councils from the Tweed to the Clarence, Arts Councils and other bodies of direct relevance to the strategic development of culture within the region. The role of the Regional Arts Board will be to:

- Advance cultural activities in the region
 - Provide a strong lobbying and advocacy role and active promotion of the region
 - Develop partnerships and linkages with relevant Government Departments, the Arts Council of NSW and the Local Government and Shires Association in order to secure funding for regional cultural development
 - Employ a Regional Arts Development Officer to undertake the work of the Board
-
-

LISMORE CITY COUNCIL - Meeting held December 15, 1998

Regional Arts Development

The First Step - Forming a Steering Committee:

As the first step in progressing further the concept of a Regional Arts Board it was agreed at the October meeting to appoint a Steering Committee. The Steering Committee would develop the final management structure and financing of the Board. Discussions at the October meeting discussed various options including an independent management structure or a sub-committee of NOROC. These options and others will be investigated by the Steering Committee.

The Local Government and Shires Association of NSW is now seeking nominations from each council.

Manager - Financial Services Comments:

At this point there are no financial implications for Council in proceeding with the Steering Committee. Once the Steering Committee has completed its task of developing the final structure and financing of the Regional Arts Board a further report on the financial and other implications will be presented to Council.

Public Consultations

Public consultation is not required.

Recommendation (COR76)

That Council appoint a Councillor to the Steering Committee which will investigate the structure and financing of a Regional Arts Board for the Far North Coast.

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Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT OCTOBER, 1998
(GB:SW:S170)

Prepared By: Financial Accountant - Graeme Blanch

Reason: To comply with Section 625 of the Local Government Act

Objective: To invest Council's surplus funds to best advantage to comply with Council's investment policies

Management Plan General Purposes Revenues

Activity:

Background:

The attached list of investments held by Council with various financial institutions has been made in accordance with Section 625 of the Act and in accordance with Council's investment policies.

Council's total investment for October amounted to \$19,123,857.03 with on average return of 5.44%. Interest rates at the same time last year were 5.06% on a total investment of \$21,195,726.17. During October total payments amounted to \$4.7M comprising loan instalment payments of \$1.2M and a call-up for Land and Water Conservation for subsidised Sewerage Works of \$963,500. At the same time total receipts for the period were \$102,000 less than the same time last year. Current indications after the release of the September Quarter Consumer Price Index show inflation over the past year of only 1.6% in underlying terms and suggested that the current inflation rate continues to be well below the Reserve Bank's target of 2.3% "on average over the cycle". With this in mind interest rates on investments should remain at current levels

Manager - Financial Services Comments

Included in the body of the report.

Public Consultations

Not required

Other Group Comments

Not requested

Recommendation (COR63)

Report received and noted

LISMORE CITY COUNCIL - Meeting held December 15, 1998

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD NOVEMBER 18, 1998 AT 10.00 AM.

Present: Mr Bill Moorhouse (*Chairperson*), Councillors KR Gallen and MH King, Ms Bronwyn Mitchell on behalf of Mr Bill Rixon, MP, Mr Michael Baldwin (*Roads and Traffic Authority*), Snr Const Michael Hogan (*NSW Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*) & Mr Doug Grace of Dunoon Bus Service for Item No. 2.

Apologies: Apologies for non-attendance on behalf of Mr Bill Rixon MP, Mr Chris Mallam (Lismore Unlimited) and Councillor IR Gates were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting - October 21, 1998

Members were advised that the Minutes of the meeting held on October 21, 1998 were adopted by Council at its meeting of November 17, 1998.

Disclosure of Interest: Nil

Correspondence:

1. **NSW Roads & Traffic Authority;** forwarding correspondence from the Acting Director regarding the provision of dedicated parking spaces for vehicles carrying cash and other valuables. (S353: 98-17412)

The Committee was not in favour of providing preferential parking for these vehicles bearing in mind the heavy demand for parking around the CBD and the short term use of any preferential space. It was felt that a more practical way to deal with the problem would be to change legislation to allow these vehicles to park in other parking areas such as 'No Standing' or 'Disabled Parking' or even double park in some areas as they do now.

TAC205/98 **RECOMMENDED** that the writer be advised in accordance with the above.

2. **Dunoon Bus Service;** seeking approval to extend the current bus service to include Fraser Road which would involve work to provide a turning area.

(S352: R3405:98-17695)

Mr Doug Grace - Dunoon Bus Service was present for this item.

Mr MacDonald advised that he had inspected Fraser Road and its intersection with Dunoon Road with the Police and RTA. Fraser Road itself was considered adequate for the bus to travel along, however, there was major concerns regarding the lack of sight distance of oncoming vehicles when the bus would be turning right into or out of Fraser Road. Mr Grace conceded that he shared the Committee's concerns in this regard and proposed an alternative that he be allowed to carry out only the morning run which involved left turns into and out of Fraser

LISMORE CITY COUNCIL - Meeting held December 15, 1998

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD NOVEMBER 18, 1998 AT 10.00 AM.

Road. Whilst it was acknowledged that this would be hard to police, the Committee agreed with the proposal, provided such conditions could be built into any approval issued by the Department of Transport.

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TRAFFIC ADVISORY COMMITTEE MEETING HELD NOVEMBER 18, 1998

(Cont'd)

TAC206/98 **RECOMMENDED** that approval be given for the bus run extension on to Fraser Road only on the condition that turning movements were left into and left out of Fraser Road.

3. **Bruce Greig**; expressing concern about the dangerous culvert in Barham Street. (R7410: 98-18089)

The Committee noted that this issue had been raised previously and that action had been taken to install guide posts at the ends of the offending culverts. Barham Street at this point was particularly narrow and caused motorists to slow down if a vehicle was approaching from the opposite direction, in order to avoid the culverts. It was felt that larger reflectors on the culvert ends may also help highlight their existence. In the longer term it may be possible to widen the road shoulder opposite the culverts or reconstruct the start of the offending driveways so they were less obtrusive on through traffic.

TAC207/98 **RECOMMENDED** that reflectors be installed on the ends of the culverts.

TAC208/98 **FURTHER RECOMMENDED** that this issue be referred to Council's Design Section for investigation into possible road shoulder widening or driveway reconstruction.

4. **Lismore & District Branch - Bus & Coach Association of NSW**; writing to address some points raised in Council's letter of 3/11/98 in regard to the Trinity Bus Interchange. (S673:98-18938)

The Committee noted the Association's concern regarding the outcome of the Trinity Bus Interchange meeting held on September 14, 1998. The proposals put forward at that meeting were again discussed and it was agreed that another meeting involving all players should be arranged.

