

# **COUNCIL BUSINESS PAPER**

**SEPTEMBER 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, SEPTEMBER 15, 1998, at the conclusion of the Special Meeting and members of Council are requested to attend.**

**(Ken Gainger)**  
GENERAL MANAGER

**September 8, 1998**

# COUNCIL BUSINESS AGENDA

September 15, 1998

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## 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:

**Council adopt, as policy, the following:**

1. On the occasion where a property's water reading identifies a substantial increase in consumption due to a major break in the lines leading to the house, that the cost for water for that period be averaged against previous accounts for water usage.
2. This policy be implemented only for major breaks and sufficient proof be provided by the owner and/or plumber verifying the break.
3. This concession shall only apply once per household.
4. This policy be retrospective to outstanding situations on a merit basis.

*Comment: It has been brought to my attention that each year a small number of properties are having to pay extremely high water accounts due to unforeseen circumstances beyond their control for lost water. This does not constitute "user-pays".*

**COUNCILLOR** K R Gallen

**DATE** 28/8/98

**STAFF COMMENT BY WATER & SEWERAGE OPERATIONS ENGINEER:**

The concept of Council's user pays system as it stands is fair and equitable to all consumers and fully justifiable when challenged. Any change to this system would penalise customers who are careful with their consumption and diligent in maintaining their pipework to an appropriate standard. Additional costs incurred by consumption write-offs and resources used for investigations may need to be recovered by higher per litre charges to all consumers.

A major area of concern with this proposed policy is the difficulty that would be encountered when administering it. Some very grey areas would exist where judgements must be made by staff that customers could dispute and which could create further conflict. Areas such as - what is a major break? What qualifies a substantial increase? What would qualify as sufficient proof to be provided by an owner? Who is to judge the merit basis? Does this mean a financial basis? How retrospective and why only outstanding situations?

The system could also be open to abuse as consumers may attempt to claim a break in order to write-off high consumption which may have been caused by filling a pool, hoses negligently left running or even a very dry season. Council would be put in the unfortunate position of having to judge whether it was a genuine claim. Consumers of services such as gas or electricity would never expect special consideration if they inadvertently left a heater or fan on and incurred a large account.

Council at present gives consideration to consumers that have had a leak. Any customers that contact Council with concerns over their ability to pay are given an extended period to pay and on occasions this extended period is given a no interest code.

The current system of user pays ensures that cross subsidy of high and low consumers does not occur.

**General Manager's Comment**

Council's present policy position in such circumstances is limited to Policy 6.1.2 (attached)

(98-14277: S303)

**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 a full report be available to Councillors at this meeting of Council on the actions between Council and Mr & Mrs Fullerton of 17 Peate Street, North Lismore, together with the responses to questions asked by Mrs Fullerton at the Council meeting of August 25.**

**COUNCILLOR** J F Crowther

**DATE** September 2, 1998

(98-14494: P8098)

**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:

**Council conduct a similar workshop held on September 1, 1998 (which did not welcome the public) and this time invite the public to participate in the process on September 22, 1998.**

**COUNCILLOR** F F Swientek

**DATE** September 2, 1998

(98-14533: S719)

**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 write to all candidates in the forthcoming Federal election seeking their level of support for the flood mitigation works proposed for Lismore City. Further, that the position of the parties and their leadership, where appropriate, also be ascertained.**

**COUNCILLOR**      F F Swientek

**DATE**            September 2, 1998

(98-14473: S12)

**Subject/File No:** **ROUS COUNTY COUNCIL REVIEW OF COUNCIL REPRESENTATION (S306:98-12365)**

**Prepared By:** Group Manager - Business and Enterprise - Craig Kelly

**Reason:** Approach by Rous County Council to Lismore City Council to change the number of Lismore City Council delegates on Rous County Council

**Objective:** To determine Council's position on representation on Rous County Council.

**Management Plan Activity:** N/A

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**Background:**

Council has received a proposal from Rous County Council (RCC) on restructuring the way Council's are represented on RCC. The review was prompted by a request by Ballina Shire Council for greater representation. The Chairman of RCC, Councillor Don Harvey will address Council on this issue prior to it being considered at the Council Meeting.

This issue was initially raised by Ballina Council in 1996. At that time RCC resolved to retain the status quo. In accordance with that decision a further review of representation in early 1999 was proposed with a view to introducing equal representation with the commencement of the new four year Council term.

Council considered a similar request regarding the make-up of the Richmond River County Council at its meeting held on August 25, 1998. At that meeting Council resolved to maintain the status quo.

**Report**

1. The current representation on RCC is:

Ballina Shire Council	2 representatives
Byron Shire Council	2 representatives
Lismore City Council	3 representatives
Richmond River Shire Council	2 representatives

RCC have provided a copy of their report which canvasses seven options for varying the make-up of the RCC delegates (copy enclosed separately).

2. The seven options are in summary:

# LISMORE CITY COUNCIL - Meeting held September 15, 1998

## Rous County Council Review of Representation

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Options	Council Representation					Total
	Ballina	Byron	Lismore	Richmond River	Other	
1. Water Sales	3	2	3	1		9
2. Water Consumers	3	2	4	1		10
3. Remuneration Trib.	3	3	3	2		11
4. Area population	3	3	3	2		11
5. Equality of Members	2	2	2	2		8
6. Equality of Members plus a further Chairperson	2	2	2	2	1	9
7. Status quo	2	2	3	2		9

- Option 6 is not specifically contemplated in the Local Government Act. Further advice would be required before this option could be legitimised.
- A further option which is not canvassed by the RCC report is to simply increase the number of Councillors on RCC by one to ten. This further seat would be allocated to Ballina to reflect the current approximate equality of consumption between Ballina and Lismore.

### **Manager - Financial Services Comments**

From a financial perspective if you viewed RCC as a company, then it is quite apparent that based on revenues or shareholders (i.e. citizens), Lismore should have at least three representatives if not four. Essentially Lismore has contributed far greater in a monetary sense than the other councils.

### **Conclusion**

There is no apparent history of parochialism on the part of the RCC. Decisions in the past have been taken on the basis of merit and the overall benefit to constituent Councils. On this basis there is no requirement to change from the status quo.

Conversely Ballina Council views that a system of equal representation from all constituent Councils would ensure fair and equitable representation in the future. There is no definition of fairness and/or equity proposed and as such the matter will be of some debate, however some credence should be placed on the historical contributors to RCC's financial reserves and the location of current and future infrastructure utilised by RCC.

### **Recommendation (Ent 26)**

- It is recommended that Lismore City Council resolve to maintain the representation of Rous County Council as:

Lismore City Council	3
Ballina Shire Council	2
Byron Shire Council	2
Richmond River Shire Council	2
- It is further recommend that the Council review Rous County Council membership prior to the 2003 elections.

## LISMORE CITY COUNCIL - Meeting held September 15, 1998

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**Subject/File No:** FINANCIAL STATEMENTS - 1997/98  
(S568)

**Prepared By:** Manager - Financial Services

**Reason:** Statutory Requirement

**Objective:** Adoption of the 1997/98 Financial Statements

**Management Plan Activity:** Financial Services

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### **Background:**

Council 1997/98 financial statements have now been completed and audited, with the draft auditor's report received. In accordance with the provisions of the Local Government Act, Council must implement the following actions to allow the statements to be finalised; i.e.

- a) adopt the financial statements;
- b) fix a meeting date to present the statements to the public; and
- c) advertise, for a minimum period of two weeks, that the statements and the auditor's report are available for public inspection.

In order to comply with these guidelines, Council will need to advertise that the statements are to be presented to the public at the next meeting; i.e. October 6, 1998 and that the statements are available for public inspection up to that meeting date.

Traditionally, Council invites a member of Thomas, Noble and Russell (Council's auditing firm) to provide a presentation on the statements. Mr Peter Morrow will be attending this meeting to address issues that have arisen during the course of the audit.

### **Information:**

A draft copy of the 1997/98 financial statements has been included with the business paper. In respect to the actual content of the financial statements, it is normal practice for staff to provide a detailed analysis of the year's results, as part of the statements document. This analysis is included in the section of the statements titled "Financial Statements Review". The section titled "Auditor's Report" also provides a guide from the auditor's perspective to the actual results.

One point that I wish to emphasise regarding the 1997/98 statements is that Council remains in a sound financial position regarding its short term liquidity. The key financial performance ratios, as shown in note 13 of the statements and listed in the following table, remain at satisfactory levels and are relatively consistent compared to the past five financial years.

<b>Performance Indicator</b>	<b>1997/98</b>	<b>1996/97</b>	<b>1995/96</b>	<b>1994/95</b>	<b>1994</b>	<b>1993</b>
Current Ratio	2.18	2.79	2.33	2.04	2.03	2.16
Quick Assets Ratio	1.96	2.59	2.17	1.95	1.81	1.95
Debt Service Percentage	8.50	10.94	11.10	10.44	11.72	12.72
Rate Coverage Ratio Percentage	30.15	28.37	32.42	28.88	26.68	25.42
Rates and Annual Charges Outstanding (\$)	7.17	8.17	7.91	8.30	7.50	7.62

During 1997/98 there has been a decline in the current and quick assets ratio, both of which measure a Council's total liquidity, largely due to unexpended loan funds carried over from the previous financial year, having now been expended. A larger level of unexpended loans funds in 1996/97 (approx. \$1 million) meant that both these ratios tended to trend upwards in that financial year as compared to previous years (refer to table). Following a significant reduction in this unexpended figure, both of these ratios have now reverted back to levels which are readily comparable to previous years.

In respect to liquidity, it should also be pointed out that Council's cash funded internal reserves for General Fund stand at a healthy \$8.9 million, which is not far different to the \$9.1 million held for 1996/97. Councillors and members of the public may express concern as to why reserves are so high, when the infrastructure in the local government area is being run down. This is a reasonable question, however any review of the reserves (refer to note six in the financial statements) demonstrates that the majority of the reserves held, relate to "big ticket" items such as property, quarries, transport infrastructure, waste, community facilities, information services, flood mitigation and remediation programmes. Reserves are typically held in these areas for two reasons;

- (i) incomplete works carried over from one financial year to the next; and
- (ii) future provision for major expenditure items. With Council considering a number of major developments over the next few years (i.e. aquatics, library / art gallery, implementation of waste programme, quarry rehabilitation, flood levee etc) it is essential that these reserves be maintained.

Despite the overall sound financial position of Council there are a number of issues that I wish to raise regarding the 1997/98 results and the implications for future budgets. These are;

***1) Overall Operating Result as per the Operating Statement***

The net change in assets resulting from operations for 1997/98 is a \$2.177 million increase, or a surplus. As this is the first year since AAS27 commenced, that the depreciation on all Council assets has been recognised, this is actually quite a good result. Essentially, in very simplistic terms, it means that Council is generating enough revenues to replace existing infrastructure as it depreciates. Unfortunately what it doesn't recognise is that there is a large catch-up required for this Council to improve existing assets to what could be considered an acceptable standard.

Despite this overall net increase there is still a worrying trend in the overall result. One of the primary objectives for any council should be to try and maximise the surplus generated on operating activities. This surplus can then be applied to capital works and to pay off debt. The following table shows the operating surplus for the last four years;

	<b>1997/98</b>	<b>1996/97</b>	<b>1995/96</b>	<b>1994/95</b>
<b>Item</b>	<b>(\$'000)</b>	<b>(\$'000)</b>	<b>(\$'000)</b>	<b>(\$,000)</b>
Operating Revenues	35,418	35,738	34,856	35,880
Operating Expenses (excl. deprec.)	26,841	26,428	24,438	27,430
<b>Operating Result Before Capital</b>	<b>8,577</b>	<b>9,310</b>	<b>10,418</b>	<b>8,450</b>

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What the figures show is that operating expenses have trended upwards for the last three years, whereas operating revenues have flattened out. This basically means that the operating result, or surplus available for reinvestment into capital, has decreased by approximately \$2 million since 1995/96, returning to a level similar to the 1994/95 result. There are a number of reasons for this, often related to self-funding areas such as the sewerage fund, which in turn do not effect the bottom line as far as General Fund is concerned. Similarly a large part of the increased expenditure or reduced revenue relates to items largely beyond Council's control such as contributions to regulatory and statutory bodies (i.e. fire, regional library), increased employee costs such as workers compensation and award increases and decreasing financial assistance grants.

Helping to offset this trend is the fact that Council has been very diligent in reducing its loan debt, as principal repayments on loans have decreased markedly during this period. For example the loan principal repaid for 1996/97 was \$2.8 million, whereas for 1997/98 it was \$2.1 million, a reduction of approximately \$700,000. The problem now is that the reduction in loan principal has flattened out and Council cannot expect any further significant reduction in loan repayments. Therefore Council must be very careful to monitor and limit increases in recurrent expenditure, as a continuation of this trend will begin to reduce the level of capital works being undertaken.

The one message that this does convey is that Council cannot continue to increase its recurrent operating expenditure without either having corresponding reductions in other operating expenditure, capital expenditure or offsetting increases in revenue. I am particularly concerned that in the 1998/99 budget there have been significant increases in operating expenditure for items such as economic development, rural halls, parks and roads without any major savings being made elsewhere. These types of increases cannot continue, without something eventually giving way.

## ***2) General Fund Result***

In respect to the General Fund, three programmes had significant budget "blow-outs". The programmes were Corporate Management (i.e. legal expenses), Parks (including Parks - CBD, Urban, Rural and Recreation) and Child Care (Koala and Gingerbread). Each of these are dealt with in more detail later in this report, however the combined effect of these variances is approximately \$440,000, with the major contributor (i.e. \$227,000) being legal expenses.

Significantly offsetting these increases were a surplus on the oncost generated through the year of approximately \$180,000, savings in salaries in the General Manager's programme (i.e. \$50,000), additional income derived from RTA works undertaken in 1996/97 (i.e. \$90,000) and a number of small savings in other programmes. This has meant that on a working fund basis, the General Fund has operated at an overall deficit of \$99,182.

Councillors should note that in arriving at this deficit, approximately \$300,000 in interest has been allocated to reserves. The June quarterly budget review presented to Council in August had indicated that this interest would be needed to subsidise the budget deficit for the year. As the August report is prepared prior to the finalisation of the 1997/98 figures, staff had not completed the final reserve calculations for 1997/98. When this process was completed, a number of expenditure items, which had not been funded from reserves in the preparation of the August report, were funded from reserves in accordance with Council's budget. Examples include the Clunes site purchase which Council resolved to fund from property reserves in the short term and certain plant and computer purchases which were funded from the plant and computer reserves.

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# LISMORE CITY COUNCIL - Meeting held September 15, 1998

## Financial Statements 1997/98

The primary concern with General Fund is to ensure that the expenditure "blow-outs" that have occurred do not occur again in 1998/99. Already our working fund levels are now back under \$800,000 and if these problems occur again the level of working funds may decrease to an unacceptable level.

### 3) Water and Sewer Fund Results

Both the water and sewer funds continue to remain relatively sound, although the level of reserves in sewer fund decreased significantly during 1997/98. This was due to the Department of Public Works expending in excess of \$8 million on the Lismore sewerage augmentation, which meant that a large component of the sewer reserves were needed to finance Council's 50% share of the costs. This expenditure is in line with the sewer fund's financial plan.

### 4) Corporate Management Programme (includes legal expenses)

As previously mentioned Council's legal expenses ran significantly over budget during 1997/98. A history of Council's legal expenses for the last four financial years is as follows;

Financial Year	1994/95	1995/96	1996/97	1997/98
Amount	80,192	59,143	290,357	322,416
Budget	72,300	68,400	180,000	95,000
<b>Surplus / (Deficit)</b>	<b>(7,892)</b>	<b>(9,257)</b>	<b>(110,357)</b>	<b>(227,416)</b>

Discussions with Council's auditors in respect to legal expenses, indicates that this significant trending upwards is not just occurring at Lismore, but rather is common for all their Council clients. This then raises the issue that Council needs to budget more accurately and realistically for legal costs, although such expenditure is difficult to predict as litigation is usually initiated by persons external to the Council.

Regarding the 1998/99 budget, the total allocation for legal expenses is \$133,800. Obviously based on the last two financial years this may well not be adequate and it will be necessary for staff to closely monitor this expenditure and report progressively to Council at Quarterly Reviews.

### 5) Child Care

In respect to Child Care, both Koala and Gingerbread, largely due to significant reductions in anticipated operating revenues as shown in the following table, suffered serious declines in their budgeted results for the financial year.

Item	Koala Budget	Koala Final Results	Gingerbread Budget	Gingerbread Final Results
Operating Revenues	369,000	230,035	109,900	87,689
Operating Expenses *	375,300	306,971	144,900	150,322
Surplus / (Deficit)	(6,300)	(76,936)	(35,000)	(62,633)

**\* NB: The operating expense figures do not include depreciation, support and governance costs. If these figures are included the actual deficits increase to approximately \$140,000 for Koala and \$103,000 for Gingerbread.**

**Financial Statements 1997/98**

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Council is within its rights to subsidise services, however the affordability of both these programmes must be questioned. This is especially so with Koala, when you have a number of other providers within the local government area.

**6) Parks and Reserves Programme**

The four areas that make up the parks programme are Urban, Rural, CBD and Recreation (i.e. LDSA). These programmes ran at a combined budget deficit of approximately \$100,000 for 1997/98. Both senior management and park's staff are investigating corrective measures such as service levels and asset management in regard to this over-expenditure. Councillors will be advised of any substantial changes as they occur.

**7) Roads - Urban and Rural**

Instead of concentrating just on areas where there were budget variations, special mention should also be made of the Roads programme, which includes Urban Roads, Rural Roads and Bridges. In a budget of approximately \$10 million, the overall result was a small surplus of \$17,000, or a 0.17% budget variation. Considering the strong demand on resources this programme makes, the Manager - Roads and Infrastructure, Gary Hemsworth, and his staff should be congratulated on what was an excellent result. Similarly a large proportion of the remaining Council programmes were will within acceptable limits, either slightly under or over, in respect to their budgets.

