

COUNCIL Business Paper



JUNE 12, 2001



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, JUNE 12, 2001 at 6.00pm and members of Council are requested to attend.

(Ken Gainger)
GENERAL MANAGER

June 5, 2001

COUNCIL BUSINESS AGENDA

June 12, 2001

PUBLIC ACCESS SESSION:

PAGE NO.

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary Meeting – May 1, 2001

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DISCLOSURE OF INTEREST

MAYORAL MINUTES

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NOTICE OF MOTION

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

Now that the outcome of the Federal budget is known, Council hold a workshop forum as soon as possible that details the short and long term financial implications of proceeding with construction of both the flood levee and the pool. The workshop also canvass options for minimising the financial impact on other areas of Council expenditure including minor and major capital works activities, e.g. CBD beautification, Goonellabah Leisure Centre, etc.

Reason:

The recent Federal budget indicates that funds will be available for construction of the levee although there is no indication that the Federal Government is prepared to revert to the 2:2:1 funding formula. This failure means that Council will be placed under some financial stress if the pool is also to proceed.

Consequently it is time for Council to look closely at its financial position including the implications of the rate increase that is likely to be approved for next financial year. It is hoped the workshop will canvass the options that have already been suggested and provide financial overviews for various scenarios including staging the baths development and closing Lismore Lake pool. A workshop forum will enable discussion that is not possible within Council's meeting structure. It may also result in other ideas being put forward that have not been canvassed to date.

We believe the workshop is also important so that we can all clearly understand the long term financial implications of such major expenditure and so there will be no false community expectations regarding other projects.

COUNCILLORS D R Tomlinson
D J Roberts

DATE May 29, 2001

STAFF COMMENT BY: Manager - Finance & Administration

Now that the Council's draft 2001/02 Management Plan has been prepared as well as the Federal and State Government Budgets released, it is possible to assess our overall financial position from a longer term perspective based on this information.

I would be only too happy to present a workshop on this subject to Council if you believe it a relevant factor in your decision making process and would welcome suggestions on how to make the information more user friendly.

(01-7800: S106,P6768)

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Subject/File No: DEVELOPMENT APPLICATION NO: 2001/186 – RESTRICTED PREMISES – KEEN STREET, LISMORE (CS:MG:D01/186)

Prepared By: Development Assessment Planner - Chris Soulsby

Reason: The application was requested to be determined by Council by Cr Hampton, Cr Crowther and Cr Suffolk

Objective: For Council to determine development application

Management Plan Activity: Development Assessment

Background:

Applicant

Regald Pty Limited, 25 Bye Road, Queensland 4512

Zoning

3(a) (BUSINESS ZONE)

Location

The subject premises are located upstairs at 96 Keen Street, Lismore. The property is described as Lot 4, DP 16359. Refer attached zoning and locality plan. (Attachment 1)

Proposal

The applicant describes the proposal as a “change of use adult novelty shop and associated advertising signs”. Perry and Morphett Pty Ltd, the Planning Consultants acting on behalf of the applicant, describes the development as an “adult novelty retailer on first floor. A copy of the statement of environmental effects is attached. (Attachment 2)

The development is categorised as a “*restricted premises*”. This definition is discussed extensively below. The Development Assessment Planner determined that the development for which consent was being sought is best described as “Proposed change of use of part of a building (first floor) from vacant to restricted premises (Adult Shop) and associated advertising signs”. The DA was advertised according to this description.

Key Issues

The following issues of determining weight relates to:

- The compatibility of the proposal to the existing development in the locality; and
- Compliance with the LEP, zone objectives and special provisions; and
- Submissions and objections; and
- Social impacts; and
- Public interest.

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

79C(1)(a)(i) Any Environmental Planning Instruments (EPI)

Under the provisions of the Lismore Local Environmental Plan 2000:

“**restricted premises**” means a building or place used or intended for use as a shop in which:

- (a) any classified publications (other than unrestricted publications) within the meaning of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* are available for sale or rental to the public, or
-

- (b) a business is conducted involving selling or disposing of products to which section 578E of the *Crimes Act 1900* applies, or
- (c) a business is conducted, an object of which is the display or exhibition of any article that is primarily concerned with sexual behaviour, but which is not printed matter; (LEP 2000)

With respect to item “a” in the definition the Classification (Publications, Films and Computer Games) Enforcement Act 1995 controls the sale and exhibition of materials that are classified under the Commonwealth Act of the same title. This Act also prescribes the offences and penalties for breaches of both this Act and the Commonwealth Act. This Act is extensive and it is not proposed to examine these provisions in depth. The relevant feature of this Act for consideration is the prohibitions on exhibition of films and publications except under certain conditions ie no exposure on sale to a minor.

The section of the NSW Crimes Act 1900 referred to in item “b” relates to the following:

578E Offences relating to advertising or displaying products associated with sexual behaviour

- (1) *This section applies to products (such as articles, compounds, preparations or devices, but not printed matter) that are primarily concerned with, or intended to be used in connection with, sexual behaviour.*
- (2) *Any person who carries on, or who is engaged in, the business of selling or disposing of products to which this section applies must not:*
 - (a) *advertise, or cause another person to advertise, in any manner the nature of that business, or*
 - (b) *exhibit or display any such products:*
 - (i) *to a person who has not consented to or requested the exhibition or display, or*
 - (ii) *in a manner so that they can be seen from outside the premises of the business by members of the public.*

Maximum penalty: in the case of an individual 100 penalty units or imprisonment for 12 months (or both), and in the case of a corporation 200 penalty units.

Item “c” relates to material that is not printed matter ie videos and films. These are also controlled by the Classification (Publications, Films and Computer Games) Enforcement Act 1995.

“*Restricted premises*” is an accurate description of the proposed development in planning terminology with reference to the Lismore City Local Environmental Plan 2000. The addition of the term Adult Shop in brackets was to ensure that no member of the public was misled. A review of numerous decisions from the NSW Land and Environment Court and the Victorian Civil Administrative Tribunal, and discussions with members of the public has revealed that the common term used to describe this use is a “*sex shop*”. This term has emotive or moralistic connotations that do not necessarily reflect the objectives and intent of the acts that form part of the definition of restricted premises. Contrastingly the applicants use of the term “Adult Novelty Shop” does not adequately address the specific and serious nature of the restrictions imposed by these Acts. Accordingly, for this planning assessment, the term sex shop and adult novelty shop are considered to be misleading, and the accurate term of “*restricted premises*” will be used throughout this report.

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Clause 58.4 of the Lismore Local Environmental Plan 2000 identifies that restricted premises are permissible with development consent as Advertised Development. Clause 29 (4) relates advertised development to section 29A of the Environmental Planning and Assessment Act 1979. Section 79A of the Act and Clauses 86-92 of the regulation specify how Council is required to notify and publicly exhibit the development application.

Council has complied with these requirements and a number of submissions have been received. These submissions are discussed below.

The allowance for Advertised Development in the Act, recognises that Council's may in their L.E.Ps identify certain uses that may have a more significant impact on the environment (inclusive of the social environment) than other uses merely permissible with consent and thus require a more stringent exhibition process to ensure community opinion is adequately canvassed. This is the case with a restricted premises.

Council has met the requirements of the Act and the LEP regarding advertised development and may determine the application.

Clause 29 of the LEP requires that consideration be given to the zone objectives when considering a development application. The zone objectives are set out as follows:

- (a) *to encourage the development and expansion of retail, commercial and professional activities which strengthen the City's role as a regional centre, and*
- (b) *to ensure that adequate provision is made for car parking, and*
- (c) *to encourage facilities which minimise the adverse effects of flood.*

Item (a) is of relevance in considering this application. The use of vacant commercial space for a use that is essentially retail orientated, although separately defined due to its potential impacts, could be considered to comply with this objective. The establishment of restricted premises could not be seen to be contrary to this part of objective (a).

It is questionable if such a use would necessarily strengthen the City's role as the regional centre. This is an argument raised in one of the submissions. The submission specifically links this application with the decline of the CBD and the City as a whole as the regional centre. There is no factual basis for this assertion in the submission. Details of the submissions are discussed below. This argument is however ultimately rejected on the following basis. It has been held in the Court that a development will be consistent with the zone objectives if it is not antipathetic to them, and it is not necessary to show that development promotes or is ancillary to those objectives, or even that it is compatible with the objectives (*Schaffer Corporation Ltd v Hawkesbury Council* (1992) 77 LGRA 21). **It is also considered that Council could not sustain the argument that a restricted premises is contrary to the zone objectives when Council made a cognisant decision to include restricted premises as a use permissible with consent in the 3(a) Zone.**

Item (b) is not significant as the existing commercial office space has a carparking credit that this development will not exceed.

Item (c) is not significant as the location of the restricted premises is on the first floor and the use will not be adversely affected by flooding.

Clause 10 of the LEP requires that Council must consider the matters listed in schedule 5 when determining an application for advertised development.

Schedule 5 is set out as follows with the relevant assessment:

- 1 *The objectives of the proposed development and how it relates to the objectives of this plan and the relevant zone.*

The objective of the development is to establish a restricted premise. How the establishment of the restricted premise relates to the zone objectives has been addressed above.

- 2 *The existing environment, including existing land use, slope, aspect, geology, soils, flood liability, vegetation, fauna and hydrology likely to be affected by the proposed development, if carried out.*

This clause primarily relates to the physical environment. The applicant in the report accompanying the development application (DA) cursorily addresses this issue. Figure 2 indicates the location of the uses in the immediate vicinity of the subject land. Immediately adjoining the entrance to the restricted premises is the pet shop. This use is one that attracts a significant number of children. The impacts of the proposed development on this use are discussed below in greater detail.