TAC209/98 **RECOMMENDED** that another meeting be arranged in the near future involving all parties in order to find a proposal suitable to everyone.

5. **Mrs Anna Carr - Dunoon Road**; expressing concern over the relocation of the bus stop on Dunoon Road. (R3407:S599:98-18948)

Mr MacDonald advised that himself, Police and RTA had met with Mrs Carr on Dunoon Road to discuss problems with the current bus pickup point north of her property. The bus was currently pulling up some distance north of the Carr's property, but was only picking up Mrs Carr's children. A suitable location existed in front of the Carr's property for the bus to pull off the road, provided some gravel was placed on the shoulder, which Mrs Carr agreed she would arrange.

TAC210/98 **RECOMMENDED** that the Bus Operator be requested to relocate his pick up point to the front of the Carr's property once gravel had been placed on the road shoulder.

6. **Roads & Traffic Authority - Underpass in Dawson Street**; advising that funding for this work has been nominated in the 1999/00 budget. (S516:98-18678) Members noted that funding for this work has been nominated in the 1999/00 budget, but was still subject to approval. A letter had also been written to Trinity

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College requesting consideration of providing a contribution towards the project.
A reply has not been received to date.

TAC211/98 **RECOMMENDED** that the above information be noted.

General Business

7. **Barham Street**

Councillor King has requested that investigation be carried out into a protruding garden.

This matter had already been discussed in item 3.

8. **Driveways at Dunoon**

Councillor King has requested that this item be included for discussion.

Whilst no specific details were available, driveways in general along James Street had been inspected prior to the meeting. There did not appear to be any obvious problems and Councillor King agreed to follow up with the instigator of the complaint and report back if required.

TAC212/98 **RECOMMENDED** that the above be noted.

9. **Proposed Traffic Facilities in Virtue Street**

Councillor Crowther commenting on the above and requesting no more speed bumps in Lismore. (R6061)

Mr MacDonald advised that a survey had been posted to residents in Virtue Street, John Street and Keith Street and the response had been extremely good. It would appear from an early assessment that there was a majority in favour of one way traffic movements in Virtue Street from Dawson Street to John Street. The majority of responses were also **not** in favour of speed bumps. Further, time was needed to assess the ramifications of the one way proposal and how this affected driveway access.

TAC213/98 **RECOMMENDED** that further investigations be carried out into this aspect of the one way proposal and the results be reported back to the next meeting.

TAC214/98 **FURTHER RECOMMENDED** that speed bumps not be installed in Virtue Street.

10. **DA98/499 - Kerbside Café - Oakes Hotel - Cnr of Keen and Woodlark Streets**

Town Planner Hugh Johnson was present for this item. (DA98/499)

Mr Johnson tabled plans of the proposal for comment.

The Committee raised strong objection to the proposal in its current form. Pedestrian, and more particularly vehicle movements, at this intersection were already restricted and any further reduction in available footpath or road width would only add to this. Kerbside dining in other locations was generally at least 3-4m away from building lines, which was in line with the Access Committee's endeavour to maintain a clear area close to buildings around the CBD, this is particularly helpful for visually impaired pedestrians. It was noted that the Roads & Traffic Authority would be making a separate submission, also objecting to the proposal. In general it was considered that the location was totally unsuitable for the kerbside café as proposed.

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TAC214/98 **RECOMMENDED** that these views be taken into account when the DA is being considered by Council.

11. **Mr A Thompson - Bus Route Extension to Woodlawn College**
It was noted that many buses currently travelled to Woodlawn College without incident, however, there was some concern that there would be a significant increase in bus numbers and trips next year when the College became co-educational and when boarders ceased the year after. Council had already identified that there may be a need to upgrade sections of Woodlawn Road, however, it was felt that the College also had to consider the impact additional bus and other vehicular traffic numbers would have and plan accordingly.
(S135:R4251)
- TAC215/98 **RECOMMENDED** that approval for Thompson's Bus route extension be granted provided all pick up and drop off of students occurred within the College property.
- TAC216/98 **FURTHER RECOMMENDED** that this item be referred to Council's Planning and Development Group to be part of any DA considerations.
12. **Councillor Larsen - Speed Bumps in Woodland Avenue**
Mr MacDonald advised that he had spoken to Mrs Weir, a resident of Woodland Avenue, and had inspected the location with Police and RTA. It would appear that the main speed related offenders are residents of the subdivision in question. Speeding within subdivisions would appear to be a growing trend and should be considered as part of subdivision design and layout. Residents have agreed to record registration numbers of frequent offenders and these will be passed onto Police. Snr Const. Hogan advised that he would also arrange for patrols to be carried out in the area. It was felt that identifying particular offenders was often more successful than inconveniencing all residents with speed bumps. (R7141)
- TAC217/98 **RECOMMENDED** that the above action be noted.
13. **Banner Location - Uralba Street**
The Committee had no objection to the proposal to install banners across Uralba Street, between Dawson and Brewster Streets, provided it was in a central location away from either intersection. (R6058)
- TAC218/98 **RECOMMENDED** that approval be granted in accordance with the above for a suitable structure to be installed in Uralba Street which would house banners.
14. **Barr Scott Drive - Kerbside Parking**
Members noted that centre lines had recently been installed in Barr Scott Drive and this appeared to be successful in keeping the majority of motorists on the right side of the road. Signposted parking restrictions were not normally appropriate for residential subdivisions as they tended to merely shift the problem further along. It would appear that it was the same vehicles parking in the problem area and it was felt that it may be more effective to speak to the residents involved explaining the situation and requesting they park elsewhere. (R7103)
-

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TAC219/98 **RECOMMENDED** that the area be monitored and the immediate residents be spoken to in order to resolve the problem.

15. **Height Restrictions on Public Roads**

Mr Moorhouse advised that he had received a request to investigate whether height restrictions could be placed on public roads to restrict the passage of large buses such as on Terania Creek Road. RTA and Police representatives were not aware of any specific legislation that allowed such restrictions. The issue of how this area was promoted through the Tourist Office was raised and whether large bus operators were encouraged to use the road in question. Councillor King volunteered to take the matter to the next meeting of the Tourist Advisory Panel of which he is a member. (S374:S135)

Note: Councillor King has since reported that he did raise the issue at the last Tourist Advisory Panel meeting and advised that Mr Wayne Pellew of National Parks and Wildlife was very interested in including any such restrictions in the proposed plan of management for this area, however, he was unable to offer any advice as to how this might be achieved.

TAC220/98 **RECOMMENDED** that the above be noted.