**Public Consultations**

In accordance with the Local Government Act the statements are to be advertised for public comment.

**General Manager's Comments:**

It is important that Council's financial performance for the past financial year and it's overall financial position is placed in a proper context. The following comments seek to reiterate previous advice regarding the changing local government environment generally and issues affecting Lismore City Council's finances in particular.

**Government Policy:**

In recent years there have been a number of developments at State or Federal Government level which have had a cumulative impact on Council's ability to fund an appropriate level of services in a climate of increasing demand. These include:

- A steady reduction in the real value of Financial Assistance Grants ( FAGs)
- Reductions/cessation of child care subsidies
- Dramatic increases in Workers Compensation premiums
- Increasing devolution of responsibilities to LG without associated additional funding ( e.g. new Septic Tank legislation, requirement for Council to develop and fund local Social Plans etc )
- Continuation of rate-pegging
- Shortfall in road funding

Infrastructure Needs:

In addition to the foregoing, the Council is faced with decaying infrastructure and the need to improve facilities and services commensurate with demands placed upon a vibrant regional city. These demands are reflected by:

- The need for the Council to significantly increase expenditure on roads
- Pressure for additional expenditure on Parks and Reserves as Council endeavours to beautify the City to attract new residents, upgrade it's flagging CBD, and acquires more community land to maintain and develop
- Demand for new/upgraded sporting and recreation facilities e.g. Aquatic Centre, Indoor Sports Stadium, Sportsfields ( e.g. Albert Park, Crozier Oval, Oakes Oval, Hepburn Park etc ), Library and Art Gallery, City Hall, and so on
- Regional transportation needs, e.g. Transit Centre, Arterial Roads Network, Lismore Airport Re-development

Increasing Cost of Employment:

Through the introduction of state-wide industrial relations reforms and new Awards the Council has had to meet substantial additional costs of employment. With a staff of over 300 these changes have had a substantial impact on Council, and include:

- Increase in Award wages/salaries over the past 4 years of about 15%
- Restructure of Councils Wage/Salary system ( Wyatt ) per Award requirements
- Introduction of Performance Management systems
- Introduction of skills-base factors into wage/salary system
- Increasing employment on-costs to meet increasing Workers Compensation costs, Superannuation contributions ( increasing Employer contributions per Superannuation Guarantee legislation ) etc

Note:

In an effort to offset increasing cost of employment Council's staff number have been held at 1994 levels. Lismore Council has sustained one of the lowest per capita staff ratios of all cities of commensurate size in NSW.

Legal Expenses:

Council's legal expenses have been growing substantially over recent financial years. This increase is due to a number of factors, including:

- A general and growing propensity in the community to litigate
- Enhanced appeals provisions in Planning legislation
- Surges in Planning appeals associated with one-off factors e.g. enforcement of the Quarries SEPP, and the introduction of quotas for Rural Residential sub-divisions
- An unfortunate yet unrelated sequence of significant on-going Planning appeals e.g. Crozier Oval/Lismore Park Plan of Management, Lismore Square Extensions re-zoning and DA, and the Steltech dispute

- Poor accounting practices by Council's former litigation lawyers which has seen accounts for services provided some years ago submitted only in the past financial year
- Council's desire to obtain better quality and more frequent legal advice to assist its decision-making - this has escalated since the appointment of Sydney-based lawyers Phillips Fox 2 years ago.

Council's Financial Management:

Given the prevailing local government environment of increasing demand and reduced funding, Council has consistently responded responsibly by applying stringent standards to its financial management and reducing and stabilising its debt ratio. However, as the aforementioned comments testify, the most significant issues impacting upon Council's finances have been imposed from external sources beyond the Council's control. These impacts have often been difficult or impossible to predict.

Lismore Council's Policy Responses:

Lismore Council and its Management have been addressing these critical local government issues by establishing appropriate long term policy settings which include:

- \* Restructuring the organisation to create a Business and Enterprise Group aimed at facilitating the formation of business units which will progressively generate additional revenue for the Council making it less reliant on rates and government revenue
- \* Creation of an Economic Development Unit and a complementary Economic Development Advisory Board aimed at generating and promoting economic activity in the Lismore region with associated flow on benefits
- \* Consideration of the potential benefits associated with the introduction of competitive tendering aimed at identifying potential recurrent cost savings for the Council. (A discussion Paper is presently being prepared in consultation with staff for presentation to Council later this year.)

Summary:

When examined in context Council's financial position is fundamentally sound, and with cash-funded internal reserves of \$8.9 million, is the envy of many of our contemporaries.

It is clear however that there is no room for complacency, and as stated in the report of the Manager-Financial Services, a number of management/policy options are presently being explored with a view to restoring balance to Council's operating position. These will be reported to the Council in association with quarterly reviews.

Conclusion - Manager - Financial Services

As mentioned earlier Council remains in a relatively sound financial position, however this can change quickly and it is imperative that Council ensures its operating costs are maintained within acceptable levels.

## **LISMORE CITY COUNCIL - Meeting held September 15, 1998**

### **Financial Statements 1997/98**

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It needs to be reinforced that if Council wants to increase service levels and expenditure in certain programmes, than either additional revenues have to be generated, or unfortunately existing services have to be reduced, delivered more efficiently, or even ceased.

### **Recommendation (COR56)**

That Council adopt the 1997/98 financial statements and agree to present them to the public at the meeting to be held October 6, 1998 and invite the public to inspect the statements prior to that meeting date.

**Subject/File No:** SOUTHERN CROSS UNIVERSITY  
LISMORE CITY COUNCIL JOINT SWIMMING FACILITY  
(S719)

**Prepared By:** Manager-Client Services - Wayne Franklin

**Reason:** Advise Council of the outcome of the feasibility study conducted for the proposed joint facility.

**Objective:** Council give conditional approval to proceed with the project.

**Management Plan Activity:** N/A

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**Introduction:**

The need to update and improve the aquatic facilities in Lismore has been long recognised by successive councils.

The research papers included with this business paper report that Lismore Council has wrestled with this issue for some thirty years, since the need to replace the Memorial Baths was first identified.

The extensive market research undertaken over the past 12 years is also reported in the attachments. This research has consistently reported the requirements for a new aquatic facility and Council has had at least two detailed plans drawn to satisfy these requirements. On each occasion the proposals have failed to come to fruition due to the fact that Council has been unable to afford the proposition.

Following the receipt of a submission from the Southern Cross University Union for a proposed joint venture aquatic facility, the Council at its meeting on February 17, 1998 resolved to advise the University that it wishes to conduct its own feasibility study into the proposal.

The feasibility study for the proposal is complete and has been extensively discussed by Council at workshops on July 13 and again on Tuesday, September 1, 1998. These workshops have allowed Council and staff to fully explore both the joint facility proposal and other affordable options and identify the merit in the joint facility.

At the swimming centre workshop on Tuesday September 1, the joint venture proposal was compared with other options and despite the unresolved issues, was seen to offer Council the best solution to providing first class swimming facilities for the Lismore Community.

The purpose of this report is to:

- Reinforce the message that Council needs to act decisively and in a constructive manner to provide suitable swimming facilities for Lismore.
- Recommend to Council that it advise the Southern Cross University of its in principal support for the joint venture.
- Recommend to Council that a course of action be undertaken to resolve the issues.

**Background:**

The report to the Council meeting of February 17, 1998 began with the introduction:

*“Although Council is yet to formalise a final swimming facility strategy, the need to replace the Memorial Baths remains a high priority with Council having resolved to replace this facility at the end of the 1999/2000 season. The replacement for the baths needs to incorporate competitive water space which would dictate the inclusion of a 50m pool. It would be desirable to build such a pool to a standard that would see it become a regional swimming facility. To ensure maximum usage, the pool would be indoors and contain adequate spectator facilities. In addition, the facility would incorporate a number of other features to ensure maximum amenity and operational cost effectiveness.*

*From previous studies, such a facility can be expected to cost in the order of \$6M to \$8M and, given that Council is unable to fund a similar priced Goonellabah Centre, it is not likely to be able to totally fund a Regional Swimming Centre.*

*Against this background, the possibility of entering a joint venture with the University and the University’s Students Union, presents Council with a possibility of realising a Regional Swimming Centre in Lismore.*

*This Centre could provide a first class facility for the community, as well as provide an economic boost hosting Local, Regional and State events”.*

It is important to keep this idea to the forefront when considering this report.

Council has recognised that Lismore’s status as the regional centre is under threat. In addition, no fewer than nine Government Departments have relocated from the area since 1990 and there has been a downsizing of health services. It is estimated that at a minimum, there has been a loss of 300 Federal and State Public Sector jobs with a resultant loss to the economy in excess of \$22 million (*Submission to the Australian Senate Inquiry into Regional Employment and Unemployment*).

This Council has acted to bolster activity and confidence through a number of strategic policies including:

- the creation of the Economic Development Unit and Economic Development Board;
- beautification of the CBD;
- CBD infrastructure such as the Lismore Transit Centre;
- redevelopment of the Lismore Airport Terminal into a first class facility.

Similarly, Council has recognised the strategic importance of the Southern Cross University with the Cellulose Valley project and the Southern Cross Regional Research Institute offering unique employment and growth opportunities for Lismore.

Lismore also boasts some first class regional sporting facilities with Oakes Oval and the Albert Park facility. The provision of these regional facilities provides substantial economic benefits for the Community which are not related to the cost of providing this infrastructure. Apart from the economic benefits, the City benefits by having access to facilities that are second to none in regional New South Wales and possibly regional Australia.

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**SCU/LCC JOINT SWIMMING FACILITY**

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What is proposed in the joint facility, is an equally impressive facility which will further strengthen Lismore's claim to the regional centre title whilst providing residents with an outstanding aquatic facility which is of a standard suitable to a regional centre.

**Issues:**

Although the proposed joint facility can be seen to complement Council's strategic initiatives there are specific issues that must be addressed to ensure a successful outcome for this project. The issues identified at the workshop on Tuesday 1<sup>st</sup> September are:

- Validity of Market Research
- Usage of Aquatic Centre
- Location of Aquatic Centre
- Transport, Access and Carparking
- Legal and Tender Issues
- Fee Structure
- Alternative Location on Campus
- Affordability
- Overall Pool Strategy for Lismore
- Input from Professional Pool Operators

***1. Validity of Market Research***

**Comments:** Concern was expressed that the market research had not provided options to the public based on cost. It was suggested that further market research be conducted possibly via a number of Focus Groups which would allow some education of the public prior to seeking their views on the various options. Alternatively, a telephone survey could be undertaken. Also survey Goonellabah residents on their attitude to the aquatic and fitness centre being located at the SCU and stadium facilities being located at Goonellabah. It was further suggested that the proposed Focus Groups or telephone survey gauge the public reaction to an aquatic facility located on campus.

***Proposed Action***

Contact has been made with three market research companies in order to undertake the necessary independent research:

1. *Market Facts (QLD) Pty. Ltd* who have undertaken market research on behalf of Rous County Council in relation to the Perradenya Estate.
2. *A.C. Nielson* incorporating *AGB McNair* and *REARK* who were involved in the Flood Levy Survey.
3. *Hunter Valley Research Foundation* who have a high profile in the market research field.

A brief has been developed and forwarded to the three companies in order to secure quotes. The brief is set out below. Details of the cost of undertaking the market research was not available at the time of writing this report but will be tabled at the meeting on September 15. Councillors should note that on the basis of affordability (maximum contribution from Council of \$4 million) only three potential options will be surveyed.

***OBJECTIVES OF RESEARCH***

The research is to achieve the following objectives:

1. Determine the minimum level of facility components required by the public.
2. Rank facility option preferences based on components and cost.
3. Identify location preferences.
4. Determine the public's sensitivity to fee structure \$2 to \$3.
5. Gauge the public perception and willingness to utilise facilities based on campus.
6. Gauge the public willingness to utilise an aquatic centre adjacent to the Student Union incorporating licensed premises.

***FACILITY/LOCATION OPTIONS***

Council considers the following options affordable:

1. Outdoor 50 metre pool and leisure water located in the Lismore Central Business District.
2. Outdoor 50 metre pool and leisure water at Goonellabah.
3. Joint venture with Southern Cross University and Student Union on Student Union site incorporating indoor 50 metre and leisure water.

***METHODOLOGY***

Consideration should be given to a number of research methods including the following:

1. Series of Focus Groups to distil issues and provide qualitative data.
2. Telephone Survey to obtain quantitative data.
3. Combination of Focus Groups and Telephone Survey.

This list is not considered exhaustive and Council would welcome suggestions concerning the most effective method of obtaining community feedback regarding the current project.

***REPRESENTATIVE SAMPLE***

Costings should be based on a representative sample and should reflect the proportionate split of rural (35%) and urban dwellers (65%). As approximately 40% of the urban population resides in Goonellabah, the sample should reflect the area's dominance in the urban catchment. The size of the sample should ensure its validity based on Lismore's population of 42,954. The sample should also reflect a representative age structure with a bias towards the key user market age group i.e. persons 39 years of age and under.

***COST***

Costings should itemise the various components of the research and include a full interpretative report. Areas in which savings might be achieved through the use of Council resources such as printing, hire of venues etc should be identified.

## ***2. Usage of Aquatic Centre***

**Comments:** Projected utilisation rates provided by the Consultant were considered to be ambitious and it was suggested that Council staff seek to manipulate the computer model data based on various estimates of attendance numbers.

**Proposed Action:** Staff are in the process of revising the Consultant's model based on various attendance options. This information is yet to be finalised and Councillors will be advised of the outcomes as they occur.

## ***3. Location of Aquatic Centre***

**Comments:** The centrality of the location of the Aquatic Centre needs to be considered in terms of the location of existing Council urban pools. It was noted that the market research indicates that proximity is one of the determining factors in public usage of aquatic facilities. It was suggested that distance factors be reworked plotting the existing urban pools and that a strategy be developed to determine the future of the urban pools.

**Proposed Action:** In the description of this issue, it is not clear whether Councillors require both public and private pools to be considered when replotting the travel distances. If all pools are to be considered, the appropriate action is to plot each pool and list its major features. Having identified the type and location of facilities a suggested strategy will be developed for Council's existing and future pool(s) with the intention that the type and location are complimentary.

## ***4. Transport, Access and Carparking***

**Comments:** Concern was expressed about a number of issues relating to transport, access and carparking:

- Proposed route of the second entry to the University via Kellas Street in relation to its proximity to an existing watercourse
- Designation of the road for private as opposed to public use
- Effect of traffic generation on suburban streets such as Dalley and Dibbs Street.
- Need for adequate carparking provision and designated Aquatic Centre carparking
- Public perception of aquatic facility located on SCU campus

It was suggested that discussions take place with SCU with respect to Kellas Street and that an overall assessment of carparking needs be undertaken by the University.

**Proposed Action:** In relation to the impact of the new access road on an existing watercourse, the matter will be referred to Council's City Works Group for further, more detailed assessment. The development application (DA) for the new road is 'conceptual' at this stage - more specific information will be made available once engineering and detailed design work is put together. In the interim, the matter can be dealt with as a condition of consent.

The University has given an indication that it is prepared to negotiate on the issue of private/public access to the new road. This will need to be undertaken in consultation with affected residents.

The wider impact of traffic generation resulting from the provision of a new access road to the University and a possible pool development is really a DA matter for the pool proposal, should the matter proceed further. In the interim, City Works may be able to provide a very preliminary and general assessment of the likely impact.

The issue of assessing overall car parking needs has been raised with the University on many occasions and will be required to be examined in detail as part of the DA submission. Part of this process will be the need to identify adequate and convenient exclusive pool car parking for public use.

The issue of the perception of the aquatic facility at the University campus will be tested in the proposed market research (refer Item 1).

### ***5. Legal and Tenure Issues***

**Comments:** Questions were asked in relation to the law applying to the University. Southern Cross University is an entity incorporated under its own Act of Federal Parliament similar to a legal entity under the Corporations Law. Tenure arrangements with SCU are also a consideration in any joint venture proposal.

It was suggested that discussions take place with SCU in relation to legal and tenure issues.

#### ***Proposed Action:***

Through correspondence with the University, Council will obtain details of the proposed heads of agreement to ascertain negotiating parties and any particular jurisdictional issues in respect of those parties. The draft heads of agreement will require review by the Council's legal advisors.

The matter of tenure was discussed with representatives of SCU. The proposal is to arrange a long term lease of the land to the joint venture.

### ***6. Fee Structure***

**Comments:** Council has a responsibility to the wider community and access will also be determined by affordability. Councillors suggested that existing market research had not "tested" the public's sensitivity to fees and that the Focus Groups/telephone survey should target this aspect. Entrance fees of \$2 to \$3 should be run through the financial model.

#### ***Proposed Action:***

The proposed market research (refer item 1) will determine the public's sensitivity to fee structure.

### ***7 Alternative Locations on Campus***

**Comments:** Councillors expressed resistance to the location of the aquatic facility adjacent to the Union building. It was suggested that further discussions take place between SCU, the Student Union and Council to determine alternative on-campus locations.

***Proposed Action:***

Prior to reporting outcomes to Council the course of action will be:

1. Discuss alternative location with the Students Union.
2. Discuss alternative location with University.
3. Develop preliminary costing taking into account aquatic facilities, dry facilities currently proposed to be located in the existing Students Union building, carparking and road access.
4. Investigate impact of desirable location on Cellulose Valley development.
5. Consider impact of flooding on location.
6. Compare cost estimate with Council's upper price limit of four million dollars.

**8. Affordability**

**Comments:** Given Council's loan borrowings, there were some misgivings about Council's ability to afford an aquatic facility and a maximum contribution of \$4 million was endorsed.

**Proposed Action:** The following extensive information has been provided by the Manager - Financial Services in relation to the Council's ability to afford this project.