- 3 *The interaction between the proposed development and the natural and human made environment (for example, habitat, vegetation, open space, recreational system, drainage system, and road, bicycle and pedestrian movement systems).*

This head of consideration relates to the impacts of the development on physical environment. There will be no change in the usage of the road and pedestrian network by changing the use from office space to a restricted premises. The proposed development will utilise an existing building with only minor internal changes. As there are no works to be undertaken there is no requirement to consider this issue further.

- 4 *The likely impact of the proposed development on the surrounding natural and human made environment, such as loss of agricultural land, impact on water resources and any land use conflicts and the means proposed to reduce any adverse impact (for example visual controls, stormwater controls, erosion controls, traffic controls and provision of community facilities).*

The impacts on the surrounding development and the interaction between the restricted premises and the uses are discussed below under the heading social impacts. (S79C(1)(b)).

- 5 *Measures to be taken in conjunction with the proposed development to protect the environment and the assessment of the likely effectiveness of those measures.*

There is no impact on the natural environment. The impacts on the social environment are discussed below. The applicant has not discussed the measures to protect the social environment in the report accompanying the DA. However much of the protection of the social environment is prescribed by the requirements of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* and the *Crimes Act 1900*. These acts and the effectiveness of the measures incorporated within them are also discussed below under the heading of social impact. (S79C(1)(b)).

- 6 *Any likely increase in demand for facilities or services as a result of the development.*

There will be no increase in demand for facilities or services as a result of this development.

- 7 *An assessment of the likely impact of the proposed development on people occupying the locality within which it will be carried out.*

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The impacts of this development on both the occupants of the locality and is discussed below under the heading of social impact. (S79C(1)(b)).

The North Coast Regional Environmental Plan applies to the site but there are no relevant clauses affecting this DA.

79C(1)(a)(ii) Any Draft EPI that is or has been placed on Exhibition

There are two draft amendments to Lismore City Local Environmental Plan 2000 that have been exhibited. These are the heritage LEP and a reclassification of land, neither of which are of relevance to the determination of this DA.

79C(1)(a)(iii) Any Development Control Plan

Development Control Plan 18 Carparking would apply to the proposed development. However there is adequate carparking credits associated with the previous use of the site to allow for the development to proceed without the need for any onsite carparking.

Development Control Plan 7 Flood Prone Land also applies to the site. As the development is above the adopted flood standard the change of use is acceptable under the terms of the DCP.

Development Control Plan 42 Crime Prevention Through Environmental Design applies to the site. This DCP has little application, as there is no physical change to the building.

79C(1)(a)(iv) Any Matters Prescribed By The Regulations

The regulations require Council to exhibit the application in the prescribed manner. This has been complied with.

The Council in determining the application must consider the coastal policy. This policy has little relevance to this DA and there is no inconsistency with the policy and will not be discussed further.

The provisions of the Building Code of Australia (BCA) as they relate to fire safety and structural matters are required to be considered by the Council when considering the DA. This matter was referred to the Council's Health and Building Surveyor and the Manager Building and Regulation for comment. Council's adopted policy No. 5.2.10 which has an objective "*to provide for reasonable equity in access and provision of facilities to public spaces and public buildings for people with disabilities and special needs*". This policy was adopted in 1992 to cover weak BCA requirements at that time. The policy requires suitable access to all new buildings or when carrying out significant renovations. On this basis the policy does not apply to the development. It was determined that it was unreasonable in terms of the BCA to require disabled access and there is no requirement under provisions of the EPA Act 1979 or the regulations to require access.

The fire safety matters and occupation of the building are capable of being controlled by way of conditions of development consent.

79C(1)(b) The Likely Impacts of that Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality

The environmental impacts have been discussed above and are not considered to have a significant impact. The social impact of the restricted premises is the dominant issue. The question for Council to consider is would the development as proposed cause an adverse social impact? The social impact would relate to the impact on children attracted to the area, predominantly the adjoining pet shop. This requires consideration of whether the proposed development is antipathetic to the existing uses in the locality. Upon analysis that question must

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be answered in the negative. When considering this question the reasons for the perceived social impacts need to be considered. Part of the reason for the perceived social impact is the issue of the immorality of the proposal.

Morality, and offence to the community based on perceived social impacts, has been examined on numerous occasions by the Land and Environment Court. Judge Cripps in *Venus Enterprises v Parramatta City Council* 43 LGERA 67 identified the circumstances which could warrant refusal of a development, namely, the creation of great offence to a significantly large part of the community. His Honour considered that if such offence was proven to exist, a development could be refused on town planning grounds. Such development might for example be of such type and location as would cause obvious affront to a section of the community because the development would be inimical to the practices or beliefs of that group.

In the *Kulin* case, Judge Bignold determined that 'widespread community reaction' against a development proposal was a factor to be considered in the context of the public interest. The tavern development in *Kulin* was proposed for a location directly opposite community facilities for families and young persons and was regarded by His Honour as inappropriate because of such juxtaposition. This juxtaposition is similar as that which occurs with the location of the restricted premises and the pet shop but the interaction is different as will be discussed below. This comment needs to be considered in context, in that the widespread community reaction was in that case based upon a legitimate planning issue. Councillors are referred to the comments by Judges Hemmings and McClelland in the consideration of the submissions below. (S79C(1)(d)).

Commissioner Bly in *Perry Properties v Ashfield Municipal Council No1* specifically acknowledged that moral considerations were not regarded by him as sufficient to justify refusal of an application and in doing so adopted Murrell AJ's observation in *Liu* that:-

"...a diminished enjoyment of the perceived moral environment (as opposed to the neighbourhood physical environment) is not a matter which may properly be taken into account pursuant to s 90(i)(o)[now S79C] of the Act".

The Commissioner continued at [54]:-

"If Murrell AJ is correct, it would simply be wrong to reject the application based on the number of objections to this proposed brothel. Moreover, if these objections are based on moral concerns again it would be wrong to reject the application".

Whilst the Court and Council should not be concerned with morals per se, it is obvious that a development such as a restricted premises might create repugnant social consequences depending upon numerous factors including proximity to antipathetic development (the pet shop).

This was recognised by Acting Judge Murrell when she referred to the fact that certain development could result in 'antagonism between a particular development and the religious or cultural values of an immediately affected and identifiable group'. (see *Fairfield City Council v Liu* (NSWCA no 40043 of 1998)

Judge Cowdry said in *Perry Properties v Ashfield Municipal Council* (2000) NSWLEC "A fear or concern without rational or justified foundation is not a matter which, by itself can be considered as an amenity or social impact pursuant to s 79C(1)(b) of the EPA Act."

Based upon the above line of authority, careful consideration needs to be given to the reason why the restricted premises are incompatible with the pet shop. It is not simply acceptable to say that based upon the number of submissions or the fears espoused in those submissions that there is an adverse social impact. The questions that the Councillors need to ask with respect to the social impact of the development on the pet shop and surrounds are:

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1. Will the unaccompanied children patronising the pet shop be exposed to sexually explicit material thus causing an unacceptable social impact?
2. Will there be unacceptable social interaction between the children and clients of the restricted premises?
3. Will there be a demonstrable adverse social impact caused by the restricted premises?

The controls imposed by the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* and the *Crimes Act 1900* will prevent the children entering the premises and these acts also prevent the display of such material where minors may be likely to view it. Conditions of development consent relating to the location of the sales desk at the entrance to the display area to only allow access by adults after verification by the sales clerk will prevent any access to the first floor where items of a sexually explicit nature are to be displayed. The legislative controls and proposed conditions of consent adequately address the first question.

In *Perry Properties v Ashfield Municipal Council* No1 Commissioner Bly said

“There will be instances when residents, school children and others find themselves in close proximity to or can see sex workers and their patrons. They may even recognise them as such. In this regard there is no persuasive evidence to support the conclusion that sex workers or their patrons typically behave in an inappropriate or anti-social manner.”

This appeal related to the establishment of a brothel. Judge Cowdroy considered the issue of anti social behaviour as it related to the establishment of a sex shop in *Vernon v Manly Council ((1996) NSWLEC 175)* and he noted

“While it is incontestable that exposure to sexually explicit materials has some effect on its users, the evidence that it may result in, or contribute to, any negative behavioural patterns (violent or otherwise) is at best very limited” and

“It appears that while there is some conflicting evidence, and no doubt much more research will be done in the future, any link between violence and pornography is unproven”.

It is considered that Council could not conclude that there is adequate evidence to show that there will be inappropriate or criminal behaviour conducted by customers of the restricted premises. Accordingly the second question must be answered in the negative.

The State Government has considered that it is socially acceptable to allow the materials controlled by *Classification (Publications, Films and Computer Games) Enforcement Act 1995* and the *Crimes Act 1900* to be accessed by the adult population of this State. It could be argued that the Government by imposing such stringent restrictions on these materials recognises that there can be a significant adverse social impact caused by the sale of such materials. This argument fails both on a logical construction and based on judicial consideration. The restrictions are imposed to prevent these materials being displayed, sold or presented to minors, whom it is totally inappropriate to expose such material to. However these Acts specifically allow the material controlled by these acts to be accessed by those members of society over eighteen years of age upon which it has no demonstrable effect.

The Court considered exactly this issue in *Venus Enterprises Pty Ltd V Parramatta City* 43 LGRA 67 and Judge Cripps said

“I am not prepared to assume, as I was invited to assume, that the legislature disapproves of these shops because of the restrictions on sale of publications by the Indecent Articles and Classified Publications Act 1975 any more than I would conclude that the legislature disapproves of the consumption of alcohol because of the restrictions on sale of liquor by the Liquor Act”.

On this basis the third question must also be answered in the negative. If there is no demonstrable adverse social impact caused by the development this cannot be used as a ground for refusal.

79C(1)(c) The Suitability of the Site for the Development

The site of the proposed development being up a flight of stairs and without significant street level exposure is physically well suited to the proposed development. The entrance being next to the pet shop has been discussed at length in the consideration of the social impacts and submissions.