16. **Intersection of Dawson and Brunswick Streets - Proposed Link Road**

A plan was tabled showing a proposed link road that ran through Trinity College playing fields and across the river to North Lismore. Whilst this proposal had been discussed with both Trinity and St Carthages, it would appear there is some reluctance to commit to such a proposal in writing although both had indicated their support verbally. Mr Moorhouse advised that there had been a suggestion to upgrade and convert the one way section of Keen Street between Orion Street and Brunswick Street to two way traffic in an effort to relieve some of the peak hour congestion feeding into the CBD. Such a proposal would involve a roundabout at the intersection of Brunswick and Dawson Streets as well as upgraded controls at Orion and Keen Streets. It was pointed out that such a proposal would lock Council into using part of the one way section of Keen Street as part of any future river crossing. This could have serious consequences for Trinity College in regards to student access to the playing fields and parking currently available in this area. (S683)

TAC221/98 **RECOMMENDED** that Council seek written advice from both Trinity College and St Carthages as to which option they would prefer.

17. **Intersection of Ballina and Hunter Streets - Palm Tree Removal**

Councillor Gallen reported that a palm tree on the north western corner was causing sight distance problems for motorists. It was agreed by those who knew the location that the tree was in a dangerous location and should be removed. (R6030:R6002)

TAC222/98 **RECOMMENDED** that action be taken to have the offending palm tree removed.

18. 60 kph Speed Limit Extension on Ballina Road

Snr Const. Hogan raised the issue of vehicle speeds along Ballina Road from the Hilltop Hotel to past Sunrise Crescent. The speed limit at present was 80kph, however, excessive vehicle speeds were being detected by Police particularly coming into Lismore approaching the Kadina Street roundabout. It was suggested that it may be appropriate to extend the existing 60kph limit out past Sunrise Crescent. (R6408:S352)

TAC223/98 **RECOMMENDED** that investigations be carried out into the above and a report be submitted to the next meeting.

This concluded the business and the meeting terminated at 12.30 pm.

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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

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

Recommendation:

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

Item 1: LEGAL ADVICE ON “CURRENT PROSPECTS” WITH COLLINS -V- LISMORE CITY, CORNDALE QUARRY APPEAL

Grounds for Closure -

- Section 10D(2):**
- a) Section 10A (2)(g)
 - b) Item 1
 - c) Legal professional privilege

LISMORE CITY COUNCIL - Ordinary Meeting held November 17, 1998

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE NUMULGI COMMUNITY HALL ON TUESDAY, NOVEMBER 17, 1998 AT 6.35PM.

Present: Her Worship the Mayor, Councillor Irwin; Councillors Champion Crowther, Gallen, Gates, King, Larsen, Roberts, Swientek and Wilson, together with the General Manager; Group Managers-Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Community Services, Crime Prevention Development Officer (Greg Bauman) and Manager-Administrative Services.

415/98 **Apologies/** An apology for non-attendance on behalf of Councillor Cole was received and accepted and leave of absence granted.
Leave of
Absence: (Councillors Wilson/Larsen)

Leave of absence was granted to Councillor Riddell by Council on March 31, 1998.

416/98 **Minutes:** The Minutes of the Ordinary Meeting held on October 27, 1998, were confirmed.
(Councillors Swientek/Roberts)

PUBLIC ACCESS SESSION:

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

Sgt. Neville Plush re Rescission Motion - DA98/154 - Mini Storage Sheds - 80 & 82 Cullen Street, Nimbin

Sgt. Plush raised concern that the proposed fencing would create a "safety zone" for assaults and drug related issues. He was also concerned over the lack of security lighting.
(D98/154)

Mr Gary Herne re Rescission Motion - DA98/154 - Mini Storage Sheds - 80 & 82 Cullen Street, Nimbin

Mr Herne disputed the reasons stated for the lodgement of the Rescission Motion. He advised he would agree with an "open" style fence and relocation of the lockers, that all issues had been addressed by the planners. He stressed it was in his interest to manage the site properly.
(D98/154)

**Mr Young re Report - Funding Options for the Clunes Old School
Site**

Mr Young advised he spoke on behalf of Smith Street residents in support of the retention of the Smith Street Reserve & the Section 94 funds allocated to it. He detailed the community expectation and demand for the Reserve.

(P25786)

**Mr G Meineke re Report - DA98/123 - 32 Lot Residential
Subdivision -**

Fischer Street, Goonellabah

Mr Meineke referred to the design of the subdivision, particularly the large size of lots designed to preserve the majority of the trees on the site. He urged Council's support for approval.

(D98/123)

**Mr B Sheaffe re Report - Special Rate Variation - City Safe
Initiative - Lismore Unlimited Request**

Mr Sheaffe referred to the benefits of the security patrols, acknowledged the failure of pledges to fund the trial but sought Council's support to reimburse expenses incurred.

(S640)

Mr P Bellew re Report - Recreation Study - Executive Summary

Mr Bellew used the community survey in the Recreation Study to support his call for the development of additional passive parkland.

(S575)

RESCISSION MOTION:

DA98/154 - Mini Storage Sheds - 80 & 82 Cullen Street, Nimbin

Formal notice having been given by Councillors Roberts, Swientek and Irwin it was MOVED that Council rescind its decision of October 27, 1998 (Min. 395/98) concerning Development Application 98/154 for the erection of 41 mini storage sheds and luggage locker storage.

(Councillor Roberts/Wilson)

On submission to the meeting the motion was DEFEATED.

Voting Against: Councillors Larsen, Champion, King, Gates and Crowther.

The voting being tied the Mayor declared the motion DEFEATED on her casting vote.

417/98

RESOLVED that the existing approval stand, subject to the addition of the following conditions:

- 1 The luggage lockers to be relocated to an area adjoining the existing dwelling and proposed driveway.
- 2 Suitable demarcation between pedestrian and vehicular traffic areas be incorporated using texture, line marking (or similar) for the full length of the driveway. Details to be submitted with the Building Application.
- 3 Provision of a management plan addressing site operations, taking into account pedestrian access, user safety, and surveillance control. The plan is to be developed in consultation with Council's Crime Prevention Officer and circulated to Councillors for comment prior to its authorisation.
- 4 The applicant submit a revised plan within three weeks which addresses the following matters:

LISMORE CITY COUNCIL - Ordinary Meeting held November 17, 1998

-
- a. the inclusion of landscaping around the perimeter of the site which will screen the storage shed structures from adjoining properties;
 - b. the provision of a security gate at the end of the driveway which will prevent unauthorised access to the storage sheds. Such gate to be locked when no on-site supervision is provided.
 - c. The provision of boundary fencing which will facilitate improved public surveillance of the site but provide adequate security to prevent unauthorised access.

Such plan to be circulated to Councillors for comment prior to its authorisation.