Regarding financial issues for the proposed SCU / Council joint facility, there are essentially two parts to this. Part one being the financing of Council's share of the capital cost, estimated at \$4 million and part two being the on-going funding of the operation of the facility. Each of these are dealt with as follows.

**PART 1 - CAPITAL CONTRIBUTION OF \$4 MILLION.**

Funding options for Council's contribution revolve around four main funding sources;

- A) *Use of existing reserves;*
- B) *External contributions such as grants, donations and Section 94 levies;*
- C) *Sale of surplus assets; and*
- D) *Loan funds.*

Comments on each of these sources are as follows;

***A) Existing Reserves***

A review of the existing reserves highlights that there is probably only one reserve that is of a significant size and related purpose that could be applied to this project. That is the Community Facilities reserve, which currently has a balance of approximately \$1.1 million.

The funds for this reserve have been derived from four main sources;

- (i) Approximately \$750,000 from the sale of the Goonellabah Town centre land;
  - (ii) Approximately \$150,000 from the sale of Rochdale House;
  - (iii) Approximately \$75,000 from Council as a matching contribution towards the Community Facilities Section 94 Plan; and
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(iv) the balance from interest generated on the above funds.

Whether or not it is appropriate to use these funds is a matter for Council to determine.

***B) External contributions***

In respect to grant funds, as I understand it, Council has a very good chance of receiving \$300,000 from the NSW Department of Sport and Recreation towards this project. The \$300,000 represents the maximum allocable and the reason for the likelihood of success is that this aquatic centre is seen as a *regional facility*.

Donations are also a possible source of revenue, although at this late stage it is unlikely that any substantial amount could be generated.

The use of Section 94 levies is a key component of any funding plan for this facility. The one project in the current Community Facilities Section 94 Plan that is similar in nature to this facility is the "Aquatic Centre / Leisure Centre" intended for Goonellabah. This project is included at a value of \$4.8 million, with 25% of the cost to be funded from the City Wide catchment area and 45% from the Urban East Catchment area. As at 30 June, 1998 \$144,000 in City Wide levies and \$768,000 in Urban East levies were held by Council.

The question has been asked, as to whether or not Council can apply the City Wide and Urban East levies towards the construction of this project? When asked this, Mr Lindsay Taylor, from *Phillips Fox*, has verbally said yes, subject to the proposal being advertised and the Section 94 Plan amended accordingly.

In my opinion, if Council wishes to proceed with this proposal, a key component will be to amend the existing Section 94 Plan, to enable Council to apply part or potentially all of the levies currently held.

***C) Sale of surplus assets***

It is always risky to finance capital works through the sale of existing assets, as the estimated sales revenue may not eventuate. Therefore it is not proposed to include any revenue from asset sales in this proposal.

***D) Loan funds***

Once the first three options are exhausted, the balance of the funding must be financed from loans. Council has recently targeted borrowings for General Fund of approximately \$1 million per annum, based on an eight year term. The purpose of this is to ensure that Council's current loan liability remains relatively stable, as \$1 million in loan principal is being repaid per annum and \$1 million is being borrowed at the same time.

However, due to the significant commitment required for this proposal, this methodology will have to be changed. In order to ensure that any loan borrowings don't impact heavily on the General Fund recurrent budget, the term of the borrowing period will have to be extended.

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## SCU/LCC JOINT SWIMMING FACILITY

Information obtained from various banks tends to indicate that borrowing over 15 years looks to be the most attractive option, based on the current market situation. Indicative figures for varying amounts borrowed over 15 years are as follows;

***Table 1 - Annual Loan Repayments (Principal and Interest) Fixed Term of 15 Years***

<b>Principal (\$)</b>	<b>6.00%</b>	<b>6.50%</b>	<b>7.00%</b>	<b>7.50%</b>
<b>1.0 million</b>	103,000	106,000	110,000	113,000
<b>1.5 million</b>	154,000	160,000	165,000	170,000
<b>2.0 million</b>	206,000	213,000	220,000	227,000
<b>3.0 million</b>	310,000	320,000	330,000	340,000
<b>4.0 million</b>	412,000	426,000	440,000	454,000

### **Possible Funding Scenario**

Based on the information provided, potential funding scenarios for this proposal are;

#### **Option One - Based on the following assumptions;**

<b><i>Funding Source</i></b>	<b><i>Amount</i></b>
Reserves - Apply <i>entire</i> Community Facilities Reserve	1,100,000
Grants - Assume <i>maximum</i> from NSW Sport and Recreation	300,000
Section 94 Levies - Apply <i>all</i> City Wide Catchment Levies held	144,000
Section 94 Levies - Apply <i>all</i> Urban East Catchment Levies held	768,000
Loan Funds - 1998/1999 Borrowings (in current budget)	538,000
Loan Funds - 1999/2000 Borrowings (balancing item)	1,150,000
<b><i>Total</i></b>	<b><i>4,000,000</i></b>

Table 2 demonstrates how the proposed borrowings for 1999/2000 impact on Council's budget. Please note that this table takes into account the fact that the proposed 1998/99 borrowings are already factored into Council's current budget.

***Table 2 - Loan Repayments - Before and After Financing of Aquatic Facility***

<b>Repayments</b>	<b>1998/99 (\$'000)</b>	<b>1999/00 (\$'000)</b>	<b>2000/01 (\$'000)</b>	<b>2001/02 (\$'000)</b>	<b>2002/03 (\$'000)</b>
Current *	1,080	1,000	954	717	694
After Pool **	1,080	1,040	1,081	844	821
<b>Increase / (Decrease) ***</b>	<b>0</b>	<b>40</b>	<b>127</b>	<b>127</b>	<b>127</b>
<b>Compared to 1998/99****</b>	<b>0</b>	<b>(40)</b>	<b>1</b>	<b>(236)</b>	<b>(259)</b>

\* The figures included in this row relate to existing loan repayments that are funded from general revenue. Loans that are self-funding, such as those related to the aerodrome, have not been included as they do not impact on general revenue.

\*\* Assumes the future loan funds are borrowed in January, 2000 at an interest rate of 7%, fixed for a period of 15 years. As the funds are borrowed in January, 2000 the repayments for 1999/2000 are less than in following years.

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## SCU/LCC JOINT SWIMMING FACILITY

\*\*\* This row shows the difference between the loan repayments based on the current loan structure, compared to the repayments after the loan funds are borrowed for the joint facility. Basically the difference after the first year is the loan repayments for the new facility.

\*\*\*\* This row represents the difference in repayments for future years, as a comparison to the 1998/99 financial year.

What can be seen from table two is that the cumulative result for the proposed borrowings is only minimal (i.e. \$40,000 reduction for 1999/2000 and virtually no change for 2000/01) as compared to this year's budget. However, one point that Council needs to keep in mind is that this proposal will essentially exhaust all Council's loan borrowings for the next financial year. If any other loans are entered into, then Council will have to reduce service levels for existing programmes, or reduce capital works to finance the additional loan repayments.

It should also be noted that for the following financial year (i.e. 2000/2001), even though there is a \$1,000 increase in loan repayments, Council could borrow for other projects. This is due to the fact that Council normally borrows around May each year, therefore the only impact on the 2000/2001 financial year of a \$1 million borrowing for example, would be an interest accrual of approximately \$10,000.

In addition to the above, by amending the existing Community Facilities Section 94 Plan, Council can finance part of the additional loan repayments from future Section 94 levies collected. An examination of the levies collected from the City Wide and Urban East Catchment areas for the past two financial years, indicates that on average, \$40,000 and \$50,000 is collected respectively, for a total of \$90,000 per annum. If the Section 94 Plan was amended, so that say, half of the levies collected per annum were applied to this facility, the annual loan repayments funded from revenue could be decreased by another \$45,000, as per table 3.

*Table 3 - Loan Repayments after Section 94 Levies Applied*

<b>Repayments</b>	<b>1998/99 (\$'000)</b>	<b>1999/00 (\$'000)</b>	<b>2000/01 (\$'000)</b>	<b>2001/02 (\$'000)</b>	<b>2002/03 (\$'000)</b>
Current	1,080	1,000	954	717	694
After Pool	1,080	1,040	1,081	844	821
Less Sec. 94 Levies		(45)	(45)	(45)	(45)
Repayments after Levies		995	1,036	799	776
<b>Increase / (Decrease)</b>	<b>0</b>	<b>(5)</b>	<b>82</b>	<b>82</b>	<b>82</b>
<b>Compared to 1998/99</b>	<b>0</b>	<b>(85)</b>	<b>(44)</b>	<b>(281)</b>	<b>(304)</b>

This tables demonstrates that this option will not impact on Council's budget, with Council still having the potential to borrow for other projects during the next two financial years.

### *Option Two*

Option one assumes that Council will apply all existing Section 94 levies held in the City Wide and Urban East collection areas to this facility. The major drawback with option one is that the entire Section 94 levies collected in the Urban East Catchment area are expended, without a facility being constructed in the Goonellabah area. One alternative is for Council not to apply the Urban East

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## SCU/LCC JOINT SWIMMING FACILITY

Catchment funds to this proposal, with those funds remaining to finance a "dry facility" in Goonellabah. Based on this, an alternative funding scenario for the aquatic facility could be;

<i>Funding Source</i>	<i>Amount</i>
Reserves - Apply entire Community Facilities Reserve	1,100,000
Grants - Assume maximum from NSW Sport and Recreation	300,000
Section 94 Levies - Apply all City Wide Catchment Levies held	144,000
Section 94 Levies - Apply none of the Urban East Catchment Levies held	0
Loan Funds - 1998/1999 Borrowings (in current budget)	538,000
Loan Funds - 1999/2000 Borrowings (balancing item)	1,918,000
<b>Total</b>	<b>4,000,000</b>

Table four outlines the impact on Council's budget of this proposal, once the remaining assumptions included in option one are applied.

*Table 4 - Option Two - Loan Repayments after Section 94 Levies Applied*

<b>Repayments</b>	<b>1998/99 (\$'000)</b>	<b>1999/00 (\$'000)</b>	<b>2000/01 (\$'000)</b>	<b>2001/02 (\$'000)</b>	<b>2002/03 (\$'000)</b>
Current	1,080	1,000	954	717	694
After Pool	1,080	1,067	1,164	927	904
Less Sec. 94 Levies		(20)	(20)	(20)	(20)
Repayments after Levies		1,047	1,144	907	884
<b>Increase / (Decrease)</b>	<b>0</b>	<b>47</b>	<b>190</b>	<b>190</b>	<b>190</b>
<b>Compared to 1998/99</b>	<b>0</b>	<b>(33)</b>	<b>64</b>	<b>(173)</b>	<b>(196)</b>

This demonstrates that this funding option is achievable, although Council will not be in a position to borrow for any other projects during the 1999/2000 financial year.

The primary benefit of this option is that Council still has \$768,000 in Urban East Section 94 levies. These funds, combined with loan funds, could possibly be used in either 2000/01 or 2001/02 to finance a "dry facility" in Goonellabah.

### **PART TWO - OPERATING COSTS**

As previously mentioned in this report the consultant has prepared a complicated financial model to demonstrate the future operating costs and revenues for the facility. This model includes assumptions that require a professional working in the industry to verify. The consultant has provided this expertise and it would be inappropriate for finance staff to make comments on those assumptions. Obviously the key to the financial model is the attendance numbers and it is very hard to substantiate any argument for or against the figures provided. However in saying this, as previously mentioned staff are examining changes to the model based on various attendance numbers. This information is not yet available.

The only comment I wish to make is that one would hope that as both the university and Council will not require a return on their investment, as would a private investor, the operation of the facility should be able to be run at a minimal cost to both parties. Once the memorial baths are closed Council will have the funds currently applied to the operation of that facility, approximately \$130,000 per annum, to finance any operating deficit in this facility.

*Other Financial Issues*

**(i) Alternative Facilities**

The funding scenarios outlined in this report could be used to finance alternative facilities. The only areas where changes will occur are in relation to;

- a) the NSW Department of Sport and Recreation grant of \$300,000. It appears that this level of funding will only occur if a regional facility is constructed; and
- b) the use of Section 94 funds will vary dependant on the type of facility being developed. For example the reconstruction of the memorial baths will attract very little in the way of Section 94 funding as it is an existing facility.

The key point in examining alternatives is to recognise that Council with the joint proposal will be obtaining a regional facility for its contribution, whereas the alternatives focus on local facilities. Additionally the construction of a regional facility should eliminate the need for another facility to be constructed by Council. This is also an important point, in that any costing for alternative *local* facilities, should also include the construction of other local facilities that may well need to be constructed to satisfy the entire community's needs.

**(ii) Section 94 Plan - Community Facilities**

As previously mentioned, verbal legal advice indicates that so long as due process is followed, the existing Community Facilities Plan can be amended to suit this joint facility. The big plus with the joint facility in relation to Section 94, is that there is a matching contribution from the university, thereby reducing Council's overall commitment to the Section 94 Community Facilities Plan.

**9. Overall Pool Strategy for Lismore**

**Comments:** A decision to proceed with the construction of a new aquatic facility in Lismore will impact on the finances and marketability of the existing pools. It was therefore suggested that a Strategy be developed clearly setting out Council's intentions with respect to the other urban pools.

**Proposed Action:**

This item is covered in the proposed action to satisfy item 3.

**10. Input from Professional Pool Operators**

**Comments:** An invitation be sent to various pool operators to visit Lismore at their own expense in order to seek their advice and input on the five options generated. Interested Councillors to attend.

**Proposed Action:**

A number of Pool operators were contacted following the Aquatic Centre Workshop. The following have provided commitment to attend Lismore to provide comment on the 5 options discussed at that Workshop.

**SCU/LCC JOINT SWIMMING FACILITY**

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- Mr John Nicholas - Hurstville Aquatic Centre. Mr Nicholas will be away until September 25. Upon his return he will contact council to arrange his visit.
- Mr Andrew Sharry - Splash Leisure, Brisbane. Mr Sharry has indicated a willingness to undertake a review of Council's 5 aquatic centre options.
- Mr Stuart Allen - The Forum Aquatic Centre, Newcastle University. Mr Allen has undertaken to review the aquatic centre options on Friday, September 18.
- RANS Venue managers will also be contacted.

Councillors will be contacted with actual dates of visits as soon as information is available.

**Conclusion:**

Lismore Council has been presented with an opportunity to develop a swimming and leisure facility which will strengthen Lismore's position as the regional centre.

When evaluated against other swimming facility options, the joint swimming facility represents extreme good value to the Council and the community. The proposal satisfies the following key criteria:

- Regional Sporting Facility
- Affordable
- Quality / Unique to Region
- Strengthen ties with SCU
- Meets customer expectations

It is recommended that Council give in principal commitment to the contribution of up to \$4M on the Joint facility BUT the following issues be satisfactorily resolved prior to any final commitment being made available.

- Validity of Market Research
- Usage of Aquatic Centre
- Location of Aquatic Centre
- Transport, Access and Carparking
- Legal and Tender Issues
- Fee Structure
- Alternative Location on Campus
- Affordability
- Overall Pool Strategy for Lismore
- Input from Professional Pool Operators

**Recommendation (COR55)**

- 1 Council write to the Southern Cross University and the Students Union and advise of its in principal commitment to the Joint Venture Proposal outlining the issues requiring resolution prior to final agreement being given.
- 2 Council limit its total expenditure on new swimming facilities for Lismore urban area to \$4million.
- 3 The proposed actions listed under the ten issues above be implemented and a further report be presented to Council.

**Subject/File No:** DEVELOPMENT APPLICATION NO. 97/275 FOR THE ESTABLISHMENT OF AN EXTRACTIVE INDUSTRY (GRAVEL QUARRY) LOCATED AT LOT 1 DP 845338, LOT 2 DP 843627, 145 & 127 GWYNNE ROAD, JIGGI, AND PART OF CROWN ROAD RESERVE.  
(BT: DA97/275)

**Prepared By:** Development Assessment Planner - Brendan Toohey

**Reason:** Council determination of a Development Application for an extractive industry.

**Objective:** To gain Council's approval for the establishment of an extractive industry with a proposed extraction rate of 4,900m<sup>3</sup> per annum over a 25 year period.

**Management Plan Activity:** Development Assessment

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## **1 PRECIS**

### **Applicant**

Lismore City Council (Environmental Impact Statement prepared by Balanced Systems Planning Consultants on behalf of LCC).

### **Zoning**

Lismore Local Environmental Plan 1992 - 1(a) General Rural Zone.

### **Location**

Refer Appendix 1.

### **Background**

Development Application No. 95/224 was submitted on June 16, 1995, and consented to on April 4, 1996, with an extraction rate of 3,900m<sup>3</sup> for a period of 30 years.

Discussions held with Council's Quarry Manager reveal that this consent was "activated" in that material was extracted, crushed and stockpiled on site. However, to date the extracted material has remained in stockpile and has not left the subject site. For this reason, conditions of consent relating to the sealing of the access road, intersection upgrading and other quarry improvements were not carried out.

Other reasons stated by the Quarry Manager for not fully activating the subject quarry include a lack of demand for the extracted material by Council's City Works Group and the proposal to submit a Development Application for an increased extraction quantity.

### **Proposal**

The EIS which accompanies the development application describes the proposed quarry operation, which will continue to be operated on an "as required" basis using Lismore City Council equipment and approved contractors, whereby there may be periods of no activity, followed by a concentrated extraction and/or haulage from time to time.

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The proposal seeks consent for the lateral expansion of the existing quarry mainly to the south-east, from its existing approved 3,900m<sup>3</sup> per annum to a maximum extraction rate per annum of 4,900m<sup>3</sup>, representing a 28% increase in approved annual production rate.