The issue of signage is important. The signage proposed in the application is unacceptable. It covers a significant portion of the façade of the building. Similarly the treatment of the entrance signage is unacceptable and could possibly attract children to investigate the premises. It is proposed to impose a condition of consent requiring a separate development application for the signage associated with the development.

79C(1)(d) Any Submissions made in Accordance with this Act or the Regulations

The application was exhibited in accordance with the regulation and a significant number of submissions were made. There was one submission supporting the application and the other eleven are individual letters specifying varying reasons why Council should refuse the application.

There are two other submissions in the form of petitions objecting to the development. These submissions require detailed analysis to determine the validity in planning terms of the points of objection. The main issue for Council to consider is that the points of objection raised in the petitions are the important factor to analyse and assess rather than the number of signatures.

The first petition contains 487 signatures. The proprietor of the shop immediately below the proposed restricted premises Ms Lucinda Dawson initiated this petition. The points raised in this petition are:

- 1. This section of Keen Street has many family oriented shops.*
- 2. We feel this Adult Shop would undermine the confidence of parents who regularly allow their children to patronise businesses in this area.*
- 3. We feel that many of our customers would not feel comfortable being seen in the vicinity of this shop and therefore cause a large loss of trade.*
- 4. We feel some of the cliental [sic] attracted to this type of business may endanger persons using Larkin Lane as a thoroughfare and parking facilities. Many of these people using the parking are women who often walk the lane to their cars on or after dark.*

The second petition was initiated by the Lismore Ministers' Fellowship. The petition contains 161 signatures and raises fourteen points of objection:

- 1. Many statistics and criminal interviews link pornography to sexual crime.*
 - 2. Pornography feeds of disrespect for others, attacking the dignity of women and men who are created in the image of God.*
 - 3. Whether or not we buy pornography; [sic] society as a whole is affected by those who do (Take for instance drug abuse which adversely affects an entire community).*
 - 4. Pornography fuels the sexual desire in abnormal ways.*
 - 5. Pornography encourages sex without commitment.*
 - 6. Pornography desensitises citizens to sexual crimes and abuse.*
 - 7. Pornography has adverse effects on beliefs about sexuality including: obsessional thinking, promiscuity, guilt and a performance based sexuality.*
 - 8. Pornography distorts Gods gift of sex given to those in a covenant relationship.*
 - 9. Christianity is all about 'others', however pornography is all about selfishness – meeting one's own needs, with no respect for the needs of others.*
-

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10. *We are in the business of building, protecting and supporting the family unit. An 'adult novelty store' would undermine our work (refer points 1-9).*
11. *We do not want pornography as a mainstream business in our city.*
12. *We do not want a floodgate opened, spewing sexually deviant material into our city.*
13. *We have a social responsibility as Christians to protect our citizens from the harms of pornography.*
14. *Lastly but most importantly- we love this city and want the best for our community. If this submission is approved it would be to the detriment of our town.*

The points raised by the petitions have been spelt out to focus on the issues for analysis. Copies of the remaining submissions are in Attachment 3. A précis of the points raised by the remaining submissions is as follows:

- The development will attract an undesirable element to the area;
- Questioning how the age restriction can be enforced;
- Persons under the influence of alcohol loitering around the entrance;
- Downturn in business and loss of trade in nearby shops;
- Decreases in property values;
- The development will profiteer from the weakness of individuals;
- The development will set a precedent for other anti social activities;
- The development will devalue womanhood;
- The development will promote the sexual abuse of minors and women;
- The development is linked to domestic violence;
- Pornography promotes child abuse;
- Sexual immorality, prostitution and depravity are promoted as adult entertainment;
- Just because Ballina has a sex shop Lismore does not need one;
- Public toilets will have to be closed because of drugs and sex;
- It will encourage sex offenders;
- A loss of confidence by women customers that currently patronise businesses in the locality;
- Unattended children patronise the shops in the vicinity of the sex shop;
- The need for security guards in the area;
- Loss of respect for the city;
- Influx of aimless aborigines;
- Establishment of the headquarters of the Marxist Leninists in Lismore at the Southern Cross University;
- Societies degeneration as shown by the growing alternative movement.
- The Lismore CBD will no longer be the regional centre.

Each of the points of objection needs to be put in a planning context to establish the relevance of the issue and then once the relevance or validity is established the actual level of impact needs to be considered.

The first point raised in the petition initiated by Ms Dawson is a statement of fact. It is accepted that there are a number of shops that are family oriented. However there are a number of shops that are not specifically family orientated such as the hotels in the immediate vicinity. The mere existence of family oriented shops does not necessarily preclude the proposed development. There needs to be an impact identified. Points two to four identify a perceived impact. The signatories feel that the confidence of the parents who allow children to patronise the shops in the immediate vicinity would be undermined. That patrons of these shops would not feel comfortable being seen in proximity to the restricted premises and that there is a safety issue for women after dark caused by the restricted premises. Objections as they relate to a fear or concern of impacts caused by a restricted premises were considered by Justice Cowdroy in *Vernon v Manly Council ((1996) NSWLEC 175)* whom stated “*Fears, concerns or feelings that are not objectively linked to facts, evidence or expert opinion are not necessarily justifiable in planning terms*”.

Whilst it may be a fact that some parents may feel it inappropriate to allow their children to patronise shops in the locality of the restricted premises unattended, the reason why parents feel this way needs to be examined. Do they feel that the children will be exposed to sexually explicit material or come into contact with customers of the restricted premises? In answer to the first part of that question the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* precludes the expose of such material to minors. The second part of the question relates to social interaction between customers of the restricted premises and children in the street. This is unlikely at best and such a fear requires an assumption that the customers of the restricted premises will behave in a socially unacceptable or criminal manner upon entering or leaving the premises. Further it requires an assumption that the material sold in a restricted premises will attract a criminally deviant section of the population to loiter in the street outside the restricted premises. This assumption cannot be supported by facts and accordingly no planning weight can be attached to it.

The economic impact of a development is a valid planning consideration. This is an issue raised in the first petition ie loss of trade. However, as the reason for the perceived loss of trade are not based on facts or are based on unsupportable assumptions this argument fails.

There may be an existing safety issue for women accessing Larkin Lane after dark. This is an existing situation and probably is related to the design of the lane and proximity to the two existing hotels where alcohol related incidents can arise. Council can control the hour of operation of the restricted premises such that it will not result in the interaction of customers and the general public after dark. Further this point of objection requires an assumption that customers of a restricted premises will carry out a criminal offence in the immediate vicinity of the restricted premises and this is not proven (This issue is examined above under social impact).

The second petition is primarily objecting to pornography in all forms rather than the specific issues pertaining to this development. It is not suggested that the signatories’ right to object to pornography is invalid nor is it intended to denigrate their religious or personal beliefs. However the State Parliament through the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* has determined that such material, subject to restrictions on age and classification or censorship of the material, is acceptable within our society. Restricted premises are the place of retail for such material. On this basis the **planning validity** of this entire petition is at best minimal and very little weight should be placed upon it.

Many of the remaining points of objection that are relevant have been covered in the above discussion of the petition. Some are totally irrelevant, slanderous or racist and absolutely no weight should be placed upon them.

It is considered that issues raised in the submissions do not provide legitimate planning justification for refusal of the development application, nor does the sheer number of objectors justify refusal of the application. The Court has considered this issue and Judge Hemmings has made this statement:

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“It is therefore submitted [by the objectors] that it is a relevant consideration as to whether there is likely to be a “significant” effect on the environment that the activity is a substantially controversial one.

If that submission means that an activity which is otherwise not likely to significantly affect the environment could be seen to do so merely because it excited opposition by a section of the public, then I reject it.

A similar submission was rejected by the Court in *Newton v Wyong Shire Council* (6 September 1983, unreported) and in so doing Judge McClelland said:

“I had an uneasy feeling that an attempt was being made to smuggle into planning and environmental law a new doctrine which might be expressed as follows: If local residents, however mistakenly, believe that a proposed scheme will be environmentally [or socially] damaging, that belief is a factor, and an important one, which determining authorities should take into account in reaching their decisions.”

On this basis the sheer number of signatories and letters should not be a ground for refusal as the reasons for the objection do not stand up to analysis.

79C(1)(e) The Public Interest

The Environmental Planning and Assessment Act does not provide for the assessment of the morality of a given development. In the absence of any adverse impacts the development cannot be considered to be contrary to the public interest.

CONCLUSION

Based on the above assessment there are no justifiable planning reasons for refusal of the development application for “change of use of part of a building (first floor) from vacant to restricted premises (Adult Shop)” subject to conditions of development consent.

Manager - Finance & Administration Comments

The Manager Finance and Administration has no comment on the application.

Other Group Comments

Council’s City Works group has no requirements for the proposed development.

RECOMMENDATION (PLA8)

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

- B That Council, as the consent authority, approve Development Application 2001/186 for: **“Change of use of part of a building (first floor) from vacant to restricted premises (Adult Shop)”** subject to conditions of development consent attached in Schedule 1.

SCHEDULE 1

CONDITIONS OF DEVELOPMENT CONSENT:

ANCILLARY ACTIVITIES APPROVED UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT IN CONJUNCTION WITH THIS APPLICATION:

- (a) Change the use of a building or part of a building to a use that is not consistent with the current classification of the building.