(Councillors Champion/Crowther)

Voting Against: Councillor Wilson. (98-17914: D98/154)

NOTICE OF MOTIONS:

EIS of Proposed Alstonville Bypass - Bruxner Highway

418/98

Formal notice having been given by Councillor Swientek it was **RESOLVED** that -

- 1 That Council make a submission to the RTA on the EIS of the proposed Alstonville bypass Bruxner Highway.
Further that Council ask the RTA to examine the feasibility of establishing the bypass to the north of Alstonville/Wollongbar coming off the Cumbalum Interchange and connecting with Lismore City Council's proposed new north-eastern route, avoiding Bexhill and Clunes.
- 2 That Council ask the RTA to do anticipated costings of:
 - a) New Bypass connecting with Bruxner Highway as exhibited, showing Bruxner Highway interchange and connecting costs.
 - b) Anticipated upgrading of Bruxner Highway between conclusion of the proposed bypass and Lismore in the next 20 years.
 - c) Costs associated with having connections and interchange built to connect with Lismore City Council's proposed north-eastern route and for the bypass to follow to the south of Alstonville and Wollongbar.
- 3 That Council factor in expenditure and/or savings to be made and any impact the above proposals may have on Council's arterial road system that may assist the RTA in considering a southern Bypass route and any efficiencies that may be gained from such a proposal .

(Councillors Swientek/Gallen)

Voting Against: Councillors Irwin, King, Gates and Crowther.

(98-18198: S516)

DA98/154 - Mini Storage Sheds - 80 & 82 Cullen Street, Nimbin

Formal notice was given by Councillor Robert that should the Rescission Motion relating to DA98/154 (Min. No. 395/98) be approved, then Council refuse consent to Development Application 98/154 on the following grounds:

- 1 Pursuant to Section 90(1)(c) of the EP & A Act the proposal will detract from the scenic quality and amenity of the locality.
 - 2 Pursuant to Section 90(1)(e) of the EP & A Act the external appearance of the sheds will detract from the amenity of the adjoining properties.
 - 3 The proposal is an inappropriate use within the draft Nimbin Conservation Area.
-

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-
- 4 The proposal does not comply with Objective (d) - Heritage of Development Control Plan No. 9 - Village of Nimbin.
 - 5 Pursuant to Section 90(1)(d) of the EP & A Act the proposal will have an adverse social impact.
 - 6 The proposal does not comply with Objective (i) - Signs of Development Control Plan No. 9 - Village of Nimbin.
 - 7 The proposal does not comply with Objective (f) - Natural Environment & Landscaping of Development Control Plan No. 9 - Village of Nimbin.
 - 8 Pursuant to Section 90(1)(r) of the EP & A Act the proposal is not in the public interest for the abovementioned reasons.

As the rescission motion was DEFEATED this motion was not considered.
(98-18200: D98/154)

Local Government Matters

- 419/98 Formal notice having been given by Councillor Wilson it was **RESOLVED** that this Council, in response to Mr Causley's kind invitation, ask him to make 'specific approaches' to the relevant Ministers on our behalf. Initially, the specific issues be direct payment of FAG's and constitutional recognition of local government.
(Councillors Wilson/Gallen) (98-18197: S180)

Aquatic & Leisure Centre

Formal notice having been given by Councillor Swientek it was **MOVED** that -

- 1 Council establish costings for the construction of the Goonellabah Aquatic and Leisure Centre on the Goonellabah Town Centre Site with an expanded main pool complex to 50 metres to fulfil the criteria for benchmark requirements established by the joint venture proposal at SCU.
- 2 All financial inputs from Section 94 Levies - local and citywide, Council reserves, general fund loans and any other Council resources that could be earmarked for such a joint venture proposal at Goonellabah be accounted for to show the financial impact on General Fund and ratepayers, both short and long term, both with and without closure of the Memorial Baths.
- 3 These costings and financial inputs be made available to all potential joint venture providers to make an adequate assessment of the viability of such joint venture proposals.

(Councillors Swientek/Gallen) (98-18494: S719)

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

Voting Against: Councillors Irwin, Roberts, Larsen, Wilson, Gates and Crowther.

ADJOURNMENT:

The meeting adjourned at 9.03pm and resumed at 9.29pm.

REPORTS:

Funding Options for the Clunes Old School Site

(Copy attached)

LISMORE CITY COUNCIL - Ordinary Meeting held November 17, 1998

A MOTION WAS MOVED that the report be received and -

- 1 That the purchase of the Clunes Old School Site be funded on the following basis:

Section 94 Community Facilities	\$ 12,500
Loan Funds	<u>97,500</u>
TOTAL	<u>\$110,000</u>
- 2 That the Property Services Manager commence consultation with the representatives of Clunes community and interested parties to identify any surplus land associated with the Old School site and submit a further report to Council..
- 3 In accordance with the expressed intention of the Section 94 Committee, the current wording in the Section 94 Plan be amended to “site acquisition and facility development” as part of the review of the Section 94 Plan.
- 4 That the Smith Street site be retained for development as a community reserve.
- 5 That the Manager-Parks & Reserves undertake further consultation with the Clunes community/community organisations in preparing /finalising a Plan of Management for the Smith Street Reserve and the Business Plan for the Clunes Old School site and submit these to Council for consideration.
- 6 That the Manager-Parks & Reserves enter discussions with the Clunes community/community organisations concerning future community support and assistance for the development and on-going maintenance of the Smith Street Reserve and the Clunes Old School site.

(Councillors Roberts/Larsen)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That the purchase of the Clunes Old School Site be funded on the following basis:

Section 94 Community Facilities	\$ 12,500
Loan Funds	<u>97,500</u>
TOTAL	<u>\$110,000</u>
- 2 That the Property Services Manager commence consultation with the representatives of Clunes community and interested parties to identify any surplus land associated with the Old School site and submit a further report to Council..
- 3 In accordance with the expressed intention of the Section 94 Committee, the current wording in the Section 94 Plan be amended to “site acquisition and facility development” as part of the review of the Section 94 Plan.
- 4 That the Smith Street site be retained for development as a community reserve.
- 5 That the Manager-Parks & Reserves undertake further consultation with the Clunes community/community organisations in preparing /finalising a Plan of Management for the Smith Street Reserve and the Business Plan for the Clunes Old School site and submit these to Council for consideration.
- 6 That the Manager-Parks & Reserves enter discussions with the Clunes community/community organisations concerning future community support and assistance for the development and on-going maintenance of the Smith Street Reserve and the Clunes Old School site.
- 7 That S.94 funds not be released for expenditure on the development of either the Smith Street Reserve or the Clunes Old School site until the Plan of Management, the Business Plan and maintenance agreement are in place and have been endorsed by Council.