Components of the operation are summarised as follows:

- Stage 1 phase including formation of earth barriers and first stage rehabilitation along Gwynne Road frontage;
- Extraction of material with bulldozer or excavator (between 30 and 50 days per annum);
- Crushing with mobile crusher within the pit excavation (averaging 20 days per year);
- Loading and hauling rubber tyred loader, loading onto trucks within pit with maximum 25 truck loads or 50 truck movements (10m<sup>3</sup> capacity) per day, occurring typically on 20 days per annum, and maximum annual truck loads being 500 or 1,000 truck movements per annum;
- The proposed hours of operation are 7.00am to 6.00pm Monday to Friday for general quarrying and 7.30am to 4.30pm Mondays to Saturdays for crushing (average 20 days per annum). However, the Planning and Development Group recommend the following hours.
  - ◊ general quarrying (ripping, loading, hauling), 7.00am - 6.00pm Monday to Friday and 7.00am to 1.00pm Saturday.
  - ◊ crushing (maximum 20 days per year), 7.30am - 4.00 pm Monday to Friday and 7.00am to 12.00noon Saturday.

*The hours of operation recommended by Council's Planning and Development Group will bring the quarry and crushing operations into a more uniform sequence and reduce the extent of crushing activity on Saturdays to mornings only for amenity reasons.*

Quarry usage outside these hours would only be in the event of an emergency where Council would utilise its emergency operation authority;

- The provision of diversion drains from work areas and sediment and water quality control ponds within quarry flood;
  - Removal of remaining trees for extended excavation area, and rehabilitation and screen planting utilising tree species of local habitat value, and in particular rehabilitation of the existing entrance to the quarry as part of Stage 1 activities, with revegetation of quarry flood and benches;
  - Allowing for the exclusion of the Crown road reserve and immediately adjacent, it is estimated that the total available resource is approximately 280,000m<sup>3</sup> in situ, of which agglomerate material is about 70,000m<sup>3</sup> and grey basalt is about 210,000m<sup>3</sup>;
  - The extraction rate proposed is 4,900m<sup>3</sup> per annum, proposed to operate over 50-60 years, However Councils Planning Development Group has recommended that the consent for the quarry is only operative for a period of 25 years;
  - Extension of the current extraction area of about 0.9 hectares by about 2.4 hectares;
  - A vegetated earth berm 5 metres high will be constructed along the south-west side for noise reduction and visual screening (see Figure 5);
  - Dust control by way of watering by water cart of access roads and the quarry area during the dry weather, and bitumen sealing of the entry to the quarry at Gwynne Road;
  - Staged extraction in four stages, namely A, B, C and D, moving in a south-easterly direction into the ridge, but excluding extraction on the unmade Crown road reserve;
  - Fencing around the quarry site, and access road provided across the unmade Crown road reserve to connect the two parts of the extended quarry;
  - Widening of site entry at Gwynne Road and upgrading of the Gwynne Road/Jiggi Road intersection to a modified "Type A" intersection; and
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- The quarry is to be used mainly for sub-base gravel with some material capable of use with road base following mixing and crushing. It is to be used mainly on the maintenance and upgrading of gravel and sealed road in the general locality.

**Key Issues**

Impact on rural amenity, impact on landscape and scenic quality, increased traffic movement both to and from the quarry, noise and dust pollution, impact on native flora and fauna, compliance with the requirements of relevant Government Authorities and overall site management.

In terms of potential noise impacts, the elevated nature of the quarry combined with the location within a pit style excavation, results in much of the noise from the operation being shielded from residences in the locality. The quarry entrance is shaped so that there is no direct line-of-sight to residences.

The small usage of the quarry, when combined with the depth of the excavated walls, will minimise the impact of noise. The acoustic assessment tests, undertaken in accordance with standard procedures at nearby residences are assessed as complying with relevant standards of the Environment Protection Authority.

The likely traffic generation of the proposed quarry in the context of the existing traffic patterns and road network in the locality was assessed under the previous development application 95/224. On a yearly basis the proposed quarry generates about 25-30% increase in truck and other traffic movements averaged over a year at full production rate along Gwynne Road. It should be noted on certain days of crusher and haulage activities, localised traffic increase will be higher but not unreasonably so, with corresponding periods of no activity at the quarry.

The report provides a range of mitigating measures designed to avoid or minimise potential environmental impacts.

**2 CONSULTANT'S PROCESSING OF THE DEVELOPMENT APPLICATION**

External Consultants have prepared the Development Application assessment in accordance with Council procedures, given that Council is the applicant and the proposal will have external impacts. The Consultant engaged to assess the Development Application was Ian Pickles of Gary Shiels and Associates Pty Ltd. A copy of the Consultant's Report is attached as Appendix 1 to this report.

**3 PUBLIC NOTIFICATION**

The proposed development was publicly advertised as a 'Designated Development' in accordance with the requirements of Section 84(1) and (4) of the Environmental Planning and Assessment Act 1979 (as amended), in the Council's "Newsletter" and "Public Notices" in the Northern Star Newspaper on Wednesday October 1, 1997. Council notified in writing twelve (12) owners and occupiers of property that adjoined the development site. The period of public exhibition was from October 1 to closing date of October 31, 1997. At the close of the exhibition period six (6) written submissions were received from the public.

Concerns were generally specific to the objector's circumstances, as outlined below:

- Local landmark and scenic ridge will be removed, and statement in EIS that ridge tree line will be maintained is incompatible with extraction plan.
- Proposed extension will severely disrupt peace, quiet and lifestyle of the rural area.
- Drastically increases traffic and invasive noise to adjacent houses during quarry operations, by up to 400% localised increase in traffic.
- Present access unsafe.
- Added danger to rural traffic and children on the way to and from Jiggi School between 8.00am and 9.00am and between 3.00pm and 4.00pm.
- Concerns about Native title, loss of unmade Crown road reserve if strip acquired for quarry.
- Impact on wildlife and flora, including impact on black cockatoos, wedgetail eagles and wallabies.
- Alleged flaws in EIS, concerning extent and accuracy of Aboriginal Heritage Assessment, existence of "dreaming site" from Jiggi to Mt Boorabee near the site etc.
- Adversely effects reasonable value of properties due to noise, dust and other amenity impacts.
- One submission questions the cost savings in road usage by using this quarry, compared to use of alternative quarry resources and lack of cost benefit assessment.
- Council has not honoured or has chosen to ignore conditions of consent to DA 95/224, and ignores planning legislation, with the gravel section of road adjacent to two houses still unsealed and the quarry entry still not upgraded.
- A number of submissions made the point that many of the adverse impacts could be satisfactorily addressed by consent conditions including those imposed by DA 95/224, such as sealing of the remaining gravel section of road, provision of earth bank and rehabilitation, and proper monitoring of the quarry operations to ensure all conditions of consent are carried out.
- One submission suggested that quarry extraction be subject to conditions as previously approved in DA 95/224, and be limited to reduced extraction area on Cells A, B and C, with extraction limited to Cell A, parts of Cell B and C and no extraction in Cell D which should be made into an Aboriginal heritage and nature conservation area to reduce quarry impact; also comments that 50 year predicted life and consent unacceptable and constitutes "generational arrogance";

#### **4 CONCLUSION**

Council's Planning and Development Group endorses the report as prepared by Gary Shiels and Associates.

Based on the information contained in the Consultant's Report, the Planning and Development Group is of the opinion that the recommendations attached to the Consultant's Report should be supported, with some modifications, as presented in this report. Alterations to the Consultant's conditions of consent have been italicised.

#### **4 OTHER GROUP COMMENTS**

The application and the EIS were referred to Council's City Works Group and Environmental Health Section. These groups have recommended a number of consent conditions in relation to sediment control, drainage retention, water management, dust and noise control, road upgrading and traffic safety, imposition of a road improvement levee, signage, rehabilitation, etc. These have been incorporated in the recommended conditions of consent.

**5 DEPARTMENT OF URBAN AFFAIRS AND PLANNING COMMENTS**

In accordance with the requirements of Section 87(3) of the EP & A Act 1979, all submissions received during the exhibition period were forwarded to the Department for comment.

On August 4, 1998 Council received formal notification from the Department Issues raised by the Department include the adequacy of the assessment undertaken with respect to cultural heritage, threatened species and State Environmental Planning Policy 44 - Koala Habitat Protection. Gary Shiels and Associates was provided with a copy of the Department's letter, their comments have been incorporated within the report.

**6 CONCLUSION**

Council's Planning and Development Group has reviewed the attached Consultant's Report and endorses the recommendations attached. It should be noted that the attached conditions of Development Consent are not identical to those which have been prepared by the Consultants as Council's staff have had additional input into the final conditions.

**RECOMMENDATION (PLA65)**

- A) That Lismore City Council, as the consent authority, approve Development Application DA 97/275 submitted by Lismore City Council as amended by Amended Plan of the Proposed Gwynne Quarry Extension, prepared by Greg Alderson and Associates Pty Ltd, and dated 22 April 1998 (referred to in letter dated 4 May 1998 from Balanced Systems Planning Consultants on behalf of the applicant, pursuant to Clause 48 of the Regulation), involving Lot 1 DP 845338, 145 Gwynne Road, Jiggi, Lot 2 DP 843627, 127 Gwynne Road, Jiggi, and Part Lot 2 DP 811943, 1038 Jiggi Road, Jiggi and road reserve; such application and consent is for the expansion and extension of the existing gravel quarry to enable 4,900m<sup>3</sup> maximum extraction rate per annum over a 25 year period; such consent subject to the following conditions:
- B) That Council grant delegated authority to the General Manager 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.

**STANDARD**

1. The development to be undertaken generally in accordance with the application and the Environmental Impact Statement submitted by Balanced Systems Planning Consultants dated August 1997, and in accordance with the amended application and plan pursuant to Clause 48 of the Environmental Planning and Assessment Regulation 1994 submitted by Balanced Systems Planning Consultants dated 4 May 1998, involving a maximum extraction rate of 4,900m<sup>3</sup> per annum over 25 years except as varied or clarified by the conditions hereunder:

**QUARRY OPERATION**

2. The annual rate of extraction *and haulage off site* shall not exceed 4,900m<sup>3</sup> annually, with quarry *extraction rate* not exceeding 1,500m<sup>3</sup> in any four (4) week period. Details to be submitted to Council on an annual basis to be lodged in June of each year. Development consent shall be obtained for any extraction in excess of this amount.

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### Development Application No. 97/275 - Gwynne's Quarry

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3. This consent is in respect of the location of the proposed quarry as depicted on the attached plans only, except for varied by conditions of this consent.
  4. All loading and unloading to take place within the curtilage of the quarry site.
  5. An Environmental Management Plan (EMP) is to be developed and implemented actively monitoring (*on an annual basis*) the environmental management systems employed. Details are to be submitted to Council within 6 months of the date of commencement of the quarry for the approval of the Council's Group Manager - Planning and Development. This plan is to be in conformity with the requirements of DCP 29 - Extractive Industries and include matters required by other consent conditions and the following matters:
    - a) inspection by Council after the receipt of *the annual* environmental monitoring report,
    - b) control of noxious weeds,
    - c) include perennial native plant species to provide long term stability of batters,
    - d) landscaping, site habitat rehabilitation, and maintenance,
    - e) a stormwater and sediment control plan, including monitoring of discharge,
    - f) the removal of buildings, plant machinery, foundations, vehicles and structures including the access road at the completion of quarrying operations,
    - g) Aboriginal cultural heritage protection,
    - h) truck movement and traffic haulage management.
    - i) *a report is to be submitted to Council for assessment every 12 months concerning such monitoring to comply with conditions and the EMP.*
  6. The operating hours to be restricted to:
    - general quarrying (ripping, loading, hauling), 7.00am - 6.00pm *Monday to Friday and 7.00am to 1.00pm Saturday.*
    - crushing (maximum 20 days per year), 7.30am - 4.00 pm *Monday to Friday and 7.00am to 12.00noon Saturday.*
  7. All hazardous materials are to be appropriately stored so as to prevent environmental damage in case of spillage. All chemicals and oils are to be stored in a secure bunded area with a holding capacity of 110% of the largest container (where flammable and combustible liquids are stored, compliance with AS1940-1993 titled "The Storage and Handling of Flammable and Combustible Liquids" is also required).
  8. This consent lapses 25 years from *activation of the consent*. At this time the site is to be inspected to ensure that rehabilitation has been carried out in accordance with the approval.
  9. All topsoil shall be progressively stripped from areas to be excavated and stockpiled separately. Stockpiles are to be located away from the general operation of the quarry, stabilised to prevent erosion and be preserved for the future rehabilitation of the quarry. *No topsoil be sold or otherwise removed from the site.*
  10. No fixed building, plant or machinery shall be erected on the site without the prior consent of the Council.
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11. At the cessation of the operations, all buildings, plant machinery, foundations, vehicles and structures including the access road shall be removed from the site and the site be restored in accordance with the Plan of Management.
12. No material for quarry infilling shall be imported to the site without the prior consent of Council, *unless identified within the EIS.*
13. Operational plants (dozers, front end loaders and excavators), utilised on a temporary and contract basis shall comply with and meet relevant criteria and standards as specified by the Environment Protection Authority.
14. Ngulingah Local Aboriginal Land Council be advised 14 days prior to any proposed removal of topsoil or new site disturbance. A consent to destroy application (made by the applicant) to be approved by NPWS for removal of the stone axe artefact in conjunction with the Ngulingah Land Council prior to commencement of operations in Cells B or C. Aboriginal monitor acceptable to the NPWS and Land Council to be engaged as necessary to inspect the site at time of site works in this regard.
15. To ensure full rehabilitation of the quarry, a Bank Guarantee *or other satisfactory surety*, for the amount of \$4,900 to be lodged with Council prior to activation of this consent. The amount required will be reviewed every 2 years, and should the continued rehabilitation of exhausted areas be to the satisfaction of the Council, the bond may be varied accordingly.
16. That the NSW National Parks and Wildlife Service be immediately advised in the event of the discovery or suspected discovery of any Aboriginal sites or relics as a consequence of the development.
17. The whole quarry site is to be fenced to discourage unauthorised entry and maintain safety, and no part of the unmade Crown road between Cells A and B is to be used for quarry extraction, *unless under an appropriate amendment to the consent, or separate consent is obtained from Council.*

### **SUBDIVISION**

18. All separate land parcels including the approved 12.04 hectare Lot A in DA 95/224 to be consolidated into one allotment under one title and lodged with Land Titles Office prior to development commencing.

### **WATER, SEDIMENT AND EROSION CONTROL:**

19. That a certificate from a qualified engineer experienced in soil mechanics be submitted, certifying that proper investigation has been made and the site is stable and will not be affected by landslip or subsidence above or below the site and that adequate drainage has been provided.
20. All necessary pollution control licences or integrated licensing schedules are to be obtained from the EPA for discharge of waters, air and noise pollution, etc.

**NOISE CONTROL**

21. Appropriate attenuation measures are to be implemented if necessary so that no noise nuisance shall occur to dwellings within the primary and secondary buffers, noise emanating from use or equipment not exceed the background noise levels by standards as determined by the relevant authority when measured at the site boundaries.

**ROADS**

22. Full design plans of proposed engineering works to satisfy condition(s) be submitted, for approval by the Group Manager - City Works; prior to commencement of construction of any water, drainage or road works.
23. Traffic signage be erected at suitable locations along Gwynne Road advising of traffic hazards in accordance with the Group Manager - City Works requirements, including installation of hinged "Trucks Entering" warning signs on either side of access to be displayed during operation.
24. Vehicles using off-street loading/unloading and parking area must enter and leave in a forward direction, in accordance with the Motor Traffic Act, and all driveways and turning areas shall be kept clear of all obstructions that would prevent compliance with this condition.
25. The applicant or developer provide the following road works with associated stormwater drainage structures, designed and constructed in accordance with Council's adopted road and drainage standards, at no cost to Council and be responsible for the full cost of any maintenance of this work considered necessary by the Council's City Works Group. Such maintenance to be for a period of 12 months from the date the completed works are approved by Council's City Works Group:
- a) An internal access road 6.0m wide for a minimum distance of 25m measured from the property boundary with a further 15.0m taper to meet the existing internal access road.
  - b) An 8m wide formation with a gravel width of 8m and a bitumen sealed surface of 6m comprising a minimum of 300mm of compacted gravel, from the quarry entrance, east to the existing bitumen on Gwynne Road.

After satisfactory completion of all roads and drainage, a works-as-executed set of plans be submitted to the Council by a suitably qualified Engineer or Surveyor.

**LANDSCAPING**

26. Submission of a detailed landscape plan (in duplicate), prepared in conformity with the Council's Landscaping Code. This plan to detail a planting buffer along the north-east and south-west boundaries of the quarry site indicating the location and name of shrub and tree species to be planted, mature height of trees and the location of grassed and paved areas. The plan is to be submitted within 12 months of the commencement of this consent and progressively implemented within 3 years. Plantings to include Eucalyptus, Angophora and Allocasuarina tree species as indicated in the EIS.
27. Area on northern slopes containing *Tephrosia rufula* species to be fenced off and hand weeded and protected prior to commencement of the quarry.
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28. The site being progressively landscaped in accordance with the approved landscape plan and maintained at all times to the satisfaction of the Council.

**OTHER**

29. A permit or approval to be obtained from the Department of Land and Water Conservation as necessary for site clearing works, in accordance with the requirements of the Native Vegetation Conservation Act 1997, having regard for the site being steep land within an area of "State Protected Land".