STANDARD

1. In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan A undated and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

Reason: *To correctly describe what has been approved. (EPA Act Sec 79C)*

2. If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

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

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

Reason: *To cater for newly introduced GST provisions.*

BUILDING

3 The building is not to be occupied until an Occupation Certificate is issued by the Principal Certifying Authority and in this regard all matters relating to this Development Consent are to be completed prior to the issue of the Occupation Certificate. **I5**

Reason: *To meet statutory requirements and to ensure compliance with this approval.*

4 That the building be not used for any form of residential occupation. **DB30**

Reason: *To indicate the limits of the approved use of the building.*

5 That prior to the occupation of the building, the owner shall cause the Council to be furnished with a fire safety certificate from a competent person in respect of each essential fire or other safety measures. **ES2**

Reason: *Required by Clause 80E of the Environmental Planning and Assessment Regulation 1998.*

PLANNING

6 The developer/owners/operator is at all time to comply with the provisions of the *Classification (Publications, Films and Computer Games) Enforcement Act, 1995 and the Crimes Act, 1900.*

Reason; *To ensure compliance with the statutory provisions.*

ADVERTISING

7 The signs proposed in the application are not approved.

Reason: The proposed signage is excessive and will have an adverse impact on the amenity of the locality.

8 All outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by the Council prior to erection, in accordance with Development Control Plan No. 36 Outdoor Advertising Structures (as amended). A separate application shall be submitted. **AD1**

Reason: To preserve the amenity of the area. (EPA Act Sec 79C(b))

9 All signage is to comply with Condition 6 at all times.

Reason; To ensure compliance with the statutory provisions.

10 All sign materials below the adopted standard flood level of 12.5m (AHD) shall be flood compatible. **AD4**

Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))

SECURITY

11 The developer/owners/operator shall install the sales desk immediately adjacent to the entry to the display area so that the sales clerk shall be able to visually identify that a customer is over 18 years of age prior to allowing entry to the display area. A detail plan showing the location of the sales desk shall be submitted to Council prior to issue of an occupation certificate.

12 The door required by Condition 11 shall comply with the provisions of the Building Code of Australia.

Reason: To ensure adequate egress and fire safety.

OPERATIONAL

13 The hours of work for any noise generating activity of the proposed development are to be limited to the following time restrictions:

Monday to Saturday - 7.00am to 6.00pm

.AM2

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))

Subject/File No:	RECYCLING REVIEW (S763)
Prepared By:	Lesley Trott – Waste Minimisation Officer
Reason:	To review solid marketable recycling services provided to the community as identified within Council's Integrated Waste Management and Minimisation Strategy
Objective:	To seek agreement from Council, prior to a community notification process, for the construction and implementation of the preferred option for recycling service delivery.
Management Plan Activity:	Waste Minimisation

Background:

The Waste Minimisation and Management Act, 1995, set the agenda for Council to make a policy commitment to the reduction of solid wastes to landfill.

Following extensive research into best-practice waste management, (to achieve the best environmental, economic and social outcome for waste reduction in Lismore) the Draft Integrated Waste Minimisation and Management Strategy (IWM&MS) was adopted by Lismore City Council in July 1998; with commencement of the weekly organics and fortnightly garbage service on 5 July 1999.

The overall objective of the Draft Strategy is to achieve a reduction in waste disposed to landfill by 60% per person, based on a 1990 baseline. LCC's Waste Services Strategic Business Plan (2000 – 2020), contains a consolidated action plan to effectively achieve this outcome.

Many of the 200 recommendations identified in the draft strategy have been carried out. Some major waste management initiatives are now underway, to assist Lismore attain its vision of a low waste future; including the successful introduction of an organics waste collection service to urban Lismore, and the significant investment by business in a vermiculture resource recovery facility.

During the year 2000, Council identified a need to review the draft strategy, in the light of recent waste management advances and market changes, and reassess environmental, social and technical priorities.

A preliminary stage of the review process involves reassessing our recycling service, and developing a clear vision for the future development of the service.

The IWM&MS has 5 fundamental elements consisting:

community education, information and consultation;
organic resource management;
solid marketable recyclables management;
residual waste management and disposal; and
supportive policies and procedures.

The strategy relies on all of these elements working together, to achieve effective waste reduction and management. The weekly organics bin, together with a recycling service, provides a means for the community to reduce their waste by at least half.

Following extensive consultation with the community, LCC resolved to implement an organics waste collection service in July 1999, together with **an improved Drop Off Centre recycling service.**

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In August 2000 LCC signed a contract with Tryton Engineering Pty Ltd, for the development of a state of the art vermi-composting plant at the Wyrallah Road Waste Management Facility.

Another significant environmental achievement for Lismore, was the development of a Landfill Environmental Management Plan (LEMP) in March 1999. This was a requirement under the new Waste Minimisation and Management Act, 1995 licence conditions. This LEMP will dramatically change the methods and costs of operation of the Wyrallah Road Waste Facility in the near future, as Lismore instigates a proactive quality control program to manage and monitor the effectiveness of treatment technology.

Four of the 5 elements of the IWM&MS have been, and continue to be, progressively implemented. **The only element of the strategy requiring review is 'solid marketable recyclables'.**

The IWM&MS makes several recommendations concerning the development of recycling services. Recommendation SMR 7 is to undertake a major review of recycling services in the City.

It is, of course necessary to continuously monitor and assess the effectiveness of business strategies, to ensure they evolve, as environmental management standards, markets and public expectations evolve. A waste management strategy should be a fluid document to adapt to waste management advances, and reassess environmental, social and technical priorities.

Recent chronic problems with the operation of the recycling DOC's, highlights the necessity to assess the effectiveness of our recycling service.

Where we've come from

During 1993 Lismore City Council commissioned a consultant to recommend a domestic recycling strategy for Lismore City Council. This was part of the Council's waste minimisation strategy at that time.

The report, prepared by Ecotech Pty Ltd, recommended a network of drop off centres (DOC's) as the preferred option for Lismore. This recommendation was based on an assessment of the cost of providing a kerbside collection service compared to the perceived gains that could be achieved in waste minimisation.

A further report, prepared in October 1993 by John Denlay, provided a study of DOC systems. This was used by Council to design a system for Lismore.

Five DOC's were commissioned for use in November 1994. These first five centres were originally established on a trial basis; the intention being that up to 25 centres would be established in the urban area of Lismore.

Following a period of site selection and assessment, it became clear that the concept of an extensive network of DOC's in Lismore's villages and rural area, was unlikely to be realised, due in part to local concern over nuisance issues and cost.

Since 1994 Lismore City Council has provided a network of DOC's around urban Lismore, as part of our Integrated Waste Minimisation and Management Strategy.

At the present time (May 2001) there are six recycling DOC's in operation. They are located at:

- Brewster Street (opposite Lismore Square Shopping Centre);
- Cnr Dawson and Woodlark Streets (John Crowther car park);
- RSL car park, Lismore;

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- Holland Street, Goonellabah;
- Hilltop Hotel, Goonellabah;
- And, at Wyrallah Road Landfill Site.

Large (17 cubic metre) skips are located at these sites, for the deposit of co-mingled (mixed) recycled material.

The type of material collected is governed by what we can supply to the Material Recovery Facility (MRF) sorting plant at Ballina. The material Ballina accepts is ultimately determined by market forces and local infrastructure; that is to say, the proximity to material reprocessors and secondary resource (recycled material) users.

At the present time the DOC's are collecting glass bottles and jars, plastic containers numbered 1, 2 and 5; paper and cardboard, steel and aluminium cans.

Richmond Recycling (RR) services the centres, under the terms of a contract with Council. When the recycling container is full, RR take it to Ballina Shire Council's (BSC) MRF where it is sorted.

Review Process

The review process has involved assessing the effectiveness of existing recycling service delivery by other Council's, in similar rural based locations; reviewing LCC's recycling statistics; seeking the advice and views of resident's; and assessing the viability of recycling technologies and systems, according to environmental, economic, technical, logistical, and social factors.

The options proposed have been assessed and scored against the above mentioned criteria, and have been costed to allow an assessment to be made relating to economic cost, versus environmental benefit to be gained, from diverting this component of the waste stream from landfill.

Six options were outlined in the report 'Recommendations for the Development of Recycling Services for Lismore' (November 2000). This report concluded that supervised recycling centres may represent the preferred option for recycling service delivery.

At a workshop during December 2000, Councillors considered the viability of the six options. It was agreed that a community survey be carried out, to ascertain community opinion about two of the options:

1. two supervised DOC's (being Wyrallah Road and Brewster Street), (with a future option dependent on market development, to invest in processing the product); or
2. maintaining the current six DOC's, and investing more resources in education and maintenance.

The recommendation that supervised Drop Off Centres (DOC's) be implemented, was carried at the Council meeting on 13 February 2001. However a rescission motion was moved at the next Council meeting on 13 March 2001.

At the same time BSC (who operate the Material Recovery Facility (MRF)) informed Council of its intention to implement a new charging regime in the near future. LCC was verbally advised that instead of being paid \$35 a tonne for our co-mingled recycling, the MRF would implement a charging structure to cover costs.

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Further, that BSC would only accept LCC's recycling in the future, if one of two specified collection systems were implemented, to reduce contamination problems and give assurance of quality of product to the MRF.

At the council meeting of March 13 2001 it was resolved that:

1. staff prepare an updated report outlining the full costs and issues involved with the future of recycling in Lismore;
2. that the Mayor urgently write to the NSW Premier and Minister for Local Government warning that Lismore's recycling service is under threat unless container deposit legislation (CDL) is implemented (appendix 7 of the 'Recycling Report' attachments);
3. that the Mayor issue a press statement calling for CDL and the consequences if this does not occur (appendix 8 of the 'Recycling Report' attachments); and
4. that the Premier be made aware of the disadvantage that rural NSW faces in making recycling economically viable.

Issues

Issues such as education and promotion of services; social issues and attitudes; logistical considerations; economic considerations; and contamination issues, have all been taken into account in assessing the options proposed, in order that Council achieves the best practical environmental option, consistent with the principle of ecologically sustainable development. Appendix 3 of the 'Recycling Report' attachments contains a summary of related issues.

It is always important in considering a range of business strategies to take account of full externality costs. This is particularly important when considering a recycling strategy.