(Councillors Champion/King)

On submission to the meeting the amendment was DEFEATED.

LISMORE CITY COUNCIL - Ordinary Meeting held November 17, 1998

Voting Against: Councillors Irwin, Roberts, Larsen, Wilson, Swientek, Gallen, Gates and Crowther.

420/98

RESOLVED that the report be received and

- 1 That the purchase of the Clunes Old School Site be funded on the following basis:

Section 94 Community Facilities	\$ 12,500
Loan Funds	<u>97,500</u>
TOTAL	<u>\$110,000</u>
- 2 That the Property Services Manager commence consultation with the representatives of Clunes community and interested parties to identify any surplus land associated with the Old School site and submit a further report to Council..
- 3 In accordance with the expressed intention of the Section 94 Committee, the current wording in the Section 94 Plan be amended to "site acquisition and facility development" as part of the review of the Section 94 Plan.
- 4 That the Smith Street site be retained for development as a community reserve.
- 5 That the Manager-Parks & Reserves undertake further consultation with the Clunes community/community organisations in preparing /finalising a Plan of Management for the Smith Street Reserve and the Business Plan for the Clunes Old School site and submit these to Council for consideration.
- 6 That the Manager-Parks & Reserves enter discussions with the Clunes community/community organisations concerning future community support and assistance for the development and on-going maintenance of the Smith Street Reserve and the Clunes Old School site.

(Councillors Roberts/Larsen)

(P25786)

DA98/123 - 32 Lot Subdivision at 116 Fischer Street, Goonellabah

(Copy attached)

421/98

RESOLVED that the report be received and -

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Control Unit, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B That Council, as the consent authority, approve Development Application 98/123 to create thirty one (31) residential allotments and one (1) residue lot, on the subject property described as Lot 2 DP 858807, being 116 Fischer Street, Goonellabah.

STANDARD

- 1 In granting this development consent, Council requires:
 - All roads, and/or
 - lot boundaries, and
 - areas subject to any amendment or modification called for in the following conditionsbe substantially in accordance with the stamped approved plan(s) No. 3215/9 and dated October 21, 1998 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

Reason: To correctly describe what has been approved. (EPA Act Sec 90)

DRAINAGE

- 2 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed so all water is directed to a Council approved drainage system to prevent discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
- 3 Measures shall be put in place to control stormwater runoff. These control measures shall prevent soil erosion and the transport of sediment from the development site into either:
 - natural drainage courses
 - constructed drainage systems, or
 - waterways.All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted for Council approval prior to release of the engineering plans.
- 4 A practising qualified surveyor is required to furnish a certificate confirming:
 - all drainage lines have been located within the respective easements,
 - roadworks are in accordance with the approved design plan, and
 - any other structures like retaining walls are located in accordance with the approved design plan.

Reason: To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 90(1)(h))

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))

Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))

EARTHWORKS

- 5 A certificate from a practising qualified engineer experienced in soil mechanics is required before engineering plans can be approved. The certificate shall state that proper investigation has been made to verify:
 - civil engineering works including retaining walls have been assessed as structurally adequate,
 - civil engineering works will not be affected by landslip either above or below the works,
 - civil engineering works will not be affected by subsidence either above or below the works, and
 - adequate drainage has been provided.
 - 6 Site works in connection with the construction of the subdivision shall be carried out between the following hours:

Monday to Saturday - 7 am to 7 pm.

No works in connection with the construction of the subdivision shall be carried out on any Sunday or Public Holiday. All works carried out on the site shall be managed to minimise the impact on all residential premises in the vicinity.
 - 7 A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity.
-

- 8 Screening and blending activities shall be restricted on windy days to minimise the generation of dust. Alternatively, water sprays shall be installed on this equipment.
- 9 Geotechnical supervision of all allotments in the development shall be undertaken with special attention to areas to be reshaped, cut or filled. A detailed plan shall be submitted to Council showing the extent of these areas. Each allotment in the subdivision shall have a geotechnical assessment or report for the benefit of any future purchaser and copies of such reports shall be submitted to Council prior to release of the final plan. Such assessment or report shall include a site classification in accordance with Australian Standard 2870.1 "Residential Slabs and Footings".

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 90(1)(g))

Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 90(1)(o))

Reason: To protect the environment. (EPA Act Sec 90(1)(b))

Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))

ROADS

- 10 The applicant or developer shall provide 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. The applicant or developer shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of the work. Required roadworks include:
- a) Construction of an urban, bitumen sealed road shape with a width of 9 m between kerbs from end of the existing pavement in Casurina Drive to the intersection of the proposed Road No. 1 in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
 - b) Construction of an urban, bitumen sealed road shape with a width of 9 m between kerbs from end of the existing pavement in Fischer Street to the end of the existing pavement in Shearman Drive in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
 - c) Construction of an urban, bitumen sealed road shape with a width of 6 m between kerbs incorporating paved parking for a single vehicle behind the kerb at the frontage of each new lot in proposed Road No. 1 from the extension of Casurina Drive to Elizabeth Avenue in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time.
 - d) Construction of all intersection layouts are to be in accordance with AUSTRROADS Part V, Intersection Upgrades, giving particular attention to sight distance.
 - e) All roads are to be designed for a minimum road speed of 40km/h.
 - f) Construction of a cul-de-sac at the end of proposed Road No. 1 providing a minimum reverse radius of 14 metres and sealed pavement of 10 metres from the centre of the face of the kerb.
-

A practising qualified surveyor or engineer shall submit a “works-as-executed” set of plans showing the satisfactory completion of all roads and drainage works required by this consent.