**NOTE 1:** *A stormwater and erosion sediment control plan is to be prepared for the plan of management based on the current EPA Guidelines. The plan is to address:*

- a) the design and adequacy of the retention basins in relation to moderate soils erodability (K factor 0.03);*
- b) detention and sedimentation pond discharge points;*
- c) management and monitoring of the works and discharges;*
- d) sediment control, stabilising and vegetating topsoil and subsoil stockpiles and landscaping areas;*
- e) the design capability, storage volume and surface area of sediment traps is to be based on total run-off area;*
- f) the design criteria for catchment diversion drains is to:*
  - (a) cater for rainfall of 1:10 years Average Recurrence Interval (ARI)*
  - (b) ensure the grade of the channel be selected to cater for run-off at a non-erosive level*
  - (c) ensure the outlet of channel is:*
    - i) designed to dispose run-off at non-erosive levels, eg. wide level sill*
    - ii) located to dispose run-off onto a stable area, and into natural stable drainage line*
  - (d) run-off from exposed areas to sediment ponds and drainage from clean areas away from ponds*
  - (e) the design and management of sediment ponds is to include irrigation of waters and the timing for de-silting to maintain the ponds at 90% capacity*
  - (f) stormwater discharge should generally meet the following performance criteria:*
    - i) discharges from the site should contain less than 50mg/L oil and grease and*
    - ii) a pH in the range of 6.5 to 8.5**(compliance with the NRF standard may require the use of coagulant injection systems from ponds).*

*The stormwater and erosion plan is to comply with EPA and Department of Land and Water Conservation requirements, and meet Clean Waters Act requirements.*

**NOTE 2:** *Water, sediment and erosion control is to be carried out in accordance with the approved EMP, with such measures to be in place prior to commencement of operations and to be adhered to at all times. Monitoring as required by the EMP to be carried out in respect of the plan of management/rehabilitation program, noise, ground vibration, water quality, air pollution controls, traffic levels, etc.*

**NOTE 3:** *Reasons for consent conditions as per Consent Notice DA 95/224 issued 4 April 1996*

<b>Subject/File No:</b>	DRAFT AMENDMENT NO. 47 TO LISMORE LEP 1992 (HM:MJK: S701)
<b>Prepared By:</b>	Manager Strategic Planning - Helen Manning
<b>Reason:</b>	To finalise certain rezonings and administrative amendments to LEP 1992
<b>Objective:</b>	To obtain Council's resolution to submit the plan to the Minister for gazettal.
<b>Management Plan Activity:</b>	Strategic Planning

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**Background:**

At its meeting of April 2, 1998 Council resolved to prepare LEP Amendment No. 47, containing three rezonings and several administrative amendments requested by the Development Assessment Section aimed at clarifying and streamlining the operation of the LEP. Council further considered the draft legal instrument and 'plain English' version of its meeting of June 2, 1998 and resolved to exhibit the draft LEP and 'plain English' explanation.

The draft LEP as exhibited aims:

- (a) *To rezone land at No, 152 Ballina Road, Goonellabah, from the Special Uses (Education) Zone to the Residential Zone. The Department of School Education currently owns the land, and wish to dispose of it subject to the rezoning being approved*
  - ..
  - (b) *To allow the operation of shops at No. 6 Funnell Drive, Modanville. The current provision of Lismore LEP 1992 allow for the operation of the existing General Store. The proposed amendment will allow for the further development of shops at this site.*
  - (c) *To rezone land at No. 145 Dawson Street, Lismore, from the Services Business (Flood Liable) Zone to the Neighbourhood Business Zone. The current provisions of Lismore LEP 1992 allow for the operation of shops being "bakeries, take-away food shops / sandwich shops and convenience shops where the gross floor area does not exceed 200 square metres". This proposed amendment will allow for the operation of all types of shops.*
  - (d) *To correct an administrative error in Lismore LEP 1992 by deleting the reference to Clause 15 in the land use table for the General Rural Zone. Clause 15 does not, in fact, apply to the General Rural Zone.*
  - (e) *To correct an administrative error in Lismore's LEP 1992 by amending the land use tables for the Residential Zone and the Village Zone. Clause 20(2) of Lismore LEP 1992 requires that dwellings in these zones require development consent where the dwelling is to be situated on land of 400 square metres or less. Accordingly, the land use tables for these zones should be made to reflect this provision.*
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- (f) *To correct an administrative error in Lismore LEP 1992 by amending the land use tables for the Neighbourhood Business Zone and the Services Business (Flood Liable) Zone. The land use tables for these zones includes the definition of “dwellings”, while in all other zones the definition of “dwelling-houses” is used. It is proposed to change the use of the word “dwellings” to “dwelling-houses” in the land use tables to conform with all other zones.*
- (g) *To allow for the operation of home offices in the Industrial Zones. Under this proposal, home offices may only be allowed in the Industrial Zone where dwellings exist which are used in conjunction with an industrial use and situated on the same land as that industry.*
- (h) *To amend the land use tables under the plan relating to the Recreation Zone and the Private Recreation Zone so that the uses permissible within these zones as are consistent with the zone objectives. This proposal involves changing the category of consent or prohibition for some types of development.*
- (i) *To make a provision in Lismore LEP 1992 for the erection of a dwelling-house where there is an existing dwelling-house which is intended to be demolished or rendered uninhabitable following the completion of the new dwelling-house. Currently, there is no such provision in Lismore LEP 1992.*
- (j) *To correct an administrative error in Lismore LEP 1992 by amending Clause 19A to clarify the intention of this clause. The intention of this clause is that council shall not consent to the subdivision of land within Zone No. 2(f) to create allotment(s) where the Council is of the opinion that dwelling(s) are intended to be erected on the land.*

Attached to this report is the written instrument of the LEP and the maps.

### **Public Consultations**

The draft LEP amendment was exhibited for 28 days from June 18 to July 15, 1998. In relation to the proposal to rezone land on the corner of Ballina and Dawson Streets to 3(b) Neighbourhood Business, comments were sought from the Department of Land and Water Conservation regarding flooding and from Lismore Unlimited and various shopping centres regarding any potential commercial impact of the rezoning.

Only one submission was received, being from the Department of Land and Water Conservation regarding flooding characteristics of the site at the corner of Ballina Road/Dawson Street (No. 45 Dawson Street). The Department initially appeared to misinterpret the application of DCP No. 7 - Flood Prone Land to the rezoning proposal at No. 145 Dawson Street. However, following clarification of the relationship of DCP No. 7 to the site, the Department has now advised:

*“I refer to your letter of August 5, 1998, which seeks clarification relating to 145 Dawson Street whether it is in an area identified as ‘transition between deep backwater to floodway’ or ‘floodway’ status.*

*As pointed out in your letter the subject site occupies the north-western corner of the intersection of Dawson and Ballina Streets. Council's DCP No. 7 shows that this location is in transition between deep backwater to floodway status. Accordingly the Department acknowledges that commercial use of the site would be 'preferred' subject to the attached condition 'note D' in DCP No. 7."*

The 'note D' referred to above requires:

*"All development to have floor levels at or above a level equivalent to 12.5 metres. Flood proofing measures, such as filling, subject to Clause 3.4 will be acceptable in Deep Backwater. Elevated buildings constructed so as not to impede flood flow are preferred."*

These issues were included in consideration of the Development Application for the site. No changes to the exhibited draft LEP are recommended.

### **Compliance with State and Regional Planning Policies**

The draft LEP is consistent with State Environmental Planning Policies. However, it is inconsistent with clause 45A Plan Preparation - Flood Liable Land on the North Coast Regional Environmental Plan. This clause states that a draft LEP should not alter the zoning of flood liable land nor alter the provisions in a zone which permit an intensification of development on that land unless it is justified by a flood plain management plan prepared by the Council in accordance with the State Government's Floodplain Development Manual.

The Department of Land and Water Conservation has advised that a Floodplain Management Plan is currently under preparation with completion envisaged for early December 1998. Following completion, a review of flood related planning controls is intended to be undertaken.

This inconsistency with the REP can be justified on the grounds that:

1. A Flood Study prepared for the development has concluded that there will be no adverse impacts (see below);
2. Development Consent, including conditions relating to flood proofing the proposed building, has already been issued under existing planning controls;
3. This rezoning proposal will not result in alterations to the approved construction.

It is clear that the only possibly contentious issue raised in this draft LEP Amendment is the proposed rezoning of land of the corner of Ballina and Dawson Streets (No. 145 Dawson Street). A short explanation of the background of this proposal follows.

### **145 Dawson Street**

Council may recall that the planning controls for this land were altered in LEP Amendment No. 37 (gazetted on 31/10/97). Amendment No. 37 as originally drafted and resolved upon by Council proposed to permit certain shops in the 3(f) Services Business (Flood Liable), intended to be those which were suited to locations outside the CBD by virtue of having a higher percentage of customers who were vehicle based (such as a drive through liquor barn and takeaway food shops etc).

However, as no analysis had been undertaken of the impact of flood behaviour on such uses the proposed provision was deleted from the LEP Amendment after exhibition. Following a Community Access presentation from a representative of the owners of 145 Dawson Street, Council resolved to alter LEP Amendment No. 37 to permit bakeries, takeaway food / sandwich shops and convenience shops where the gross floor area does not exceed 200 square metres. LEP Amendment No. 37 was subsequently gazetted with this inclusion. The current proposal to rezone this land from 3(f) Service Businesses (Flood Liable) to 3(b) Neighbourhood Businesses will allow the development of all types of shops, rather than those listed in Amendment No. 37.

Consent has already been granted for redevelopment of the site in accordance with the provisions of LEP 1992 as amended (by Amendment No. 37). A Hydraulic Assessment by Sinclair Knight Merz was included in the Development Application and was considered by Council in making its determination. The current rezoning proposal has been prompted by a number of enquiries received by the property agents regarding the use of the building for a wider range of shops than currently permitted.

The report by SKM of January 1997 assessed the possible impacts of the proposed development in two possible flood plain conditions:

- Existing conditions, (1996) including the South Lismore Treatment Plant Wetlands and approved filling in South Lismore in the model, and
- Proposed levee conditions (assuming a 20 year ARI Levee).

Based on this assessment SKM concluded the following:

- *the proposed development will have negligible impacts on flood levels in Central Lismore (under existing conditions and if a levee, as tested, is built).*
- *the proposed development will not worsen flood velocities in the area (under existing conditions and if a levee, as tested, is built).*
- *flooding characteristics in the area are such that ground level retail with glass shop fronts would have a low risk of being damaged during flooding.*
- *the style of development proposed would be generally suitable at the proposed location given the flooding characteristics of the area.*

I have ascertained that the Department of Land and Water Conservation was familiar with the SKM report and was aware that consent had been issued for the building at 145 Dawson Street.

### **Retail Strategy**

At its meeting of June 23, 1998, Council resolved that a Retail Strategy be prepared which would identify optimum locations for neighbourhood business centres. It is considered that the proposed rezoning of 145 Dawson Street to 3(b) Neighbourhood Business should not be delayed until that Strategy is completed because:

- it is within the area of what is commonly thought of as the CBD of Lismore and is therefore unlikely to undermine the effectiveness of that centre;

## **LISMORE CITY COUNCIL - Meeting held September 15, 1998**

### **Draft Amendment No. 47 to Lismore LEP 1992**

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- no objection or comment has been received from Lismore Unlimited or other retailers;
- the building has already received consent for retailing uses.

**Manager - Financial Services Comments** Not requested.

#### **Other Group Comments**

#### **Manager-Economic Development**

Advised that he did not wish to comment.

#### **Group Manager-City Works**

*Item (a) Department of Education, No. 152 Ballina Road, Goonellabah* - This item has previously been submitted to Council when it was determined that rezoning the house was Council's preferred option.

*Item (b) Modanville Store* - This item has been extensively discussed and appears reasonable given the recent population expansion in the Modanville area.

*Item (c) No. 145 Dawson Street, Lismore* - Problems associated with this property now appear to be resolved. The advantage to Council is that a number of largely unkempt rental properties have been relocated away from the Highway and will be replaced by a new and hopefully attractive and well kept shopping complex. The removal of older houses and the relocation of residents, plus the construction of a commercial building, will substantially reduce the potential threat to people in the event of a major flood. This is a substantial advantage to Council and the SES.

#### **Manager-Development Assessment**

Has confirmed that the administrative amendments to the written instrument will clarify the relevant provisions and assist in efficient processing of Development Applications.

#### **Recommendation (PLA63)**

That Council adopt LEP Amendment No. 47 to Lismore LEP 1992 and send it to the Department of Urban Affairs and Planning with a request that the Minister make the plan.

**Subject/File No:** PROPOSED LEP AMENDMENT NO. 49 - PROPOSED DEVELOPMENT CONTROL PLAN NO. 38 - ACID SULFATE SOILS (JD:MJK: S715 S235)

**Prepared By:** Strategic Planner - Jemina Dunn

**Reason:** To request Council endorse initiation of:  
a) An amendment to Lismore LEP 1992 to address Acid Sulfate Soil  
b) An associated Acid Sulfate Soils DCP.

**Objective:** Council's resolution to undertake an Acid Sulfate Soils LEP and DCP.

**Management Plan Activity:** Strategic Planning

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### **Introduction**

Councillors will be aware that in recent years there has been an increasing awareness of the environmental damage and loss of farm productivity potentially caused by the release of toxic runoff following the disturbance of Acid Sulfate Soils (ASS).

Previous studies undertaken by the Department of Land and Water Conservation (DLAWC) indicate that potential acid sulfate soils are present within some southern areas of Lismore Local Government area. It is therefore timely policy be introduced to ensure that potential acid sulfate conditions on development sites are correctly identified and managed to prevent adverse environmental effects both on and off site.

This report accordingly seeks Council's support for an amendment of the Lismore Local Environmental Plan (LEP) 1992 to adopt the Model LEP and Development Control Plan (DCP) for Acid Sulfate Soils currently endorsed by the Department of Urban Affairs and Planning Acid Sulfate Soils Management Advisory Committee (ASSMAC). This action is currently being taken by several other North Coast Councils, most recently Hastings, Richmond River and Tweed, and is further supported by recommendations within Council's 1995 State of the Environment Report which identified Acid Sulfate Soils as a primary concern regarding water quality for Lismore.

### **Background**

A brief outline of the nature of Acid Sulfate Soils is helpful in appreciating the necessity for introduction of the model policy.

In summary, potential acid sulfate sediments generally occur in low lying flood plains of rivers and creeks and were formed under certain restricted conditions between 3,000 and 6,000 years ago. These conditions required the presence of iron-rich sediments from a river, sulfate from sea water, sulfate reducing bacteria and a plentiful supply of organic matter (usually mangroves).

Actual acid sulfate materials are formed when the pyrite in these sediments is exposed to oxygen, resulting in acidification. Pyrite remains stable and does not cause acidity if kept free of oxygen. Oxygen admission can occur naturally or can be caused by human disturbance. Common causes of disturbance and admission of oxygen are lowering of the natural water table (for example by drainage works), or excavation of materials containing pyrite and their dumping at the surface.

Actual acid sulfate materials are highly undesirable because they cause severe acidification of natural waters and soils. Acidification causes clay minerals to dissolve, eventually releasing aluminium and iron to waters. Potentially aluminium may remain in water in forms that are highly toxic to aquatic animals and plants. Iron in solution can also be toxic to aquatic life and may additionally result in heavy stains and slimes. Engineering constraints can also be imposed by acid sulfate soils, including poor foundation qualities, concrete corrosion and general corrosion of engineering structures.

**Proposed LEP and DCP**

In summary the draft LEP seeks to require development consent for works, including agricultural related activities, in locations identified as having potential to disturb acid sulfate soils, or lower the level of the ground watertable. A copy of the Amendment is included as Appendix 1 in the attachments to this report.

As Councillors may be aware, DLAWC has prepared Acid Sulfate Soil Risk Maps which predict the distribution of acid sulfate soils based on an understanding of the factors which led to their formation, reinforced by soil surveying. DLAWC has recently adapted these maps for planning purposes to be utilised in association with the Model LEP.

The four (4) Acid Sulfate Soil Planning Maps for Lismore are based on the 1:25000 topographic map coverage and establish five (5) classes of land based on the probability of acid sulfate soil occurrence and type of works likely to disturb them. A table in the draft LEP indicates activities that require development consent in each land class.

Specifically, under the policy consent would be required for the works specified for each class of land as following:

<b>Class of Land</b>	<b>Works to Which This Clause Applies</b>
1	Any Works.
2	Works below the ground surface; Works by which the watertable is likely to be lowered.
3	Works beyond 1 metre below the natural ground surface; Works by which the watertable is likely to be lowered beyond 1 metre below natural ground.
4	Works beyond 2 metres below the natural ground surface; Works by which the watertable is likely to be lowered beyond 2 metres below natural ground.
5	Works by which the watertable is likely to be lowered to below 1 metre AHD in adjacent Class 1, 2, 3 or 4 land.

“*Works*” includes any landform alteration that results in the disturbance of soil including, agricultural-related works, drains, engineering works, flood mitigation works, maintenance of existing drains, and any works which may alter ground levels. These terms are further defined in the draft DCP, a copy of which is included as Appendix 2 in the attachments to this report.

Where it is proposed to carry out works requiring development consent under the Draft LEP, the Draft DCP requires that the application must be lodged with a *Preliminary Soils Assessment* and/or *Soil Management Plan*. The soils assessment clarifies the extent of risk and must be prepared by a suitably qualified person and include matters outlined in the EPA's "*Assessing and Managing Acid Sulfate Soils*" document, which will be included as an Appendix of the DCP. The *Soil Management Plan* will only be required in circumstances where the nature of the proposed development is considered likely to pose particular risk to acid sulfate soils. The LEP subsequently requires these matters to be considered by Council prior to DA determination.

Potential acid sulfate soils have been identified as occurring in low lying areas south of Wyrallah, including locations such as Dungarubba, Swan Bay, Bungawalbyn and the Tuckean and accordingly rural landowners in these areas will be affected by introduction of the policy.

As Councillors will be aware, activities such as the construction and maintenance of agricultural drains are currently considered ancillary and are subsumed in the dominant purpose of agriculture, therefore currently not requiring consent in rural zones. As outlined above, should the provisions of the draft LEP requiring development consent be adopted these would prevail over "Development Without Consent" provisions currently contained within the LEP land use tables (Clause 9).

In regard to the requirement for consent, Councillors should note that the definition of agricultural related works DOES include drainage works, including construction and maintenance of open drains, construction of dams and stock water holes, site levelling, topsoil removal, and laying of pipes and cables. It does NOT, however include ploughing, scarifying tiling or deep ripping (less than 30 cm).