Externality costings include:

- landfill avoidance costs; and
- cost of implementing a weekly garbage service, or another service provision option such as tip vouchers, in order to provide additional disposal capacity for recycling material.

A letter was received by LCC on 11 May 2001, from the General Manager of BSC (appendix 6 of the 'Recycling Report' attachments), stating that from 1 June 2001 BSC intends to charge LCC \$72 per tonne to process recycling material, and outlines a very stringent quality control standard.

Assessment procedure

This document upholds the methodology and assessment criteria outlined in the report 'Recommendations for the Development of Recycling Services for Lismore' – November 2000,. However, this report has re-visited the costings of the original service options and provides a more detailed analysis and breakdown of recycling service options.

Options:

The following revised options are presented for consideration by Council:

- **Option 1 – Close DOC's and withdraw from recycling packaging material to recover organics;**
- **Option 5 – Supervised DOC's for co-mingled recycling and paper & cardboard at Brewster Street and Wyrallah Road;**

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- **Option 7 – Co-mingled DOC at Wyrallah Road**
- **Option 8 – Glass and Paper & Cardboard at Wyrallah Road only**
- **Option 9 – Unsupervised co-mingled DOC's at Wyrallah Road, Brewster Street, Dawson Street, and Holland Street, a transfer station to bulk up the material at Wyrallah Road and transport to Solo Waste's MRF at Stott's Island.**

Results of Investigation

To withdraw from recycling packaging material altogether has real economic costs (detailed in appendix 5 of the 'Recycling Report' attachments) and unmeasurable hidden social costs.

Almost 1800 people, who attended the recycling centres during the survey week, were questioned about their recycling and waste disposal habits. One of the key findings was a relationship between the volume of material people recycle, and how full their garbage and organic bins are. Of particular importance is that the people who recycle the most material, generally have a full waste and (mostly) full organics bin. From this, the conclusion could be drawn that one of the key motivational factors to recycle is to 'free up' space in the garbage bin.

This major finding has assisted LCC to identify a potentially significant externality cost that would impact from the loss of a recycling service: the cost of implementing a weekly waste service, (or other strategy) in order to provide a disposal outlet for the additional waste material created.

Other externality costs are much more difficult to define; such as the implications for 'selling' organic resource recovery to the community. Council is fortunate to have a community who are motivated to reduce organic waste to landfill, and have embraced use of the organics bin. There may be a monetary and environmental cost through de-motivating the community towards the total integrated waste reduction strategy, if one vital element is removed, ie. the recycling DOC's.

The issues surrounding Option 1 (withdraw from recycling altogether and close all DOC's) have been discussed in the Assessment Report (appendix 4 of the 'Recycling Report' attachments) and costed in the Costings Report (appendix 5 of the 'Recycling Report' attachments); however, as this is not considered to be a recycling service option, and is therefore difficult to score as such in the ratings table, it has not been included in the following summary table.

Summary Table

The following score ratings are based on the author's 'best estimate' of likelihood, for each of the criteria, weighing up all known factors. In ranking these options, against each criteria, the reader is requested to consider the issue against his or her own experience, and interpret the results accordingly.

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Option	Five	Seven	Eight	Nine (a)
Assessment Criteria	Supervised co-mingled DOC's at Brewster St and Wyrallah Road	Co-mingled DOC at Wyrallah Road	Glass and paper & cardboard at Wyrallah Road only	Unsupervised co-mingled DOC's at Wyrallah Road, Brewster Street, Dawson Street, and Holland Street, a transfer station to bulk up the material at Wyrallah Road and transport to Solo Waste's MRF at Stott's Island. <u>Contractor - Richmond Waste</u>
Destination	BSC	BSC	BSC	Stott's Island
Economic Rating	3	7	8	5
Set Up Costs	\$164 581	\$35 800	\$35 800	\$104 936
Operational Costs	\$384 320	\$245 880	\$138 200	\$242 235
Landfill avoidance Potential	8	5	3	9
Transport/Road impact	7	5	5	3
Contamination Potential	8	8	8	5
Education/Promotion Issues	7	7	7	7
User convenience	7	4	4	8
Other social Issues	7	6	5	9
Technical/Logistical difficulty	4	7	8	7
Overall score rating	<u>51</u>	<u>49</u>	<u>48</u>	<u>53</u>
Recommendation rating				<u>Preferred Option</u>

Ratings are scores 1-10 (10 being the highest, or most desirable)

An explanation of the assessment ratings can be found in Appendix 4 of the 'Recycling Report' attachments.

Funding

Sufficient funds should be made available to Business & Enterprise to implement the preferred option, in accordance with report calculations/recommendations in the upcoming financial year (2001-2002).

Results of the recycling survey suggests that over 70% of recycling drop off centre users have a garbage collection service provided by LCC. In order that the costs of the recycling service are shared fairly and equitable between users, it is suggested that a new category of rating charges be created, so the costs can be shared equally between all LCC households and businesses.

Tendering

Under Section 55 of the Local Government Act 1993 the requirements for tendering of activities are identified. The Act identifies that under normal circumstances the provision of services identified with the preferred option would be required to be the subject of a tendering procedure as it falls within qualification requirements. However sub clause (3) of Section 55 identifies

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exemptions to such qualifications and therefore identifies contracts which are not subject to the tendering requirements of the Act. Sub clause (3) of Section 55 in part identifies that:

“ A contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders”.

As part of the recycling review process council in January 2000 called for 'Request for Information' nationally. The Request for Information sought to gather information from individuals, companies or organisations who are capable of:

- providing recycling services which are sustainable, professional and efficient;
- maintaining recycling services and associated vehicles or other infrastructure;
- promoting and enhancing awareness and use of recycling services;
- reprocessing or value adding or marketing recovered solid marketable recyclable resources; and
- reporting on recycling services provided.

At the closure of the advertising period council received only two submissions, one from a compaction sales company and the other from Richmond Waste services. In recognition of this response to the 'Request for Information' it is considered reasonable and justifiable that the exemption from qualification as identified above be utilised by Council to negate the need to call for tenders for the delivery of services identified within the preferred option.

Manager - Finance & Administration Comments

To implement the preferred strategy, the cost will be \$243,000 per annum with a set up cost of \$105,000. This coupled with existing costs of \$183,000 for strategy development will mean a first year total cost of \$531,000.

For 2001/02, total revenue generated will be \$238,000 and there is anticipated to be approximately \$80,000 in reserves. As such there will be \$318,000 available. This leaves a shortfall in funding of \$213,000 in the first year.

One option to fund this shortfall would be to raise the environment levy on all assessments from \$13.25 by \$13.10 to \$26.35 in the first year.

Public Consultations

Lismore Council understands the importance of community consultation, and that wherever possible, community opinion forms an integral part of decision-making processes. During January 2001 a survey of DOC users was carried out by LCC, to ascertain the level of satisfaction with the current service, and to seek input from the community in designing the new system. A summary of the findings are contained in Appendix 1 of the 'Recycling Report' attachments.

Also, in order to ascertain the impact of changes to the recycling service on the Integrated Waste Strategy and other waste services, a major recycling survey was carried out during March 2001. A summary of the findings and recommendations are contained in Appendix 2 of the 'Recycling Report' attachments.

Other Group Comments

Comment From Group Manager Business & Enterprise

This report represents a substantial review of solid waste recyclables management. Should Council proceed with the recommendation included in the report responsibility for the negotiation and management of the contract will transfer to the Waste Services function of Council.

This would see the completion of the process from strategy development to strategy implementation for another key element of the IWM&MS.

The market research undertaken has highlighted a range of positive outcomes from this service both from an environmental perspective as well as community perceptions. The costs for maintaining the service are high, however the indirect costs associated with a discontinuation of the service are also substantial. The report refers to other qualitative aspects of not continuing the service and of these the Waste Service is most concerned about possible contamination impacts on the organic waste stream.

Conclusion

Option 9 is the preferred option for the recycling service.

As BSC's quality acceptance standard will commence from 1 September 2001, it is important that implementation of the preferred option be achieved by 1 October 2001.

In the light of recent experience, it would be prudent for LCC to negotiate a contractual basis for future business arrangements with the relevant MRF operator. Given the uncertainty and volatility of recycling markets, a contract could relate to a base processing charge, that is index linked to recycling market fluctuations. A contract could also specify the acceptance criteria and assessment process for incoming loads.

However, the main benefit of a contract is the certainty of dealing with a particular MRF operator, under specified conditions for a period of time. As LCC would invest considerable resources in order to meet quality control objectives, a timeframe of at least five years is desirable. However, it would be prudent for LCC to negotiate an 'opt out' clause with the MRF, in the event that container deposit legislation is implemented.

Should LCC continue to deal with BSC as the MRF operator, it would be prudent for Council to develop a performance based contracts with any DOC supervisor. A financial incentive to achieve the desired quality standard would be an effective method to encourage best practice from employees. For example, a bonus could be payed at the end of every quarter, if there has been no more than one load rejected in the previous 3 month period.

It would also be prudent for LCC to negotiate a prescriptive outcomes based contract with the transport and cleaning contractor, to give clarification and certainty in performance monitoring of service delivery standard.

Recommendation

- 1 That Council adopt Option 9 as the preferred recycling option for Lismore.
- 2 That funding options be considered as part of the adoption of the Management Plan for 2001/02 (to be held 26/6/01).

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- 3 A comprehensive community notification/information process be carried out, to achieve the following objectives:
 - advise why a review was necessary;
 - outline the proposed changes;
 - explain why kerbside collection is not viable at this point in time;
 - and seek comment from the community.
- 4 In accordance with the provisions of Section 55 of the Local Government Act 1993, Council not call tenders for the delivery of services identified within the preferred option as the 'Request for Information' process identified the unavailability of a competitive and reliable pool of tenderers.
- 5 Council negotiate a contract with the successful service provider/s in accordance with the information detailed within the report.