- 11 Full design plans of the proposed engineering works to satisfy condition(s) 10 shall be submitted to Council. Such plans shall be separate from the Subdivision plans. Such plans must be approved by Council’s City Works Group before construction of drainage or road works are commenced. A practising qualified surveyor or engineer shall submit a “works-as-executed” set of plans showing the satisfactory completion of all roads and drainage works required by this consent.
- 12 The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with Council's Development and Construction Manual (February 1993) as amended from time to time. Engineering design working drawings shall provide evidence of the feasibility of lot access. Such drawings shall be submitted for Council approval prior to the issue of a Construction Certificate.
- 13 The access shaft of Lot 21 is to be a minimum of 20 metres wide and designed to allow for the construction of a roadway for any future development.
Reason: To ensure an adequate road network in accordance with adopted standards. (Local Government Act Sec 332)
Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))
- 14 The applicant or developer shall construct a 2 metre wide reinforced concrete, paving block or equivalent footpath in a 4 metre wide pathway reserve between Lots 29 and 30 and Lots 22 and 23, leading from proposed Road No. 1 to the parcels of open space.
- 15 The applicant or developer shall construct a 2 metre wide reinforced concrete, paving block or equivalent footpath in a 4 metre wide pathway reserve from the eastern side of Road No. 1 to the western side of Fischer Street.
Reason: To meet the anticipated demand for open space by residents of the development. (EPA Act Sec 94)

SUBDIVISION

- 16 The applicant or developer shall place allotment number identification on the frontage kerb and gutter to indicate the side boundaries and/or access shafts.
 - 17 The applicant or developer shall submit a final linen plan for Council approval. Such plan/s shall be accompanied by a \$1,600 final linen plan checking fee.
 - 18 That the NSW National Parks and Wildlife Service and the Local Aboriginal Land Council be immediately advised and construction works cease immediately in the event of the discovery of any Aboriginal sites or relics as a consequence of the development.
 - 19 The proponent shall construct building platforms within the identified building envelopes and vehicular access for all lots containing significant vegetation, as identified in Figure 3 of the Koala Plan of Management prepared by James Warren and Associates, and lots containing slopes in excess of 20%. The building platforms shall incorporate cut and fill no greater than 1.1 metre. Details to be submitted with the Engineering Design plans prior to the release of the Construction Certificate.
Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 90(1)(i))
-

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Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)

Reason: To protect the environment. (EPA Act Sec 90(1)(b))

Reason: to protect the environment. (EPA Act Sec 79C(b))

PUBLIC UTILITIES

20 Prior to release of the final linen plan, the applicant or developer in consultation with Telstra Australia, shall ensure the provision of telephone services is taken into consideration. Written evidence from Telstra Australia shall be required confirming action has commenced and relevant payments have been made.

21 Prior to release of the final linen plan, written evidence from NorthPower shall be required confirming that NorthPower shall provide electrical power to each lot and that charges for the extension of electricity supply have been paid.

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))

WATER AND SEWERAGE

22 The applicant or developer shall provide water works to service the development. The works shall include:

a) A conventional water reticulation that comprises a water service to each allotment. Water reticulation works shall be designed and constructed in accordance with Council's adopted standards. Any costs shall be the responsibility of the applicant or developer. The applicant or developer shall be responsible for the full cost of any associated water maintenance considered necessary by Council's Business and Enterprise Group for a period of twelve months from the date of approval of the works. A practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans showing these works.

b) Council has resolved that the availability of a water to urban/rural land subdivision is only guaranteed for two years from the date of this consent. This offer expires on November 17, 2000.

To guarantee the availability of a water service to the development, the Section 64 Levies set out in the attached Schedule shall be paid in full before release of the final plan of subdivision. After payment in full, a letter of Guarantee of Supply shall be issued. This letter shall not replace the need for the applicant or developer to apply to Council under s.26 of the Water Supply Authorities Act 1987 for a compliance certificate and obtain from Council such a certificate.

23 The water supply connection shall be designed, installed and maintained to prevent contaminants from being introduced into Lismore City Council's potable water supply system.

Full details of the proposed backflow method and cross connection controls shall be designed and installed in accordance with Australian Standard 3500.1 and submitted with the Engineering Plans.

24 Neither fill nor any building or other structure shall be placed over Lismore City Council's sewer main when such fill or structure falls:

i) within a distance from the main measured by projecting a 45° angle from the invert of the main to surface level

OR

ii) within 1.5m of the main.

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- 25 The applicant or developer is responsible for ensuring that the existing water and sewer pipe in the easement is not damaged while performing the works. If the existing water and sewer pipe is damaged during the course of performing the works, the applicant or developer will:
- notify Lismore City Council immediately when the breakage occurs, and
 - repair the damage at no cost to Lismore City Council.
- 26 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Council. Such plans shall be separate from the subdivision plans. Such plans must be approved by Council's Business and Enterprise Group before construction of any water and sewerage works are commenced.
- 27 The applicant or developer, at no cost to Council, is to connect the 100mm water main along Fischer Street to the 100mm water main along the southern side of Elizabeth Avenue.
- 28 The applicant or developer, at no cost to Council, is to connect the 100mm water main running between proposed Lots 4 and 33 (in the unnamed road) to the 225mm water main running on the northern side of Lot 35 DP 841587.
- 29 The applicant or developer, at no cost to Council, is to dedicate an easement 2 metres wide over the existing and proposed 150mm sewer main and a 5 metre wide easement over the existing 300mm sewer main in existing Lot 2 DP 858807.
- 30 The applicant or developer shall comply with all requirements of the Water Supply Authority regarding the connection of water supply and sewerage services to the development. A Section 27 Certificate issued under the Water Supply Authorities Act 1987 must be submitted to Council prior to commencement of building works.
- 31 The applicant or developer shall provide sewerage reticulation to service the development. The works shall include;
- a. A conventional gravity sewer reticulation that comprises a sewer junction to service the lowest ground level of each allotment. Sewerage works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the applicant or developer. The applicant or developer shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City Council's Manager Water and Sewerage for a period of twelve months from the date of approval for the work. After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works.

Reason: *To ensure that the Council's existing sewer services are not overloaded. (EPA Act Sec 90(1)(l))*

Reason: *To ensure adequate protection of utility services. (EPA Act Sec 90(1)(l))*

Reason: *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 90(1)(j) and Local Government Act Sec 33(f))*

Reason: *To provide adequate services for the development (EPA Act Sec 79C(c))*

LANDSCAPING

- 32 The management strategies, as identified within Section 4 of the James Warren and Associates Environment Consultants Koala Plan of Management, Oaklands Estate, Goonellabah, shall be complied with at all times and subject to the following amendments.
-

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- Condition 7 - Fire Management Plan shall be prepared and submitted prior to release of the final plan at no cost to Council.
 - Condition 8 - Weed tree species shall be removed at no cost to Council, prior to release of the final plan of survey.
 - Condition 15 be deleted.
- 33 The proposed development in the vicinity of the following trees shall be suitably designed not to adversely affect the continued preservation of the trees and their likely future growth habits. Council grants no consent to the pruning or removal of these trees.

TREES

Significant trees on the site identified by James Warren & Associates and accurately survey located as indicated on Figure 3.

- 34 To allow for the preservation of a root zone, excavation works and level changes shall not be undertaken within the specified radius of the trunk of the following trees.

In addition, the Applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any of the following trees.

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<u>SPECIES</u>	<u>LOCATION</u>	<u>RADIUS FROM TRUNK</u>
<i>Significant trees on the site identified by James Warren & Associates</i>	<i>Accurately survey located as indicated on Figure 3 of the Koala Management Plan.</i>	<i>Within existing dripline.</i>

- 35 The following replacement trees are to be planted to compensate for the 'loss' of koala food trees east of the proposed road.