In order to minimise costs and inconveniences for landowners resulting from the requirement for consent, where a development involves, or may impact upon, a number of properties in the one locality, proponents will be permitted to prepare and lodge a joint Development Application for the proposed works and ongoing management. Examples where joint Development Applications would prove advantageous would be where a development may involve maintenance of new and/or existing drains that traverses two or more properties or where proposed flood mitigation works may impact upon a specific area.

To further minimise inconvenience to landowners, where a property contains a series of drains or works that would require development consent for each individual section, the owners are encouraged to submit a *drainage management plan* for the whole property. This plan would form part of the Development Application. Such a management plan would cover all the drains on that specific property, including their maintenance and rehabilitation details, as needed.

Whilst it is acknowledged that the proposed amendments will result in a slight administrative workload increase due to the need to process additional Development Applications, the total land area severely affected by acid sulfate soils within the LGA is not extensive. In addition, the nature of landuse in these areas is such that applications for drainage and maintenance of existing drains would be the most common and in this regard it is hoped that landowners would undertake joint applications or long term drainage management plans for their farms.

**Manager - Financial Services Comments** No comment requested.

**Public Consultations**

The proposed amendments have the potential to be controversial unless understood by those they will potentially affect. Accordingly, it is proposed to engage with all potentially affected landowners to explain the reasons for and effects of the proposed changes. The involvement of groups and industry associations such as the NSW Farmers Federation and Broadwater Milling Co-Operative is appropriate in this regard, and a public meeting coinciding with the start of the exhibition period is proposed. Such a meeting would provide an appropriate forum for explanation of the problems associated with Acid Sulfate Soils and the need for responses such as the LEP.

**Other Group Comments** No comment requested.

**Conclusion**

An informed community can benefit from ongoing management of acid sulfate soils. Due to the potential environmental damage resulting from disturbance of these materials, it is timely that Council adopt procedures to ensure appropriate management of such disturbance and adoption of the Model LEP and DCP will significantly contribute to achievement of this end.

**Recommendation (PLA64)**

- 1 Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council resolve to prepare and exhibit for a minimum of twenty eight (28) days a Local Environmental Plan amendment to require Development Consent for certain works on land identified under the Department of Land and Water Conservation's Lismore Acid Sulfate Soils Planning Map as set out in Appendix 1 of the attachments to this report.
- 2 Pursuant to Section 72 of the Environmental Planning and Assessment Act 1979, Council resolve to prepare and exhibit for a minimum of twenty eight (28) days draft Development Control Plan No. 38 - Acid Sulfate Soils included as Appendix 2 of the attachments to this report.

**Subject/File No:**            **STREET TREES - URBAN AREA**  
  (WJM:VLC:S374)

**Prepared By:**                Group Manager - City Works

**Reason:**                     Request by Council.

**Objective:**                 To reconsider the current procedure for street tree management.

**Management Plan Activity:**       Parks, Reserves and City Beautification

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**Background:**

Council, at its meeting of April 21, 1998 resolved that a report be prepared which addresses the issues of overhanging branches and roadside growth in urban areas.

The problems associated with trees in the urban area can be divided into two groups -

♣ **Trees Growing on Council Road Reserves:**

Council is fully responsible for the maintenance of these trees irrespective of their origins.

🍷 **Trees Growing on Private Land and Overhanging onto the Road Reserve or Public Reserve Controlled by Council:**

The property owner is fully responsible for trees growing on private property. However, Council has a duty of care to ensure that the property owner does not allow the trees to overhang or become a problem to the community.

Trees growing on Council road reserves do so for the following reasons -

🍷 **Natives trees growing in the area at the time of the original Subdivision Consent and left to preserve habitat or the local environment:**

Council has often planned subdivisions and road reserves around existing trees with the aim of maintaining the existing environment. Unfortunately, this practice has had only limited success for a number of reasons; the prime problem being that infrastructure, road pavements, drainage, sewer or water pipes have been built too close to the tree/s and have damaged the tree/s to such an extent that the tree/s either die over several years or go into a gradual decline where they become 'spindly' and drop branches.

Both these problems require Council Staff to carry out major works over a continuing period at considerable cost. In several cases recently where we have gone to considerable trouble to plan a subdivision around existing trees, the subdivision has gone ahead without the Developer being required to design block layout and building envelopes to avoid future houses. Consequently, Council has been forced to carry out major lopping or tree removal because during the construction of the house, work has been undertaken that damages or kills the trees. Clearly there is a need to ensure that once it has been decided that a tree or group of trees are worthy of preservation, no construction work can be carried out within a reasonable distance of the trees, (say) minimum of 10m in all directions.

**2 Trees planted as part of an organised street tree planting programme:**

Everyone expects new streets to have trees planted and in most cases this is attempted. However, there are problems.

If the trees are planted at the time of subdivision, many are damaged by uncaring builders who drive over the footpath and trees during the house building process. If the trees are planted after the houses are built, it can take years before the street has trees.

After many years of trying to overcome this problem, I have come to the conclusion that the only successful system of planting street trees is to have the Developer plant reasonable sized trees that are suitably protected and maintained at the Developer's expense for a period of two years from the release of the subdivision linen plan. This concept needs to be discussed further and if adopted by Council, should be included in the standard conditions of development.

In the older sections of Lismore where overhead power lines are the norm, Council and NorthPower are both expending considerable funds in the lopping of street trees which interfere with overhead power lines. While NorthPower has been eager to hand the total cost of this problem to Council, the costs are continuing to be shared approximately on an equal basis. NorthPower Contractors currently lop the trees while Council Staff clean up the loppings and take away the chippings.

Obviously the desirable option is to plant street trees that do not interfere with overhead power lines. These trees must also have a limited root system so they do not damage the various underground services and do not raise concrete footpaths. They also should not 'bush out' close to the ground as this will hide pedestrians from the view of motorists.

Clearly selecting street trees that meet all these criteria is a difficult task, especially in this climate where most plants grow considerably quicker and higher than they do in most other parts of Australia.

**3 Trees planted by residents:**

In many parts of this City well-intended past and present residents have planted trees on the nature strip without fully understanding the impact they may achieve at some future date. Few have any real understanding of the extent of services beneath the nature strip and some never notice the overhead power lines. Some even plant trees with labels that advise the tree will only grow to 5m to find that 10 years later, the tree is in the power lines.

It would be almost impossible to stop the community planting trees on the nature strip area and is not an issue that Council could control even if it wished, which is debatable. If the nature strip was planted with substantial trees when first developed, the opportunity to plant trees would be minimised.

**0 Trees Growing On Private Land:**

There are two problem areas here -

**1 Trees Preserved as Part of the Subdivision:**

New subdivisions are often designed around significant trees or groups of trees which are required to be preserved as part of the subdivision process.

To effectively preserve a substantial tree, an area of at least 300m<sup>2</sup> must remain undisturbed. Typically the subdivision is designed around the trees but the allotments are not of sufficient size to allow for the house and associated activities without interfering with the existing trees. Many are left with insufficient space and gradually decline or die requiring the owner to remove the tree, often at very considerable cost. In other cases younger trees are left to continue to grow to their genetic size of 30m+ which becomes a problem in the urban environment.

Council is often involved with the above scenario especially when trees overhang or encroach onto a Council road or reserve.

While it is highly desirable to preserve major forest species they do not fit in well with high and medium density housing. In locations where we wish to preserve major trees we need to ensure that there will always be sufficient space for the trees to develop to their full potential.

Major trees in the residential area continue to pose a problem for both Council and property owners who have very large trees close to their houses.

**2 Trees Planted by the Owner or Past Owners:**

The actions of property owners in planting trees within their own land is not generally a problem to Council. On rare occasions, private trees may interfere with sewer, water mains and footpaths.

Overhanging trees on the footpath area are a continuing problem and are currently handled on a 'case by case' basis as complaints are received. Plants as well as humans, enjoy the North Coast climate and grow quite rapidly, taking over all the available space in the garden and often move out onto the footpath. Unfortunately, funding is not to the level required to continually monitor plant growth overhanging footpaths from private land.

To carry out this process to a high standard it would be necessary to walk all streets on a regular basis and issue notices to all property owners who have overhanging branches or limbs that may interfere with pedestrian movement on the nature strip. We would also need a follow-up system that gave the owner (say) three (3) warnings before Council arranged for the work to be carried out. We would also need to instigate some method of recovering the cost of having the necessary work undertaken. Clearly this is a major task and not considered relevant in today's economic climate.

# LISMORE CITY COUNCIL - Meeting held September 15, 1998

## Street Trees - Urban Area

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### Funding Of Street Trees

Council records indicate that there are approximately 20,000 street trees within the urban area of Lismore. To carry out all the necessary work on these trees, Council has allocated -

<b>1996/97:</b>	Allocated:	\$100,522	Actual Expenditure:	\$115,695
<b>1997/98:</b>	Allocated:	\$111,099	Actual Expenditure:	\$122,410
<b>1998/99:</b>	Allocated:	\$105,000	Expenditure to Date:	\$ 28,000

*Note: 1998/99 figures indicate that although we are only 20% through the year, we are 26% expended.*

The above costs show very little has been spent on materials which confirms the belief that most of the work performed revolves pruning, trimming and lopping trees on road reserves.

The worrying part of this is that Council Staff are only acting on complaints received and areas where trees are known to be in need of substantial work. Most complaints and requests to carry out work are investigated by the Parks & Reserves Section. However, only the trees that are considered to need urgent attention are actioned.

Despite this procedure, Council continues to over-spend. Clearly we need to more closely investigate this issue to clearly identify the exact nature of the causes of this expenditure.

We also need to look closely at the opportunities to increase funding to this activity.

### Manager - Financial Services Comments

The actions recommended by the Group Manager - City Works to try and minimise the impact of street trees on Council should be endorsed. The immediate problem is the lack of funding for the works currently required. As mentioned in the report by the Parks and Reserves Manager, Council should try and be pro-active rather than reactive in respect to tree maintenance where possible as one would expect that this would result in lower unit (per tree pruned) costs.

Regarding the provision of additional funding in the September Budget Review, this in my opinion, is not a realistic option considering the budget is already operating at a deficit. Council or Senior Management need to identify which expenditure areas are to be reduced before any additional funds are provided.

**Public Consultations** Not required.

**Other Group Comments**

**Parks & Reserves Manager:**

The fact is that since inception the street tree maintenance programme has been reactionary, *that is, Parks Staff respond to a request from a resident to carry out some form of work.* Only a minor percentage (<5%) of work undertaken is done so because we have noticed any problems.

The difficulty here is the transitional task of moving from reacting to requests to doing systematic inspections and works. This would require a transitional period that would need to address both activities and would cost a considerable amount. In addition, the future cost associated with a field staff member doing these types of inspections would exceed \$50,000 annually before even one tree was pruned. Council would need to make a firm commitment to this increased level of funding.

**Planning and Development Group:**

Council's Subdivision Unit currently requests landscape plans and flora and fauna reports for proposed development where existing vegetation may be modified by the development on proposed public and private land. In the assessment of applications, comments are sought from the Parks & Reserves Section where appropriate conditions and comments for the preservation and/or future planting of trees within the development are identified.

Presently the Subdivision Unit incorporates conditions requiring the proponent to lodge a security bond to ensure that all vegetation and buffer plantings are maintained for a period of three (3) years. Council's Subdivision Unit is currently formulating a Development and Design Manual which may adopt the report's recommendation, thus enabling appropriate measures to be incorporated during the construction of the development.

Council's Planning and Development Group raises no objection to the recommendation within this report.

**Recommendation (WOR26)**

1. That with all future subdivisions, Developers be required to plant substantial sized, selected trees on the nature strip areas and maintain these trees for a minimum of two years from the release date of the linen plan.
2. That the preservation of major existing trees be accompanied by adequate land to support the trees which will include detailed site plans and building envelopes.
3. That where a significant tree is to be preserved on the nature strip, any services to be placed 10m and no closer than 15m from existing major trees.
4. Street tree planting will only occur after the Parks & Reserves Section has viewed and approved the species list.
5. That Council encourage residents to plant suitably sized trees on their own private land, compatible with on-site buildings, services, neighbouring structures and footpaths.
6. Where possible, trees to be planted should encourage native fauna.
7. That local nurseries be encouraged to assist with recommendations on suitable species for residents to plant within the urban area.
8. The September Financial Review process carefully examine the current expenditure on street trees with the intent of allocating additional funds to add to this programme.

**Subject/File No:** PROPOSED HERITAGE COUNCIL VISIT  
(JD:MJK: S393)

**Prepared By:** Strategic Planner - Jemina Dunn

**Reason:** To advise Council of the need for funding to facilitate an impending Heritage Council visit.

**Objective:** Council's Resolution to fund in part a visit to Lismore by the Heritage Council of NSW.

**Management Plan Activity:** Strategy Planning

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**Background:**

Councillors may recall that in late 1997 the Strategic Planning Section and Heritage Study Steering Committee gained the approval of the NSW Heritage Office to pursue an incentives based heritage management programme including local heritage items in a LAP/DCP instead of the LEP. This approval was granted, subject to Council discussing the matter further with the Heritage Council during a visit to Lismore on a date to be advised.

As a result of the Heritage Office's response, the Heritage Study Steering Committee formally invited the Heritage Council to visit Lismore during 1998. Council has recently been advised that the visit has been scheduled to coincide with the Heritage Council's October 8th meeting. The Heritage Office has requested Council assist in the organisation of the visit in addition to hosting an evening reception with Councillors.

As Councillors may be aware, the Heritage Council is the NSW Government's 15 member heritage advisory body established under the Heritage Act. It is currently headed by Hazel Hawke and provides advice to the Minister for Urban Affairs and Planning and others on heritage issues.

In summary, the Council proposes to arrive in Lismore on Wednesday, October 7, for an afternoon meeting with the Heritage Study Steering Committee and General Manager, followed by the Heritage Council's monthly meeting on Thursday, October 8, 1998. This meeting would be followed by a luncheon for Heritage Council members and interested Councillors in Spinks Park, after which an afternoon bus tour of items of heritage interest in Lismore City and surrounds would be undertaken. This tour would take in some private buildings whose owners have advised Council they will be seeking funding under the Heritage Assistance Programme in 1999. A reception dinner would be held on Thursday evening, attended by Heritage Council members, Councillors, Council's Heritage Advisor, and a representative each from the National Trust and Historical Society. The Heritage Office have requested that Council partially fund the visit by providing lunch on Thursday and assisting in payment of the cost of the reception proposed to be held at heritage listed Tulloona House. Council would also need to fund a bus for the proposed Thursday afternoon tour.

Preliminary calculations suggest between \$2,000-\$2,200 would be required to accommodate the provision of bus transport and catering for the visit. The Heritage Office will pay for airfares, accommodation and other meals and have suggested they may be in a position to offer some further funding for the evening reception, however this has not yet been confirmed.

## **LISMORE CITY COUNCIL - Meeting held September 15, 1998**

### **Proposed Heritage Council Visit**

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The Heritage Council meet in regional areas outside Sydney on only a few occasions each year. The visit would be widely publicised and provides an avenue for Council to promote its Heritage Incentives Scheme through Hazel Hawke, whilst furthermore allowing Council and private owners of heritage items an opportunity to lobby for funding under the 1999 Heritage Assistance Programme.

**Manager - Financial Services Comments** Not requested.

**Other Group Comments** Not requested.

### **Recommendation (PLA67)**

That Council set aside an amount of \$2,200 to cover the cost of a Picnic Luncheon, Reception and bus hire as a contribution towards the cost of the Heritage Council's forthcoming visit to Lismore.

# LISMORE CITY COUNCIL - Meeting held September 15, 1998

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD AUGUST 19, 1998 AT 10.00 AM. (WMacD:VLC:S352)

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**Present:** Mr Garry Hemsworth (*Chairperson*), Councillors Gallen and Cole, M/s Bernadette Alvos (*on behalf of Mr Bill Rixon, MP*), Messrs Michael Baldwin (*Roads and Traffic Authority*), Chris Mallam (*Lismore Unlimited*), Snr Const Brian Buckley (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

**Apologies:** Apologies for non-attendance on behalf of Councillors Gates and King, Mr Bill Moorhouse (Leave) and Mr Bill Rixon, MP, were received and accepted and leave of absence granted.

## **Minutes of Traffic Advisory Committee Meeting - July 22, 1998**

Members were advised that the Minutes of the Meeting held on July 22, 1998 were adopted by Council at its meeting of August 4, 1998, excluding Item No. 11 (80 kph Speed Limit for Rural Roads). The Committee noted Council's resolution. It was noted the RTA had indicated that roads would need to be assessed on an individual basis. Mr MacDonald advised that it may be possible to obtain the N-Limits programme from the RTA which would assist with the speed zone surveys. However, it would take some time to carry out the surveys. (S352)

**Disclosure of Interest:** Nil

## **Correspondence:**

1. **BA Greig;** outlining the events of a recent vehicle accident at Barham Street, Lismore, and seeking the installation of increased safety measures.

The Committee noted that the issue of vehicle speeds in Barham Street had been raised on previous occasions. Snr Const Buckley advised that patrols had been carried out with minimal success but they would continue when time permitted. Mr Hemsworth advised that guideposts had been installed at all protruding culverts along the western side of Barham Street to highlight their existence. Unfortunately, there was little else that could be done without major expenditure. Speed bumps or slow points were still not considered an option due to the steepness of the street.

**TAC136/98** **RECOMMENDED** that the writer be advised of the action already taken and that Police Officers would continue to carry out patrols when able. (98-11124:R7410)

2. **Nimbin Ratepayers & Progress Association Inc;** advising that the proposed traffic calming device on Cullen Street, adjacent to Allsopp Park, was not considered necessary and the funding allocated for this project be used for more urgent infrastructure.

A plan of the proposed facility was tabled at the meeting. The Committee was advised that the traffic facility in question had been proposed as part of an overall beautification scheme that had been developed some time ago after extensive community consultation.