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Subject/File No: SECTION 356 DONATIONS
(RS:S164&P25787/01:6845)

Prepared By: Manager – Finance & Administration – Rino Santin

Reason: To provide details of the type of Section 356 Donations made by Council.

Objective: To include specific Section 356 Donations automatically in future draft Management Plans and amend or introduce relevant policies.

Management Plan Activity: Community Services

Background:

Section 356 (1) of the Local Government Act 1993 states that :-

A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions

Over the years, Council has given financial assistance to the community under these provisions and there is little doubt that the community has benefited significantly from this assistance. As a guide, for the last three years, Council has provided the following amounts under the budget for Section 356 Donations;

1998/99	\$104,653
1999/00	\$112,410
2000/01	\$114,300

Also, included in the draft 2001/02 Management Plan is \$115,100.

The purpose of this report is to provide Council with a detailed list of S356 Donation types, to amend relevant policies so that they are current and include specific wording so as to automatically include them in future draft Management Plans, and to introduce any new policies required.

This will result in Council having full information on Section 356 Donations provided and give management clear guidelines on the application of these policies.

S356 Donation Types

a) Rates Budget \$11,200

In accordance with Policy 1.4.11, Council pays the general rates for all rural halls. Also, Policy 1.4.14 provides that :-

- we pay 100% of the general rates and sewerage charges, and 50% of the fixed water service charge applicable to the Police Citizen Youth Club and St Vincent de Paul Society house at 50 Cathcart Street.
- we pay 50% of the fixed water service and sewerage charges applicable to the Nimbin A & I Society.
- we pay 50% of the general rates, fixed water service and sewerage charges for the Nimbin Headers Sports Club in view of the sporting facilities it provides for the Nimbin area.

As both the Police Citizens Youth Club and St Vincent de Paul Society facilities are non rateable, the “100% of the general rates” part of the policy is not required and should be deleted.

Also, the original reason why the donation was offered to the St Vincent de Paul Society for this property was that it was operating as a “refuge”.

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I understand it now serves as an office and Council normally charges all other charities/religious organisation for such services. Consequently, it is suggested that the policy be amended so that the Society pay full sewerage and fixed water charges on this property. This equates to approximately \$200 per annum and is consistent with current practice for all other like organisations.

The other donations to the Nimbin A & I and Nimbin Headers Soccer Club remain relevant.

b) City Hall Budget \$7,300

In accordance with Policy 8.4.2, Council can contribute towards the normal rental charges for the City Hall users on the following basis :-

- 25% for individuals and non profit groups not charging an entry fee or regular weekly hirers.
- 20% for individuals and non profit groups charging an entry fee or regular monthly hirers.
- 30% to qualifying organisations subject to participating in both setting up and basic cleanup of the area used.

No change is recommended to this policy.

c) Miscellaneous Budget \$30,500

In accordance with Policy 1.4.13, Council determines the allocation of these funds to the community. As Council considers a report on this donation annually, it is not intended to reiterate the policy conditions or recommend any changes.

d) Mayors' Discretion Budget \$2,700

In July 1997, Council introduced an annual allocation for the Mayor, at their discretion, to provide donations to the community on request outside the normal grant cycle. This has worked effectively with many requests for assistance being granted by the Mayor. In the absence of this allocation, these requests would have been reported to Council for determination or advised that there was no S356 funding available and requested to submit an application to the S356 Miscellaneous funding.

On the basis that these funds are allocated at the Mayors discretion and this was the intention, I see no need to create a policy for these donations.

e) Representative Selection Budget \$1,100

In accordance with Policy 1.4.10, Council can provide a donation to a permanent Lismore residents where they represent Australia in a sporting event. If the event is within Australia, a donation of \$148 is offered, or if the event is outside Australia, \$297 is offered. These amounts are increased by the CPI annually.

No change is recommended to this policy.

f) Public Halls Budget \$29,000

In accordance with Policy 1.4.11, Council provides each rural hall with an annual donation of \$1,000 towards the maintenance and insurance of the hall. There are no qualifying conditions associated with this donation and this is as Council intended.

No change is recommended to this policy.

g) Development & Construction Certificate Application Fees Budget \$300

In accordance with Policy 1.4.7, Council can provide a donation of part or all of the fees applicable to the following :-

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- i) Buildings on Council owned land – Erected or altered by sporting clubs.
- ii) Development, construction certificates, advertising signs and license fees payable by a charitable organisation, and
- iii) Developments subject to government subsidies.

As this policy was recently reviewed and amended at the April 10, 2001 Council meeting, no change is recommended.

h) Waste Disposal Budget \$6,000

In accordance with Policy 5.6.1, Council provides free access to the Wyrallah Road Waste Facility for the RSPCA to dispose of euthanased animals. At the same time, there are many other non profit community organisations who use the facility 'free of charge'. They include :-

- Lifeline
- Lismore Soup Kitchen
- SPOONS Incorporated
- Friends of the Koala
- Salvation Army
- Sheltered Workshop
- St Vincent de Paul Society

In recognition of the part they play in supporting the local community, it is recommended that the policy be amended and broadened to include the abovementioned organisations. Any additional requests for access to the waste facility free of charge should be determined by the General Manager and clarification sought from Council via the annual policy review process. This is administratively more efficient rather than a separate report being prepared for Council each time a request is received.

i) Water Account - Hardship Budget \$200

In accordance with Policy 6.1.2, Council can provide a \$100 donation to an applicant who qualifies for a hardship allowance, to off set their water account.

No change is recommended to this policy.

j) Street Banner Budget \$700

Council has no specific policy in regards to providing a donation for the fee of erecting the street banner and/or use of the village barrow. Historically, donations have been given in an adhoc manner to non profit community organisations. The proposed weekly fee for the street banner next year is \$100.

It is recommended that Council adopt a policy to provide some guidelines for management to determine requests for a donation of the weekly fee. The suggested criteria should be :-

- i) The applicant must be a non profit community organisation.
- ii) The street banner promotion must not be business orientated.
- iii) The weekly street banner fee is more than 10% of the income to be generated from the promotion by the organisation, or, the street banner promotion has national or international standing.
- iv) To ensure all applicants have access to this funding, applicants will only be entitled to one weekly fee donation per financial year.

k) Annual Donations

In accordance with Policy 1.4.14, the following donations are included annually where applicable :-

Kidzfest	\$1,500*
Youth Week	\$1,000*

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International Day of Volunteers	\$500
Senior Citizens Week	\$500*
Sister City Committee	\$2,550
North Coast A&I Society	\$1,500
Friends of the Koala	\$2,000

*Not included in the 2001/02 Budget as a S356 Donation

It is recommended that the policy be amended on the following basis :

- Kidzfest \$1,500 be deleted as this event is no longer held.
- Youth Week \$1,000 be deleted as it is already included under 'Youth Activities' in the Budget.
- Senior Citizens Week \$500 be deleted as it is already included under 'Senior Citizens Facilities' in the Budget.
- Sister City Committee be amended to \$2,500 for administrative purposes.
- Australia Day \$5,500 be included as it is already included under S356 in the Budget.
- ANZAC Day \$800 be included as it is already included under S356 in the Budget.
- North Coast Academy of Sport \$4,000 be included as it is already included under S356 in the Budget. This is a contribution towards the training of local elite athletes.
- Richmond River Historical Society \$700 be included as it is already included under S356 in the Budget. This is a contribution towards postage costs.
- Richmond Valley Life Education \$3,000 be included as it is already included under S356 in the Budget. This is the cost of relocating the caravan around the schools within the Lismore area.
- International Year Celebrations \$500 be included as it is already included under S356 in the Budget. Each year, community awareness of a particular cause or group is heightened by it being nominated as the focus of the year from an international perspective. For example, this year it is the International Year of the Volunteer. These funds allow Council to participate in the celebrations as the 'community leader'.
- Aerodrome Landing Fees \$1,000 be included as it is already included under S356 in the Budget. This reflects the use of the aerodrome by non profit or essential service organisations who have their landing fees waived.
- Staff Christmas Party \$3,300 be included as it is already included under S356 in the Budget. This equates to approximately \$10 per head of staff and councillors for the provision of a meal and light entertainment at a local club.

l) Policy 1.4.12 "In Kind Sponsorship for Organisations"

This policy provides that 'in kind' sponsorship can be provided to organisations but it must be included as a S356 Donation to be considered by Council with the Management Plan process. I believe this policy should be deleted as it is superfluous as, generally speaking, unless the request for 'in kind' assistance is consistent with the objectives and can be funded within an existing budget, either a budget submission or formal request is made to Council.

m) Clunes Old School Association Inc. (COSA)

COSA have written to Council regarding the decision to remove them from Council's Rural Halls Policy 1.4.11 and the impact of them not receiving \$1,000 per annum towards insurance and building maintenance from Council.

While COSA support Council in their decision to remove them from the Rural Halls Policy 1.4.11, this does not relinquish Council's written commitment to,

"In return for such management arrangements, Lismore City Council will.....provide (as approved) an annual building maintenance budget for minor repairs and improvement"

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Section 356 Donations

The lease between COSA and Council was always predicated on this basis and never discussed otherwise.

The letter also details the work COSA is undertaking on the site and its future plans.

In recognition of the work done by COSA and the fact that the lease agreement was always predicated on a contribution from Council for minor building maintenance, COSA have asked for an annual allocation of \$2,000.