<u>SPECIES</u>	<u>LOCATION</u>	<u>DIMENSION (metres)</u>
<i>Eucalyptus tereticornis</i> <i>Eucalyptus microcorys</i> <i>Corymbia intermedia</i>	<i>As indicated on plan attached</i>	<i>Tubestock</i>

- 36 These replacement planting trees to be planted in accordance with Condition No. 30 of the Koala Plan of Management shall be maintained by the Applicant in a healthy and vigorous condition until they attain the minimum height for protection by Council's Tree Preservation Order. Prior to protection by Council's Tree Preservation Order, any of the aforementioned trees found to be in a poor condition (damaged, dying or dead) shall be replaced by the Applicant with a tree of the same species at no cost to Council.

- 37 A detailed landscaping plan (in duplicate) shall be submitted to Council prior to release of the final linen plan. Landscaping plans shall be in accordance with Council's Landscaping Code and the requirements of Development Control Plan No. 27 - Buffer Areas and other relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:

- location of Council's sewer (if applicable)
- proposed location for planted shrubs and trees
- botanical name of shrubs and trees to be planted
- mature height of trees to be planted
- location of grassed areas
- location of paved areas
- location of trees identified for retention in the development application plans
- provisions of street planting
- provision of wildlife corridor
- identification of trees to be removed by civil works.

Council approved landscaping shall be completed prior to the release of the Construction Certificate. Landscaping shall be maintained at all times to the satisfaction of Council. Trees identified for retention in the development application plans shall not be removed without separate Council approval.

- 38 In accordance with Recommendation No. 9 of the Koala Plan of Management prepared by James Warren and Associates, the applicant shall plant 300 seedlings at no cost to Council. The seedlings may be planted in public reserves, the planting should also occur as a corridor of trees planted on the western boundary of Lots 19 to 31 and incorporate primary and secondary browse species. The wildlife corridor incorporating the planting of the seedlings shall be identified on the Landscape Plan to be submitted to Council prior to release of the Construction Certificate.

- 39 Trees to be removed shall be tagged prior to release of the Construction Certificate.
-

Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 90(1)(m))

SECTION 88B INSTRUMENT

40 The following matters shall be included within a Section 88B Instrument for each title created in accordance with the Conveyancing Act 1919:

- a) No tree identified within Figure 3 of the Koala Plan of Management, Oaklands Estate Goonellabah, prepared by James Warren and Associates may be ringbarked, cut down, lopped, removed or damaged without a resolution from a meeting of the Lismore City Council.
- b) Property fences shall have a minimum 20cm clearance at the bottom of the fence to promote the continued free movements of koalas;
- c) A secure area on each property is required for dogs where the quality of life of the animal is satisfied and their behaviour is not detrimental to neighbourhood amenity, residential safety and wildlife.
- d) The nomination of building envelopes on the final plan of survey, as identified on the approved subdivision development consent plan.

41 Condition No. 39 shall be complied with at all times.

Reason: To ensure legal application of conditional requirements.

AMENITY

42 The construction of the subdivision shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o))

ADVERTISING

43 All outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 24 Outdoor Advertising Structures (as amended). A separate application shall be submitted.

Reason: To preserve the appearance of the area. (EPA Act Sec 90(1)(o))

SECTION 94 CONTRIBUTIONS

44 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the subdivision linen plan is released. The rates and amounts applying at the date of this notice, totalling \$276,887, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the subdivision linen plan.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)

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NOTE 1: Water and/or Sewerage Headworks levies payable under the Water Supply Authorities Act 1987 totalling \$227,230 are to be paid to Council prior to release of the Compliance Certificate under Section 27 of the Act.

NOTE 2: All lots created shall be maintained by regular mowing, slashing or the like. Maintenance shall prevent excessive growth of vegetation to reduce fire hazard and/or vermin.

NOTE 3: The final linen plan shall not be released by Council until all conditions of Development Consent Notice 98/123 have been complied with to the satisfaction of Council.

NOTE 4: Section 94 Contributions levied for Urban Bushland have been credited \$17,700 as agreed with between Lismore City Council and Northern Rivers Development Corporation Pty Limited. No credits are available for Urban Bushland, should further residential lots be created for the subject site.
(Councillors Swientek/Larsen) (D98/123)

Special Rate Variation - City Safe Initiative - Lismore Unlimited Request

(Copy attached)

A MOTION WAS MOVED THAT the report be received and -

- 1 Lismore Unlimited be advised that Council is unable to meet the request to fund \$5,705 from the special rate variation funds for security services in 1996/97, as the funding specifically relates to services to be provided in 1998/99.
- 2 Lismore Unlimited be advised that Council is disappointed with the fact that no consultation took place in relation to the commencement of security services in July/August 1998 and that in the future, under no circumstances, are commitments for these funds to be made without prior Council approval.
- 3 Council reimburse Lismore Unlimited \$4,008 for security services in July/August 1998.

(Councillors Swientek/Gallen)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Larsen, Champion, King, Gates and Crowther.

A FORESHADOWED MOTION was moved that:

- 1 Lismore Unlimited be advised that Council will accede to the request to fund \$5,705 from the special rate variation funds for security services in 1996/97.
- 2 Lismore Unlimited be advised that it is a legal requirement that Council approval be gained before committing funds from the Special Rate.
3. Council reimburse Lismore Unlimited \$4,008 for security services in July/August 1998.

(Councillors Champion/Larsen)

422/98 **RESOLVED** that the report be received and

- 1 Lismore Unlimited be advised that Council will accede to the request to fund \$5,705 from the special rate variation funds for security services in 1996/97.
- 2 Lismore Unlimited be advised that it is a legal requirement that Council approval be gained before committing funds from the Special Rate.

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3. Council reimburse Lismore Unlimited \$4,008 for security services in July/August 1998.

(Councillors Champion/Larsen)

Voting Against: Councillor Gallen. (\$640)

**Road Widening - Bruxner Highway (SH16) - East of Media Centre
to Pineapple Road**

(Copy attached)

423/98

RESOLVED that the report be received and -

- 1 That the Council proceed under Section 178(2) of the Roads Act to acquire by compulsory process land in the Local Government Area of Lismore, parish of Lismore and County of Rous being Lot 41 in Deposited Plan 868366;
- 2 That Council forthwith make application to the Minister for Local Government for approval to acquire the said land by compulsory process to Section 178(2) of the Roads Act;
- 3 That Council forthwith apply for the Governor under Section 19 of the Land Acquisition (Just Terms Compensation) Act to gazettal of an acquisition notice in relation to the said land.