2. **Nimbin Ratepayers & Progress Association Inc** (Cont'd)

It was pointed out that the facility was basically an upgrade of the existing pedestrian crossing that currently existed slightly further north in Cullen Street between the former School sites. However, since receipt of the recent Technical Direction from the RTA, both the new facility and the existing traffic calming facility that had been installed last year would need to be marked as pedestrian crossings.

**TAC137/98** **RECOMMENDED** that the work, as outlined above, be carried out at the earliest opportunity.

**TAC138/98** **FURTHER RECOMMENDED** that the existing pedestrian crossing between the former School sites be removed. (98-12133:R1701)

3. **M/s P Hewett;** seeking increased pedestrian facilities for Kadina High School students when crossing the Bruxner Highway at Goonellabah.

Mr MacDonald outlined the long-term pedestrian facilities planned for the area in question. It was pointed out that there was a need to upgrade the existing refuges on Ballina Road, each side of Kadina Street, by way of chevron signs. In the shorter term, it was also suggested that there was a need to provide a pedestrian refuge across Ballina Road, west of James Road, in the presently hatched area, to cater for all students from the Greenhills Subdivision. This could be linked into a future footpath programme.

As the Principal of Kadina High School had raised these issues at a previous meeting, it was suggested that she be informed of these new proposals.

**TAC139/98** **RECOMMENDED** that the existing refuges each side of the Kadina Street Roundabout be upgraded with chevron hoop signs.

**TAC140/98** **FURTHER RECOMMENDED** that a pedestrian refuge be installed on Ballina Road, west of James Road.

**TAC141/98** **FURTHER RECOMMENDED** that the new refuge be linked to a future footpath programme which would be routed around the inside corner back towards the Hilltop Hotel. (98-12200:S342)

4. **M/s T von der Heidt;** drawing attention to the high traffic usage and poor condition of Wyrallah Road and suggesting double white lines be painted for its full length between the Wyrallah Village and the Lismore urban area, as well as diverting heavy vehicles to the Bruxner Highway.

Snr Const Buckley advised that recent patrols along Wyrallah Road had resulted in several infringements being issued for excessive speed. These patrols would continue when work commitments permitted.

Mr Hemsworth advised that the RTA had been requested to install white lines along Wyrallah Road between the Wyrallah Village and Lismore if sufficient road widths permitted, which appeared to be applicable for most of the length.

It was also pointed out that 'Heavy Vehicle Detour' signs had already been installed south of the Village directing traffic to the Bruxner Highway.

**TAC142/98** **RECOMMENDED** that the writer be advised of the actions taken as outlined above. (98-12290:R5235,R5201)

5. **NSW Department of Housing;** supporting the implementation of traffic management devices in McDermott Avenue, Goonellabah, but declining to make a contribution.

The Committee noted that the Department of Housing was still unable to contribute towards the proposed traffic management devices for McDermott Avenue. It was suggested that it was unlikely Council would be in a position to fund any of the works in the near future.

**TAC143/98** **RECOMMENDED** that the above be noted. (98-12457:R6483)

6. **M/s D Oliver;** drawing attention to the increasing number of accidents and mishaps in the vicinity of No. 8 Donnans Road, Lismore, and seeking the introduction of appropriate safety facilities.

The site had been inspected prior to the meeting. Tyre marks off the side of the road below No. 8 indicated that a vehicle had failed to negotiate the 'bend' coming down Donnans Road at relatively slow speed. This may have been due to a slippery road surface at the time and it was suggested that a "*Slippery When Wet*" sign positioned above the 'bend' may assist in this regard. It was also suggested that reflectors along the centre-line around the 'bend' would be of benefit. Guard-rail was not considered suitable in this instance and could in fact restrict sight distance when exiting driveways on the bottom side of Donnans Road.

**TAC144/98** **RECOMMENDED** that a "*Slippery When Wet*" warning sign be erected above the 'bend' opposite No. 8 Donnans Road.

**TAC145/98** **FURTHER RECOMMENDED** that reflectors be installed along the centre-line around the 'bend' in question. (98-12999:R7113)

7. **Beaumont's and Bruce's Bus Services;** drawing attention to the traffic congestion being experienced on School afternoons in College Road, East Lismore, in the vicinity of the Lismore High School and requesting that Council place "*No Standing from 3.00pm to 3.30pm*" signs on the southern side of College Road, immediately north of the School carpark entrance so that their buses may be accommodated.

Mr MacDonald advised that the two buses in question were currently collecting students in College Road wherever access could be gained and often were double parked. The existing Bus Zone at College Road was totally used by Kirklands' buses.

**TAC146/98** **RECOMMENDED** that a Bus Zone of sufficient length to cater for two buses be installed in front of the existing Bus Zone in College Road. (98-13417:R7420,R7426,R7419)

8. **M/s M Phillips;** seeking the provision of a one-hour parking zone at the northern end of Carrington Street, Lismore.

Mr MacDonald advised that the western side of Carrington Street was dedicated to one-hour parking and the eastern side was half-hour parking. This was considered an appropriate mix for the inner CBD area. Mr Mallam raised the issue of motorists parking for lengthy periods within the Brown & Jolley Carpark at the northern end of Carrington Street.

8. M/s M Phillips (Cont'd)

It was pointed out that a proposed amendment to the Local Government Act will allow Councils to enforce regulations in this carpark. This would then increase parking supply in the problem area identified by the writer. Mr Mallam indicated he would be happy to enter into an agreement with Council allowing it to enforce time limits in the off-street carpark.

**TAC147/98** **RECOMMENDED** that the writer be advised of the information outlined above.  
(98-13574:S16,S353)

9. NSW Roads & Traffic Authority; advising further in relation to the implementation of the 50 kph urban speed limit.

Members were advised that the recent invitation by the RTA was not for an extension of the 50 kph trial but rather an implementation within the existing 50 kph area and a possible extension to include the balance of the Local Government area. The RTA had requested the supply of a considerable amount of additional information that included the development of a functional road hierarchy plan and an electronic listing of all proposed roads selected for a 50 kph speed limit. This was to be followed by the installation of additional signs and markings. The large blue and white signs at the entrances to the City would be replaced by more appropriate signs.

The Minister had advised that the initiative would be fully funded by the RTA. However, Council was uncertain if this included Staff time to prepare lists, plans, etc. This will be clarified shortly.

Council had previously resolved to continue with the current 50 kph area.

**TAC148/98** **RECOMMENDED** that this area be extended to include all Villages within the Local Government area, apart from the Main Roads through each Village.

**TAC149/98** **FURTHER RECOMMENDED** that action be taken, as outlined above, provided the RTA met all costs associated with the extension. (98-13616:S352)

General Business

10. Parking of Village Barrow

Mr MacDonald advised that there had been some problems in the past with specific locations where the Village Barrow was positioned, or the location of charitable organisations or art unions when selling tickets. Often these included the use of on-street parking to display the prize. An area on the footpath in Magellan Street in front of the Noah's Ark Book Shop had been identified as suitable for such uses and the Village Barrow had been located at this site previously. It also does not restrict the main pedestrian flow.

**TAC150/98** In order to make such approvals easier in the future and to remove any conflict with current parking demands, it was **RECOMMENDED** that the area of footpath on the north-east corner of Magellan and Carrington Streets be used for all future Village Barrow requests and ticket sellers except in times of inclement weather. (R7319)

11. **Southern Cross University - Proposed 'Top End' Access**  
It was pointed out that Council had been pursuing this proposal with the University for some time and action had already been taken on the Highway with the construction of a roundabout and the closure of the eastern end of Kellas Street to cater for the 'top end' access.
- TAC151/98 **RECOMMENDED** that the upgrading of Kellas Street from the new access road to Ross Street, plus pedestrian facilities be considered as part of any approval.
- TAC152/98 **FURTHER RECOMMENDED** that Council investigate the possibility of constructing a slip lane out of Kellas Street onto the Highway in order to reduce congestion at the intersection. (D980242,R7121)
12. **Mountain View Drive, Goonellabah - Centre-Line Marking**  
Councillor Cole raised concern regarding the alignment of Mountain View Drive, east of Gallagher Drive, and noted that one accident and several 'near misses' had occurred in this area recently. Although the accident appeared to be driver error, it was felt that centre-line marking around Mountain View Drive, between Gallagher Drive and Bruxner Crescent, would assist in retaining motorists to the correct side of the road.
- TAC153/98 **RECOMMENDED** that the above line-marking be undertaken. (R6487)
13. **Woodlawn Road - Expected Increase in Traffic Volumes**  
Councillor Cole brought to the Committee's attention the fact that as from next year, St John's College, Woodlawn, would become co-education and the following year would cease to be a Boarding College. This had the potential to increase traffic volumes along Woodlawn Road. Council needed to ensure that the road was adequate to cater for the expected increase.
- TAC154/98 **RECOMMENDED** that this item be referred to Council's Roads & Infrastructure Section to ensure that any required upgrading works between the College and Lismore were included in future works programmes. (R4251)

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

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CHAIRPERSON

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TRAFFIC & LAW  
ENFORCEMENT CO-ORDINATOR

DOCUMENTS FOR SIGNING AND SEALING

COUNCIL 15/9/98

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

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

Recommendation:

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

**Transfer Granting Easement - 31 Mountain View Drive, Goonellabah**

Council, at the request of local residents, has installed a 250mm diameter inter-allotment drainage line in the abovementioned property. The document transfers the property to Council.  
(98-14284: P18032)

**Management Agreement - Transit Centre - Council to G J Cross**

Management Agreement for period 1/9/98 - 31/12/98

**Rescission Agreement – Transit Centre – P F & K T Goodrich**

Mr & Mrs Goodrich are terminating their lease agreement which was to expire on 31/12/98  
(98-14468: P26647)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, AUGUST 25, 1998 AT 6.06PM.

- Present: Her Worship the Mayor, Councillor Irwin; Councillors Champion, Cole, Crowther, Gates, Larsen, Roberts, Swientek and Wilson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Strategic Planning and Water & Sewerage Design Engineer and Manager-Administrative Services.
- 312/98 Apologies/  
Leave of  
Absence: An apology for non-attendance on behalf of Councillor Gallen was received and accepted and leave of absence granted.  
(Councillors Swientek/Larsen)  
Leave of absence was granted to Councillor Riddell by Council on March 31, 1998.  
Leave of absence was granted to Councillor King by Council on August 4, 1998.
- 313/98 Minutes: The Minutes of the Ordinary Meeting held on August 4, 1998, were confirmed.  
(Councillors Swientek/Cole)

**PUBLIC ACCESS SESSION:**

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

**Mr Neville King re Report - Local Government Regulatory Reforms - On Site Sewage Management Facilities**

(See Minute No. 316-317/98)

Mr King questioned the lack of suitable publicity surrounding the report before Council. He raised a number of issues surrounding the letter issued to possible owners of on site sewage management facilities and generally questioned the manner in which this issue had been handled.

(S245,S38)

**Ms Rosemary Francis (Lismore City Ballet) re Report - Section 356 Community Donations**

(See Minute No. 318/98)

Ms Francis outlined the proposed trip to the U.K., the venues and benefits to the performers that such a trip would bring. She sought Council's assistance.

(S164)

**CONDOLENCES:**

**Family of the Late I H (Ding) Wotherspoon**

Ding was born in a cottage in Molesworth Street just south of the Karinga Motel in 1926, moving to Conway Street in 1933 to a house his mother purchased out of her share of a 5,000 pound lottery win.

His schooling, by his own admission, had its ups and downs as Ding was more interested in sport than schoolwork. He nevertheless obtained his Leaving Certificate in 1942.

As soon as he turned 18, Ding enlisted in the RAAF and saw service as a Radar Operator in New Guinea. On his return in 1946 Ding joined Gundurimba Shire Council as a clerk. In his work Ding qualified as a Town/Shire Clerk in the early 1970's and was appointed Shire Clerk of Gundurimba Shire Council following the retirement of Norm Fiford in 1972. In 1977 Gundurimba and Terania Shires were amalgamated with Lismore City Council and Ding was appointed Chief Clerk, a position he held until his retirement in 1986.

Bowls played an important part of Ding's life after he joined Lismore City Bowling Club in 1964. He served his Club in almost every executive position and established innumerable true and lasting friendships through bowls, a game he treated more as a social outing than a competition.

The whole of his life Ding had a very close relationship with his church. In his youth he was an altar boy and member of St. Andrew's Choir. He was a foundation Chairman of the St. Andrew's Branch of the Church of England Young Men's Society which was formed in 1947. Since his retirement in 1986 he assisted as and when required in the Church Office.

Ding and his wife of almost 47 years, Beryl, shared a wonderful life together giving of themselves to the community, be it through local government, school teaching or their tremendous involvement in Learn to Swim programs.

**Family of the Late Norman Hepburn**

Norm Hepburn was Managing Director until the early 1980's of W B Hepburn & Sons, which created most of Lismore's subdivisions and laid most of the area's water mains.

His father, "Pop" Hepburn, established a logging business with bullock teams, carting timber from the Whian Whian forest to the Byron Bay wharf and into Lismore.

Norm grew up at Repentance Creek where he earned pocket money guiding hikers to the base of Minyon Falls. As a young man he sold and demonstrated crawler tractors in Melbourne but returned to the region in 1939 to work in the timber industry, often living in a bark hut at Boggy Creek.

He and his brothers, Roy and Frank, bought the business from their father in 1954. They sold off the logging operations in 1972, but still employed up to 80 people in earthmoving projects.

Mr Hepburn and his wife moved to Byron Bay 15 years ago.

He had been a member of Lismore Rotary Club, a founder of Lismore Heights Bowling Club and a keen member of Lismore Golf Club.

- 314/98 The Mayor moved that Council's expressions of sympathy be conveyed to the families of Mr Wotherspoon and Mr Hepburn and the motion was carried with members standing and observing the customary moment's silence.  
(S75)

**DISCLOSURE OF INTEREST:**

**S459**

Councillor Champion declared an interest in two reports - Review of Role of LDSA/Council in Sport Facilitation, Provision, Promotion and Development and Recreation Needs Study.

**SUSPENSION OF STANDING ORDERS:**

315/98 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- **Report - Local Government Regulatory Reforms - On Site Sewage Management Facilities**
- **Report - Section 356 Community Donations**  
(Councillors Roberts/Cole)

**Local Government Regulatory Reforms - On Site Sewage Management Facilities**

(Copy attached)

316/98 **RESOLVED** that the report be received and -

- 1 That a Council Working Party consisting of three (3) Councillors, relevant staff and 2 affected citizen members, review the Local Government Regulatory Reforms for on-site sewage management facilities.
- 2 That Mr King's comments be submitted to the Working Party.
- 3 That a further report be presented to Council on a preferred strategy.  
(Councillors Cole/Larsen) (S245,S38)

317/98 **FURTHER RESOLVED** that Councillors Cole, Roberts and Gates be appointed to the Working Party.  
(Councillors Cole/Wilson)

**Section 356 Community Donations**

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 That 1998/99 Miscellaneous Section 356 Donations be provided to the following fourteen (14) projects.

a) Modanville P&C	\$2,100
b) Friends of the Lismore Rainforest Botanic Gardens	\$2,200
c) Rosebank Rural Fire Service	\$1,500
d) Goonellabah RSL Cricket Club	\$2,200
e) Jiggi Valley Rural Fire Service	\$2,200
f) Richmond Hill Community Pre-school	\$2,000
g) Lismore District Good Shepherd Carers	\$2,200
h) Tuncester Rural Fire Service	\$2,200
i) Blakebrook P&C	\$2,000
j) Wyrallah Volunteer Bushfire Brigade	\$1,300
k) St. Vincent de Paul Society	\$2,000
l) Tullera Rural Fire Service	\$1,250
m) Koori Works Inc.	\$1,900
n) Visions of Nimbin	\$2,200

- 
- 
- 2 That the remaining funds be held over to meet unexpected requests for Community Donations to a maximum of \$200 for the remainder of this financial year.  
(Councillors Wilson/Roberts)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That 1998/99 Miscellaneous Section 356 Donations be provided to the following fourteen (14) projects.
- |  |         |
|--|---------|
| a) Modanville P&C                                    | \$2,100 |
| b) Friends of the Lismore Rainforest Botanic Gardens | \$2,200 |
| c) Rosebank Rural Fire Service                       | \$1,500 |
| d) Goonellabah RSL Cricket Club                      | \$2,200 |
| e) Jiggi Valley Rural Fire Service                   | \$2,200 |
| f) Richmond Hill Community Pre-school                | \$2,000 |
| g) Lismore District Good Shepherd Carers             | \$2,200 |
| h) Tuncester Rural Fire Service                      | \$2,200 |
| i) Blakebrook P&C                                    | \$2,000 |
| j) Wyrallah Volunteer Bushfire Brigade               | \$1,300 |
| k) St. Vincent de Paul Society                       | \$2,000 |
| l) Tullera Rural Fire Service                        | \$1,250 |
| m) Koori Works Inc.                                  | \$1,900 |
| n) Lismore City Ballet Productions                   | \$2,200 |

- 2 That the remaining funds be held over to meet unexpected requests for Community Donations to a maximum of \$200 for the remainder of this financial year.  
(Councillors Crowther/Champion)

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

**Voting Against:** Councillors Roberts, Larsen, Irwin and Wilson.

318/98 RESOLVED that the report be received and -

- 1 That 1998/99 Miscellaneous Section 356 Donations be provided to the following fourteen (14) projects.
- |  |         |
|--|---------|
| a) Modanville P&C                                    | \$2,100 |
| b) Friends of the Lismore Rainforest Botanic Gardens | \$2,200 |
| c) Rosebank Rural Fire Service                       | \$1,500 |
| d) Goonellabah RSL Cricket Club                      | \$2,200 |
| e) Jiggi Valley Rural Fire Service                   | \$2,200 |
| f) Richmond Hill Community Pre-school                | \$2,000 |
| g) Lismore District Good Shepherd Carers             | \$2,200 |
| h) Tuncester Rural Fire Service                      | \$2,200 |
| i) Blakebrook P&C                                    | \$2,000 |
| j) Wyrallah Volunteer Bushfire Brigade               | \$1,300 |
| k) St. Vincent de Paul Society                       | \$2,000 |
| l) Tullera Rural Fire Service                        | \$1,250 |
| m) Koori Works Inc.                                  | \$1,900 |
| n) Lismore City Ballet Productions                   | \$2,200 |

- 2 That the remaining funds be held over to meet unexpected requests for Community Donations to a maximum of \$200 for the remainder of this financial year.