My understanding of the situation is that we have an obligation to provide COSA with an annual allocation for minor building maintenance. On the basis that COSA were previously accepting of the \$1,000 contribution towards building maintenance and insurance, I believe we should amend Policy 1.4.14 to include COSA under the 'Annual S356 Donations' on an annual basis for \$1,000. This will result in an additional \$1,000 being funded from Section 356 Donations annually. A copy of COSA's letter is attached to this report.

n) Others

Of course Council makes other donations which are not included under the Section 356 Donation budget. They include :-

- i) Richmond River Historical Society – Contribution towards rental of the Council Chambers of \$79,000. This is a 'book figure' entry and does not reduce Council's income as both the contribution and the income are from and go to Commercial Properties.
- ii) North Coast A & I Society have specifically asked that Council include in its recurrent budget an annual amount of \$10,000. Council has included this for 2001/02, but no decision has been made for its automatic inclusion in future years. This needs to be determined by Council but due to the size of the contribution requested, the Society should be advised that they need to submit an annual application for funding.
- iii) RSL War Memorial \$10,000 has been included in the Budget for 2001/02. This contribution is specifically for the restoration of the war memorial and is not recurrent.
- iv) Richmond River Historical Society \$800 has been included in the Budget for 2001/02. This contribution is for the purchase of a fax machine and is not recurrent.
- v) NORPA have specifically asked that Council include in its recurrent budget an annual amount of \$50,000 for three years. An amount of \$25,000 was provided for 2001/02, but the issue of it being recurrent for three years is yet to be resolved. This needs to be determined by Council but due to the size of the contribution requested, NORPA should be advised that they need to submit an annual application for funding.

Public Consultations

Although there are changes recommended to some of Council's policies, they are not anticipated to impact significantly on any community group in particular. I have advised St Vincents de Paul, COSA, NORPA and the North Coast A&I that Council will consider issues relevant to their organisation.

Other Group Comments

Manager-Community Services

Reference is made to section k) Annual Donations relating to the annual allocation of \$1,500 towards Kidzfest. Whilst it is acknowledged that the Kidzfest event is no longer held, a very successful Children's Day was held in Heritage Park last year. This event was held during Children's Week which is celebrated annually throughout NSW. Council received very favourable feedback from the event which was partially supported by local businesses and Lismore TAFE. The focus on the day was on young children under twelve years. It is recommended that an amount of \$1,000 be allocated for this event on an annual basis with the capacity to generate further income via sponsorship from local businesses.

Section 356 Donations

Author's Response to Comments from Other Staff

The Manager – Community Services has suggested that Children's Week should be included in Policy 1.4.14 for \$1,000 on an annual basis. Currently, we provide \$1,000 each for Youth Week and Seniors Week. It is therefore logical that we should provide \$1,000 for Children's Week. This will result in an additional \$1,000 being funded from Section 356 Donations annually.

Conclusion

The intention of this report is to provide details of the types of Section 356 Donations made by Council and to modify existing or introduce new policies where the current situation requires clarification.

In some donation types where the policy is not restrictive to an overall dollar amount, the cost to Council is driven by the number of requests for assistance (City Hall, Representative Selection, Development and Construction Certificate Application Fees, Waste Disposal, Water Account – Hardship and Street Banner). In these situations, the funding provided is likely to be insufficient. At the same time, I don't believe the budget implications would be significant enough to warrant a dollar limit as this would disadvantage those who apply for a donation in the latter part of the financial year. This situation will be monitored.

One thing for certain is the number of requests for financial assistance being received by Council continues to increase. If necessary, these will be referred to Council for consideration and modification to relevant policies recommended.

Copies of existing policies are included in the Attachments to the Business Paper.

Recommendation (COR29)

That

- Policy 1.4.14 be amended as detailed in a) Rates.
- Policy 5.6.1 be amended as detailed in h) Waste Disposal.
- A policy be created as detailed in j) Street Banner
- Policy 1.4.14 be amended as detailed in k) Annual Donations.
- Policy 1.4.12 be deleted.
- Policy 1.4.14 be amended to include COSA on an annual basis of \$1,000.
- Policy 1.4.14 be amended to include Children's Week on an annual basis of \$1,000.
- The North Coast A&I Society and NORPA be advised that due to the size of contributions requested, they will need to submit an annual application for Council to consider in conjunction with the annual Management Plan.

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Subject/File No: PROPOSED 2001/02 ROAD RECONSTRUCTION PROGRAMME
(GJH:VLC:S374)

Prepared By: Manager – Roads & Infrastructure

Reason: To inform Council of the recommended Road Reconstruction Programme.

Objective: Obtain Council approval for the 2001/02 Road Reconstruction Programme.

Management Plan Activity: Roads : Urban/Rural

Background

The Road Management Committee has refined the points system used to prioritise road projects. A copy is attached for Councillors' information, marked as **Appendix 1**.

The points system provides a systematic process to quantify factors such as traffic volume; road condition; bus routes; industry routes; safety aspects, etc.

Funding Available

The following items have been used to provide funding for the reconstruction programme –

Source of Funds	Amount (\$)
Urban Road Construction	212,100
Rural Road Construction	116,800
FAGs	636,000
Special Rate Increase	278,800
Special Rate Increase	631,300
Roads to Recovery	803,000
✘ FAGs (Replaced by 3x3 Funding)	136,000
● Flood Funding	196,475
Total:	\$3,010,475

- ✘ The source of funds was not recognised at the time of the last Road Management Committee Meeting and was not considered by the Committee.
- The amount of Flood Funding shown is that proportion associated with specific projects recommended in the reconstruction programme.

Process for Selecting Projects

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

1. Projects which required special consideration were first considered. The Committee agreed the following projects should be included in the programme:

Description	Amount (\$)	Reason
Pelican Creek Road	50,000	Commitment to development contributions
Ballina Road/Holland Street Roundabout	146,000	Commitment to development contributions.

The Committee considered funding the upgrade of Broadwater Road now that the new bridge is open. However, it was unanimously resolved not to fund the project.

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Proposed 2001/02 Road Reconstruction Programme

2. Of the remaining funds, \$136,000 freed up by the 3x3 Programme was not considered by the Committee and \$250,000 was left unallocated to allow for any shortfalls or to attract matching funding.
3. Given Items 1 and 2 above and the fact flood funding can only be applied to specific projects, the remainder of the funds were allocated; one-third urban and two-thirds rural.
4. The refined points system was then used to rank projects in priority order. A copy of the ranking is attached as **Appendix 2**.
5. The following conditions were then applied to the above ranking:
 - (a) only one project on each road per year be funded
 - (b) the size of individual projects be limited to \$250,000.

Proposed Reconstruction Programme

Given the above process, the Road Management Committee has recommended the following programme –

Road Name	Location	Cost (\$)
Rural		
Pelican Creek Road	1.0Km near Smith's Quarry	50,000
Wyrallah Road	1.9Km-2.8Km south of Riverbank Road	250,000
Eltham Road	Johnston Road Intersection	80,000
Caniaba Road	1.3Km-2.7Km west of Fredericks Road	250,000
Crofton Road	0.9Km-1.4Km east of Nimbin Road	80,000
Rock Valley Road	6.3Km-7.2Km north of Rosehill Road	245,000
James Gibson Road	1.1Km-3.3Km east of Corndale Road	250,000
Koonorigan Road	0.15Km-2.3Km east of Nimbin Road	250,000
Woodlawn Road	Racecourse – Houlden Road (500m)	132,000
Mackie Road	Ridgewood Road – Bridge (500m)	75,000
		\$1,662,000
Urban		
Holland Street	Intersection with Ballina Road	146,000
Wyrallah Road	Arnett Street - Harmony Avenue	235,000
Keen Street	John Street - Bernstein Streets	82,000
Wilson Street	Railway Crossing - Bridge	162,000
CBD Inner Lanes	Lismore CBD	250,000
Cromer Street & Barnes Avenue	Various Sections	62,000
		\$ 937,000
Unallocated:		411,475
Total:		\$3,010,475

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Proposed 2001/02 Road Reconstruction Programme

Next Projects on Priority List

Note that there is an amount of \$411,475 unallocated at this stage. This is to attract additional matching funding which may become available.

The next projects on the priority listing are –

Road Name	Location	Cost (\$)
Rural		
Rosebank Road	Mackie Road – 1.0Km south	200,000
Bridge Street	Wyrallah Village	140,000
Tucki Road	Wyrallah Road – Robson Road	100,000
Urban		
Cooling Street	High Street - Mackay Street	150,000
Bounty Street	Molesworth Street to end	180,000

Regional Roads

A deputation of concerned residents attended the last Road Management Committee Meeting. They requested that Council reconsider its decision not to put additional Council funding into Regional Roads. In particular, they felt some of the 'Roads to Recovery' funding could be allocated to Regional Roads.

The Committee resolved that it recommend to Council that Regional Roads be included in the point system for allocation of 'Roads to Recovery' funding to a maximum value of \$250,000 in any one year. One job per road per year would still apply. This policy could apply from the 2002/03 financial year as significant funds will be expended on Regional Roads from flood funding in the 2001/02 year.

The following amounts will be allocated to Regional Roads in the 2001/02 financial year –

Project Description	Amount (\$)
REPAIR Programme:	
MR142 (Nimbin Road) Booerie Creek pavement rehabilitation widening and curve realignment	308,200
MR142 (Nimbin Road) Rosehill Road – Jiggi Road pavement rehabilitation and widening	241,150
MR142 (Cullen Street, Nimbin) Pavement rehabilitation and widening (Stage 1 only)	50,650
Total:	\$600,000

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Proposed 2001/02 Road Reconstruction Programme

Flood Damage

Road Name	Location / Chainage	Description of Works	Amount (\$)
MR142 Nimbin Road	Shipway Road	Landslip Restoration	6,000
MR142 Nimbin Road	Koonorigan Road	Pavement Damage/Heavy Patch	17,500
MR142 Nimbin Road	South Booerie Creek Road	Pavement Damage/Heavy Patch	30,000
MR142 Nimbin Road	Coffee Camp, south Swift	Pavement Damage/Heavy Patch	20,000
MR148 Coraki Road	Pelican Creek Bridge	Restore Approaches/Slip	50,000
MR148 Coraki Road	Flood Reserve Road	Pavement Failure/Heavy Patch	100,000
MR148 Coraki Road	Pelican Creek Bridge	Restore Safety Fencing	5,000
MR148 Coraki Road	North Rogerson Road	Pavement Failure/Heavy Patch	33,600
MR148 Coraki Road	South Goswell Road	Pavement Failure/Heavy Patch	35,000
MR148 Coraki Road	Casey Lane	Pavement Failure/Heavy Patch	15,000
MR148 Coraki Road	Ch 1Km south Gundurimba	Pavement Failure/Heavy Patch	17,500
MR555 Rous Road	Marom Creek Bridge	Pavement Failure/Heavy Patch	36,000
Total:			\$365,600

It is anticipated that \$150,000-\$200,000 from the Regional Roads Block Grant will also be contributed toward the above jobs to ensure meaningful lengths are repaired.