(Councillors Roberts/Larsen) (P25045: P26278)

Recreation Needs Study - Executive Summary

(Copy attached)

424/98

RESOLVED that the report be received and -

- 1 Council adopt the Recreation Needs Study Executive Summary document and endorse all recommendations contained therein.
- 2 The Recreation Needs Study Steering Committee be disbanded and members be thanked for their input.

(Councillors Swientek/Larsen) (S575)

Communications Facilities in Lismore LEP 1992

(Copy attached)

425/98

RESOLVED that the report be received and Council include this item in the next Lismore LEP Amendment.

(Councillors Gates/Larsen) (S158)

Local Government Structural Reform Committee

(Copy attached)

426/98

RESOLVED that the report be received and -

- 1 That the Voluntary Structural Reform Committee be commended on its initiative in developing an acceptable basis for progressing local government reform in the Northern Rivers region.
- 2 That Council endorse the Memorandum of Understanding and apply the Council seal thereto.

(Councillors Roberts/Larsen) (S34)

Census Data Analysis

(Copy attached)

A MOTION was MOVED that -

- 1 The report be received and its contents noted.

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- 2 The Economic Development Unit be requested to work with the Development Industry to promote the City of Lismore.
(Councillors Swientek/Gallen)

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AN AMENDMENT WAS MOVED that -

- 1 The report be received and its contents noted.
- 2 The Economic Development Unit be requested to commence work on the expansion of the Incentives for Investment Policy to include a package for the housing industry sector following the completion of the implementation component of the current policy.

(Councillors Wilson/Crowther)

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

Voting Against: Councillor Swientek.

427/98 **RESOLVED** that the report be received and -

- 1 The report be received and its contents noted.
- 2 The Economic Development Unit be requested to commence work on the expansion of the Incentives for Investment Policy to include a package for the housing industry sector following the completion of the implementation component of the current policy.

(Councillors Wilson/Crowther)

Voting Against: Councillors Swientek. (S394)

Economic Incentives Contribution Fund

(Copy attached)

A MOTION was moved that the report be received, and -

- 1 That no funds be allocated in the 1998/99 budget for the developer's incentive contribution fund.
- 2 That funds for the developer's incentive contribution fund be allocated in the 1999/2000 budget, as follows;
 - 50% of the annual contribution of \$100,000 to be funded by a dividend placed on the Business and Enterprise Group's commercial activities; and
 - the balance of \$50,000 be allocated each year as part of Council's annual budget process.
- 3 That all funds transferred to the Contribution Fund be treated as a reserve, with the maximum balance to be held being \$300,000 and the maximum annual contribution set at \$100,000.

(Councillors Crowther/Larsen)

AN AMENDMENT WAS MOVED that the report be received and Council undertake market research before it determines what is an incentive and what is a disincentive for prospective residents and investors.

(Councillors Swientek/Gates)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, Roberts, Larsen, Wilson, Champion, King, Gallen, and Crowther.

428/98 **RESOLVED** that the report be received and -

- 1 That no funds be allocated in the 1998/99 budget for the developer's incentive contribution fund.

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-
- 2 That funds for the developer's incentive contribution fund be allocated in the 1999/2000 budget, as follows;
 - 50% of the annual contribution of \$100,000 to be funded by a dividend placed on the Business and Enterprise Group's commercial activities; and
 - the balance of \$50,000 be allocated each year as part of Council's annual budget process.
 - 3 That all funds transferred to the Contribution Fund be treated as a reserve, with the maximum balance to be held being \$300,000 and the maximum annual contribution set at \$100,000.

(Councillors Crowther/Larsen)

Voting Against: Councillor Swientek.

(S640,S726)

Appointment of Consultant - Policy for Rural Landsharing Communities

(Copy attached)

429/98 **RESOLVED** that the report be received and Council -

- 1 Determine that Mr Malcolm Scott, Consultant Town Planner, be appointed to prepare Council's Rural Landsharing Communities Policy;
- 2 That the other consultants be advised and thanked for their interest in undertaking the work;
- 3 That, rather than Mr Scott being appointed to the Steering Committee which could result in unnecessary costs and a conflict of interests, he be invited to attend meetings of the Committee only where relevant to the preparation of the Rural Landsharing Communities Policy.
- 4 Council staff examine options to produce equity in rating between Multiple Occupancy and single dwelling residents.

(Councillors Gates/Swientek)

Voting Against: Councillors Irwin, Roberts, Larsen and Wilson

Dissenting Vote:

Councillor Irwin (S668)

Membership of Public Transport Advisory Panel - Additional Community Representative

(Copy attached)

430/98 **RESOLVED** that the report be received and Council endorse the resolution of the Public Transport Advisory Panel that Ms Candace Saric be invited to join the Panel as a community representative.

(Councillors Swientek/Roberts) (S135)

Wudi County Visit

(Copy attached)

431/98 **RESOLVED** that the report be received and -

- 1 That Council accept the invitation extended by the Magistrate of Wudi County.
- 2 That the itinerary and costing (with each individual to pay for the tour) be confirmed before publicly advertising the tour.

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- 3 That the delegation number be restricted to forty (40) with 20 placements being reserved for councillors, essential council staff and business representatives.
(Councillors Larsen/Swientek) (S390)

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Council Meetings and Public Contact Forums

(Copy attached)

432/98 **RESOLVED** that the report be received and the schedule of venues, as outlined below be adopted.

1	Council meetings:	February 23	Marom Creek
		May 18	Eltham
		November 23	Tullera
2	Public Contact Forums:	March 1	Tunable Creek
		June 21	Koonorigan
		September 6	Dungarubba

(Councillors Larsen/Wilson) (S4)

Minutes of Traffic Advisory Committee Meeting

433/98 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted.

(Councillors Swientek/Wilson) (S352)

DOCUMENTS FOR SIGNING AND SEALING:

434/98 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

S88B Instrument - Sale of Proposed Lot 1 Caniaba Road, Loftville
Subdivision - Addition to Airport Extension land.
(98-16513: D95/202)

Lease - Council to ACE - North Coast Inc.

Lease of Council property at 59 Magellan Street for 12 months from July 1, 1998.
(98-17353: P6397)

Linen Plans for Skyline Road Upgrade

For lodgement at the Land Titles Office.
(98-17603: R5102,R5103)
(Councillors Crowther/Wilson)

This concluded the business and the meeting terminated at 10.45 pm.

CONFIRMED this 15TH day of DECEMBER 1998 at which meeting the signature herein was subscribed.

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MAYOR