(Councillors Crowther/Champion)

(S164)

RESUMPTION OF STANDING ORDERS:

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319/98 **RESOLVED** that standing orders be resumed.  
(Councillors Larsen/Swientek)

**REPORTS:**

**Local Government Regulatory Reforms - On Site Sewage Management Facilities**

(See Minute No. 316-317/98)

**SEPP No. 15 - Rural Landsharing Communities and Rural Residential Development**

(Copy attached)

320/98 **RESOLVED** that the report be received and -

- 1 That Council pursue its own policy for rural landsharing opportunities and seek exemption from SEPP No. 15.
- 2 That Council appoint a consultant to carry out this work and that a short list of consultants be presented to Council for its determination.
- 3 That the consultant be appointed to the Rural Settlement Strategy Steering Committee.
- 4 That the Draft DCP No. 37 be referred to the Rural Settlement Strategy Steering Committee for consideration.
- 5 That all information on multiple occupancies be forwarded to members of the Committee as early as practicable.
- 6 That Council not seek from DUAP any extension of the quota for rural residential lot approvals until completion of Council's Rural Settlement Strategy.
- 7 That all Councillors be invited to submit input to the Committee.

(Councillors Cole/Champion)

**Voting Against:** Councillors Irwin, Roberts and Wilson.

321/98 **FURTHER RESOLVED** that Council write to the Minister advising of Council's actions to prepare its own rural landsharing communities policy, the non-existent demand for rural landsharing communities and requesting that it be relieved from the provisions of SEPP No. 15 (excluding existing communities) until Council's deliberations are complete.

(Councillors Crowther/Gates)

**Voting Against:** Councillors Irwin, Roberts and Wilson.

(S668,S285)

**Dissenting Vote:**

Councillor Wilson.

**Review of Role of LDSA/Council in Sport Facilitation, Provision, Promotion and Development**

(Copy attached)

**DISCLOSURE OF INTEREST:**

**S459**

Councillor Champion declared an interest in this matter and left the Chamber during debate and consideration.

322/98 **RESOLVED** that the report be received and -

1 The LDSA's Management Plan aim be amended to read:

*“Assist Council and the Community to establish Lismore as a Centre of sporting, recreation and fitness participation and excellence by facilitating provision of high quality sporting facilities in both rural and urban areas.”*

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- 2 Council endorse the LDSA's 1998/99 objectives being :
    - \* Pursue Council's desire (March 31, 1998) to attract sports events in the January "trough" period.
    - \* Pursue funding for implementation of the adopted (by Council) outcomes of the Recreation Needs Study and other prioritised projects.
    - \* Pursue Olympic 2000 Games training links.
    - \* Refine and implement rural and urban grant funding systems once the Recreation Needs Study is adopted by Council.
    - \* Provide comment on all major recreation facility developments and proposals.
    - \* Consultation with clubs and recreation providers.
    - \* Provide input into other Council processes, e.g. Plans of Management, etc.
    - \* Assist Council with policy development relevant to sportsground usage, etc.
  - 3 Council acknowledge the expanding role of the LDSA to incorporate responsibility for advising Council on matters related to urban and rural sports fields and facilities and in line with the adopted Management Plan for the Association.
  - 4 Council adopt the following as criteria for future membership of the LDSA Committee.

Regardless of what organisations, industries or association nominees represent, nominees must indicate their ability, experience and commitment to assist Council with its aim to:-

    - a) Achieve a balanced provision of facilities relevant to the sporting demands of the Lismore Community.
    - b) Establish Lismore as a City renowned for its sports facilities and participation levels.
    - c) Provide high quality sports facilities in both rural and urban areas and ensure the most efficient use of existing and future facilities.
    - d) Develop strategic and management plans for existing future active sporting facilities.
    - e) Accurately identify future and current needs with respect to sporting facilities.
    - f) Encourage and assist clubs and associations to pursue State and Federal funding for provision and enhancement of sporting facilities.
    - g) Promote shared usage and development of Lismore's sporting facilities via liaison with universities, schools and other institutions.
    - h) Ensure adequate assistance is provided to local clubs and associations who are attracting and promoting significant sporting events.
  - 5 Committee Membership be as follows (implementation after 1999 elections):
    - a) Councillors x three
    - b) Business Community x one
    - c) Southern Cross University x one (or North Coast Academy of Sport)
    - d) Outdoor Sports Groups x five
    - e) Indoor Sports Groups x one
    - f) Sports Council for the disabled x one
    - \* Potential citizen members are encouraged to have the endorsement of their respective associations.
    - \* Membership from outdoor sports groups shall be limited to one per sporting code.
    - \* Consideration be given to gender mix and urban/rural representation.
-

6 Upon calling for Committee nominations in 1999 Council is to forward the Management Plan, Committee's Strategies and Objectives etc. to potential members for their information.

7 Council advertise current vacant positions on the LDSA Committee.  
(Councillors Larsen/Roberts) (S375)

Councillor Champion returned to the meeting.

**Operational Hours of Wyrallah Road Waste Facility**

(Copy attached)

323/98 RESOLVED that the report be received and the status quo with respect to operational hours remain and that a further report be submitted canvassing in greater detail the issues raised in the report.

(Councillors Crowther/Gates) (P25041)

**Section 356 Community Donations**

(See Minute No. 318/98)

**Recreation Needs Study**

(Copy attached)

**DISCLOSURE OF INTEREST:**

**S459**

Councillor Champion declared an interest in this matter and left the Chamber during debate and consideration.

A MOTION WAS MOVED that Council defer consideration of this report and the proposed aquatic centre until Councillor Champion's associated legal issues have been resolved.

(Councillors Swientek/Crowther)

**Voting Against:** Councillors Irwin, Roberts, Larsen and Wilson.

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

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

1 Council signal its "in principle" adoption of the recommendations, excluding reference to the aquatic centre, determined via the Recreation Study process and detailed in Vol. I of the Recreation Needs Study document (pages 26, 27, 28, 30, 31, 33, 35, 36, 38, 39, 41 and 42) and subject to the reference to the Section 94 Officer on Page 33 being deleted and replaced by the Group Manager-Planning & Development.

2 A further report on resource allocation, project timeframes relevant to Study, recommendations etc. be forwarded to Council in the future for consideration and determination.

(Councillors Larsen/Wilson)

AN AMENDMENT WAS MOVED that the report be received and Council immediately prepare a report on full and realistic costs of the indoor facility for Goonellabah and the cost of running such a stand-alone facility and it be provided for discussion at the aquatic workshop.

(Councillor Swientek)

The amendment LAPSED for want of a seconder.

324/98 RESOLVED that the report be received and -

- 1 Council signal its "in principle" adoption of the recommendations, excluding reference to the aquatic centre, determined via the Recreation Study process and detailed in Vol. I of the Recreation Needs Study document (pages 26, 27, 28, 30, 31, 33, 35, 36, 38, 39, 41 and 42) and subject to the reference to the Section 94 Officer on Page 33 being deleted and replaced by the Group Manager-Planning & Development.
- 2 A further report on resource allocation, project timeframes relevant to Study, recommendations etc. be forwarded to Council in the future for consideration and determination.

(Councillors Larsen/Wilson) (S575)

Councillor Champion returned to the meeting.

**Lismore Square Development - Development Consent Conditions Compliance Schedule**

(Copy attached)

325/98 RESOLVED that the report be received and -

- 1 That Council endorse the schedule for compliance with the conditions of Development Consent (DA97/293) as attached to this report, with costings when finalised being adjusted for movements in the Consumer Price Index.
- 2 That a further report be submitted to Council identifying proposed funding options to finance Council's obligations pursuant to the proposed development before works are commenced.

(Councillors Crowther/Larsen)

**Voting Against:** Councillors Wilson and Swientek. (D97/293)

**Centres Strategy**

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 Council list the preparation of a Centres Strategy for the Lismore urban area as an item for consideration in the 1999/2000 budget estimates.
- 2 In the interim, Council engage an external consultant to undertake a specific site analysis of options for a neighbourhood centre in the Goonellabah area.

(Councillors Gates/Champion)

AN AMENDMENT WAS MOVED that the report be received and Council list the preparation of a Centres Strategy for the Lismore urban area as an item for consideration in the 1999/2000 budget estimates.

(Councillors Roberts/Larsen)

On submission to the meeting the AMENDMENT was DEFEATED.

**Voting Against:** Councillors Swientek, Champion, Cole, Gates and Crowther.

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- 326/98 RESOLVED that the report be received and -
- 1 Council list the preparation of a Centres Strategy for the Lismore urban area as an item for consideration in the 1999/2000 budget estimates.
  - 2 In the interim, Council engage an external consultant to undertake a specific site analysis of options for a neighbourhood centre in the Goonellabah area.
- (Councillors Gates/Champion)  
**Voting Against:** Councillors Irwin, Roberts, Larsen and Wilson.  
(S371)

**Purchase of Property - 28 City View Drive, East Lismore**

(Copy attached)

- 327/98 RESOLVED that the report be received and -
- 1 That Council to purchase Lot 6 DP 865421, 28 City View Drive, East Lismore from Mr J Wade for the amount of \$30,000 with funds to be provided from Section 94 Plan reserves.
  - 2 That Lot 6 DP 865421 be classified as Operational upon its transfer to Lismore City Council subject to receipt of and subsequent consideration of submissions from the public under Section 34 of the Local Government Act 1993.
- (Councillors Larsen/Swientek) (P25878)

**Quarterly Review - Management Plan 1997/98**

(Copy attached)

- 328/98 RESOLVED that the report be received, the actions undertaken in each of the programmes noted and staff be congratulated on their performance during the quarter ended June 1998.
- (Councillors Roberts/Crowther) (S4)

**Council Workshop Policy**

(Copy attached)

A MOTION WAS MOVED that the report be received and Council adopt Policy No. 1.2.20 - Council Workshop Policy with the following additions and changes:

**Inclusion of the following:**

*“Workshops are to be held by resolution of Council and will provide an opportunity for provision of information requiring feedback, informal discussion and exchange of ideas on complex issues, however in exceptional circumstances, the Mayor, in consultation with the General Manager, is authorised to call a workshop.”*

**Under “Chairperson”**

*“Workshops are to be chaired by a councillor, preferably the Mayor.”*

**Under “Public Involvement”**

Replace the first dot point with - *“Workshops will be open to the public unless otherwise determined by Council.”*

Dot point 4 be amended to read - *“That invitations to external participants in workshops be by resolution of Council.”*

**Under “Meeting Procedure”**

An additional dot point be added - *“At the commencement of the workshop the chairperson will outline the purpose of the workshop and the manner in which it will be conducted.”*

(Councillors Roberts/Larsen)

AN AMENDMENT WAS MOVED that the report be received and the suggestions raised by Councillor Roberts be incorporated in the Draft Policy and be resubmitted to a future meeting of Council for determination.

(Councillors Crowther/Swientek)

On submission to the meeting the AMENDMENT was DEFEATED.

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

329/98 RESOLVED that the report be received and Council adopt Policy No. 1.2.20 - Council Workshop Policy with the following additions and changes:

**Inclusion of the following:**

*“Workshops are to be held by resolution of Council and will provide an opportunity for provision of information requiring feedback, informal discussion and exchange of ideas on complex issues, however in exceptional circumstances, the Mayor, in consultation with the General Manager, are authorised to call a workshop.”*

Under “Chairperson”

*“Workshops are to be chaired by a councillor, preferably the Mayor.”*

Under “Public Involvement”

Replace the first dot point with - *“Workshops will be open to the public unless otherwise determined by Council.”*

Dot point 4 be amended to read - *“That invitations to external participants in workshops be by resolution of Council.”*

Under “Meeting Procedure”

An additional dot point be added - *“At the commencement of the workshop the chairperson will outline the purpose of the workshop and the manner in which it will be conducted.”*

(Councillors Roberts/Larsen) (S43)

**ADJOURNMENT:**

The meeting adjourned at 9.06pm and resumed at 9.19pm.

**Review of Delegates - Richmond River County Council**

(Copy attached)

330/98 RESOLVED that the report be received and Council advise the Richmond River County Council that it would not agree to a reduction in the delegate numbers at present, but a further review prior to the 2003 election would be supported.

(Councillors Swientek/Gates)

**Voting Against:** Councillors Irwin, Roberts and Larsen.

(98-10731: S409)

**Investments Held by Council as at July 31, 1998**

(Copy attached)

331/98 RESOLVED that the report be received and noted.

(Councillors Cole/Swientek) (S170)

**Capital Assistance Programme 1998/99**

(Copy attached)

332/98 RESOLVED that the report be received and the priority listing for CAPS funding be:

- 1 Lismore City Council - Kadina Park
- 2 Clunes Old School Association
- 3 East Lismore Tennis Club

4 Far North Coast Softball Association

5 Blakebrook P & C Association

6 Jiggi P & C Association

(Councillors Larsen/Roberts) (\$183)

**FNC Baseball - Albert Park Financial Assistance**

(Copy attached)

333/98 RESOLVED that the report be received and Council -

1 Subject to the receipt of information requested, agree to act as guarantor for a loan, from a reputable lending institution, to a maximum of \$120,000, to the Far North Coast Baseball Association, with the terms and conditions of the loan to be based on standard commercial practices.

2 Reinforce its requirement for the current debt of \$23,000 to be repaid in full by 30 June, 1999.

(Councillors Gates/Crowther) (P16984)

**June 1998 Quarterly Budget Review Statement**

(Copy attached)

334/98 RESOLVED that the report be received and -

1 Council adopt the June 1998 Budget Review Statement for General, Water and Sewerage Funds.

2 That Council note the use of interest generated on internal reserves to finance the net over-expenditure for the 1997/98 financial year as an interim measure until the final 1997/98 audit is reported to Council.

3 This information be submitted to Council's auditor.

4 A policy be developed for budget allocations not expended in the year it is allocated.

(Councillors Crowther/Cole) (\$665)

**Establishment of a Local Government Water Directorate**

(Copy attached)

335/98 RESOLVED that the report be received and -

1 Council approve up to a maximum of \$15,000 per annum as its contribution to the New South Wales Local Government Water Industry Directorate (Water Directorate). These monies to be funded equally between the Water and Sewer Funds from within existing budgets.

2 Council nominate the Acting Water and Wastewater Manager, Mr Chris Hennessy, as its engineering representative on the Board of the proposed Water Directorate.

3 Council advise the Institute of Municipal Engineers of Australia (New South Wales Division), in terms of Points 1 & 2 above and of Council's ongoing support for the concept of the Water Directorate.

(Councillors Crowther/Roberts) (98-11704: S301)

**Clunes Wastewater Management Study**

(Copy attached)

336/98 RESOLVED that the report be received and -

1 a) Council accepts the DLWC's offer of 67% subsidy for preconstruction investigations into sewerage the Village of Clunes, including an \$87,000 Effluent Management Study for the Village of Clunes.

b) Council engage DPWS to undertake the Effluent Management Study.

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- c) Council's share of the preconstruction investigations be financed from available funds within the Sewer Budget.
- 2 Should the Clunes Effluent Management Study recommend construction of a centralised effluent treatment system, then Council consider imposing a charge to recover its investigation costs as part of the 1999 - 2000 budget setting process.  
(Councillors Larsen/Swientek) (98-12760: S288)

MATTER OF URGENCY:

**Alleged Legal Challenge by Mr M King - Discussion in Committee of the Whole**

A MOTION WAS MOVED that this matter be considered as a matter of urgency.

(Councillors Swientek/Gates)

On submission to the meeting the MOTION was DEFEATED.

**Voting Against:** Councillors Irwin, Roberts, Larsen, Wilson, Champion, Cole and Crowther.

DOCUMENTS FOR SIGNING AND SEALING:

337/98 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

**Hangar Lease - Council to Robinson**

Hangar Site No. 7 - five year lease from 24/8/97 to 23/8/2002.  
(98-12580: P9733)

**Discharge of Charge - Parker & Simeoni, 37 Habib Drive, South Lismore**

Removal of an encumbrance that has been placed on the abovementioned property via a Council condition of consent, which has been revoked.  
(98-13519: P17623)

**Deed of Assignment of Lease - Left Bank Cafe, Jamieson to Battista & Skaines**

Contracts have been exchanged between Jamieson and Battista/Skaines. Council's Solicitors are currently preparing the necessary Deed of Assignment. The authority to affix the seal is sought at this time to avoid unnecessary delays and will only be exercised when the General Manager is satisfied that Council's interests have been protected.  
(S615)

**Contract of Sale - Council to Ball & Croft**

Sale of Lot 14, DP 839941 in Blue Hills Avenue, Goonellabah to Ball & Croft at a price of \$45,000.  
(98-13834: P24412)  
(Councillors Larsen/Wilson)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:

338/98 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matter:-

**Mayoral Minute - General Manager's Performance Review**  
(Copy attached) (Supplementary Mayoral Minute Tabled)  
(Councillors Larsen/Wilson)

RESUMPTION OF OPEN COUNCIL:

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

**AND IT NOW RECOMMENDED**

**Item 1:**

That the actions proposed by the Performance Review Committee be endorsed.

339/98 **RESOLVED** that the Mayor's report of Council meeting in Committee of the Whole be received and adopted.

(Councillors Roberts/Larsen)

**Voting Against:** Councillors Champion and Swientek.

This concluded the business and the meeting terminated at 10.23 pm.

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

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**MAYOR**