Title of Road Management Committee

The Committee was originally known as the "Fix the Roads" Working Party. Council, at its ordinary meeting of April 10, 2001, resolved to change the name to Road Management Committee.

The Committee has resolved to recommend to Council that the Committee title be changed to "Roads Advisory Committee".

Manager - Finance & Administration Comments

Council has provided in the 2001/02 Management Plan a total of \$2,814,000 for road reconstruction.

As well as this, the RTA has provided \$196,475 for flood damage and \$300,000 for the Regional Roads Repair Programme. The funding for flood damage is unmatched and the Regional Roads funding is matched by \$164,000 from FAG funds and \$136,000 by 3X3 funding; another RTA grant.

This totals a minimum of \$3,610,475 in road rehabilitation works for 2001/02.

Public Consultations N/A

Other Group Comments Not required

Author's Response to Comments from Other Staff Noted

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Proposed 2001/02 Road Reconstruction Programme

Recommendation (WOR4)

1. That Council approve the "Proposed Reconstruction Programme" as set out in the body of the report.
2. That should Council not receive matching funds or higher priority projects do not arise before February 28, 2002, the unallocated amount be allocated in accordance with the next projects on the priority listing, as set out in the body of the report.
3. That Regional Roads be included in the point system for allocation of 'Roads to Recovery' funding to a maximum value of \$250,000 in any one year. One job per road per year would still apply. This policy to apply from the 2002/03 financial year as significant funds will be expended on Regional Roads from flood funding in the 2001/02 year.
4. That the Road Management Committee's title be changed to the **Roads Advisory Committee.**

Subject/File No: REPLACEMENT OF COUNCIL PLANT – V173
(MacDonald Johnston / Hino Street Sweeper)
(CS:VLC:T21013)

Prepared By: Workshop & Fleet Manager - Col Starr

Reason: To inform Council of the replacement purchase of major plant items.

Objective: To seek Council's approval for the purchase of one (1) new Road / Street Sweeper.

Management Plan Activity: 1.12 - Plant Operations

Background

Tenders closed on March 21, 2001 for the supply of one (1) new Road / Street Sweeper and the sale of -

- V173 – 1993 MacDonald Johnston 600 / Hino FE 4x2 Road / Street Sweeper.

Council has owned the current MacDonald Johnston 600 series sweeper since 1993 which also replaced an earlier version MacDonald Johnston (400 series) sweeper that had covered an eight-year lifespan with Council.

This machine is used to clean the Lismore CBD streets seven (7) days per week as well as other urban areas designated in the 'Street Sweeping Programme' and additional duties for Council; eg, removal of excess screenings after road resealing, road clean-up after major or minor roadworks, cleaning of roadways after oil and fuel spills, clean-up after floods.

Reliability is critical as there is **nil** mechanical back-up for this vehicle. If the sweeper is not available for normal duties, the CBD daily sweeping is carried out by hand with day labour.

Sweepers Tendered

Listed below are the sweepers tendered with suppliers' details. Full technical and tender evaluation details are also listed in the attachment marked as **Attachment 'A'**.

Sweeper	Supplier
1. Schwarze A6500	Schwarze Ind Aust P/L
2. MacDonald Johnston 770 Cyclone	MacDonald Johnston Engineering
3. Dulevo 5000 City	Compaction Equipment Sales Qld
4. Dulevo 500 Veloce	Compaction Equipment Sales Qld
5. MacDonald Johnston 605LT	MacDonald Johnston Engineering
6. Scarab Merlin	Rosmech
7. Schmidt SK650	NSW Sweepers & Scrubbers
8. Schmidt SK650	International trucks Aust

An evaluation panel comprising Messrs Col Starr (Workshop & Fleet Manager), Chris Allison (Contracts Officer), Kevin Allen (Urban Roadworks Supervisor) and Graeme Elliott (Operator) assessed the tenders as per the criteria set out in the tender documents.

Replacement Of Council Plant – V173 (MacDonald Johnston / Hino Street Sweeper)

The evaluation criteria determines the suitability of all of the sweepers for capability, quality, safety, operational functionality and conformity to minimum specifications given.

The results of these evaluations are also shown in **Attachment 'A'** of this report.

Field trials were held of those sweepers available to Council; being –

- Scarab Merlin
- Schwarze A6500
- MacDonald Johnston 605LT.

The remaining sweepers tendered were not available for trials as they were either not in this Country as yet or a similar concept was trialled and found not to be the most suitable for the Lismore City Council application. Those sweepers were –

- Dulevo 5000 City
- Dulevo 5000 Veloce
- Schmidt SK650 / Iveco
- Schmidt SK650 / International
- MacDonald Johnston 770 Cyclone.

The full details of the trials conducted and reasons for not trialling are listed in the attachment.

Key Points to Consider

- Purchase best possible unit capable of completing tasks, as required, when required.
- Only replace with a sweeper which will give the maximum payload per sweeping operation to minimise the 'sweeping site to dump load to sweeping site' cycle times.
- Proven back-up support from supplier and manufacturer.
- Operator comfort with 'Ergonomic Design' while in operation.
- Ability to keep machinery working with minimal maintenance and repair time.

Full consultation with the section of Council to use this machine, including the Operator, has shown that the 'full suction type' sweeper is the recommended type over the 'regenerative air' type sweeper, as reflected in the recommendation below.

Principal Accountant's Comments

Sufficient funding is available within the Plant Fund for the change-over of this piece of machinery. In addition, this individual item has generated a surplus itself over the past eight years that is adequate to fund its replacement.

Given this machine's critical role and the need for a high level of reliability, it appears vital to replace this plant item at the optimum time to minimise downtime and maximise efficiency and effectiveness for the overall street sweeping activity.

Replacement Of Council Plant – V173 (MacDonald Johnston / Hino Street Sweeper)

Group Manager - City Works' Comments

A reliable street sweeper is a key machine in Council's operations and critically important in times of floods. The MacDonald Johnston sweepers are well designed and have a very good record for reliability. I strongly agree with the recommendation to purchase a MacDonald Johnston machine.

Other Group Comments Not required

Conclusion

The "Street Sweeping" operation within Lismore City Council is an important operation which cannot be under-estimated or compromised.

Having only one sweeper within Council highlights the need to ensure that a reliable and economic machine, complete with reliable back-up for both service, service items and spare parts, is purchased.

Both the current street sweeper (MacDonald Johnston 600) and the previous sweeper (MacDonald Johnston 400), have proven their use with exceptional service and product support from the supplier.

The two types of sweepers were trialled with the (a) 'suction type' giving a better result within the Lismore City Council region than that of the (b) 'regenerative air type'.

Staff Involvement

Acceptance of any proposed machine purchase by operating staff is important as it enhances a long operating life with minimal break-downs. Keeping this fact in mind, Staff have inspected the available sweepers and have agreed unanimously with the recommendation.

The Supervisor and Operator requested an additional option so that the new sweeper is able to carry out additional tasks. The option requested is the "High Pressure Spray System" which will assist with fuel, oil and paint spills. Currently all of these spills are covered with sand to absorb the product spilled (totally ineffective with wet sand or road conditions), and then swept off by this sweeper. The high pressure water option will remove the spreading of sand as a necessity on most spills. This option is listed at a cost of \$10,065.00 and will pay for itself in a short time due to the reduced need to call extra staff to spread sand, etc.

All of the Staff and users who inspected the sweepers available were convinced that the MacDonald Johnston 605LT machine offers the better purchase for the application required.

Public Consultations N/A

Author's Response to Comments from Other Staff Noted

Recommendation (WOR5)

That Council purchase one (1) only MacDonald Johnston 605LT as tendered (T21013) by MacDonald Johnston Engineering, Brendale, Qld, at a cost of **\$273,603.00** (includes \$24,873 GST and optional high pressure sprays), and accept its 'Trade in offer' of **\$71,000.00**.

Note: Change-over cost to Council (including GST) is **\$202,603.00**.

Change-over cost to Council after Input Tax Credit is **\$184,184.55**

(Anticipated delivery of this sweeper is 12-14 weeks from placement of Purchase Order.)

LISMORE CITY COUNCIL - Meeting held 12 June, 2001

Subject/File No: LOG OF CLAIMS FOR THE LOCAL GOVERNMENT STATE AWARD 2001: IMPLICATIONS FOR LISMORE CITY COUNCIL (S252)

Prepared By: Manager - Human Resources - Isabel Perdriau

Reason: Request by the General Manager

Objective: Inform Councillors of likely implications and budgetary impact

Management Plan Activity: Human Resources Management

Background:

In November 2000, two of the key unions with coverage of staff employed in Local Government, the Municipal Employees' Union (MEU) and the Local Government Engineers' Association (LGEA) served Logs of Claims on the industry employer association, the Local Government and Shires Association (LGSA). A claim by the Environmental Health and Building Surveyors Association (EHABSA) was received in April 2001, however this is not as extensive a claim as those submitted by the MEU and LGEA. For the first time, the Regional Organisations of Councils (ROCs) have been included as a respondent to the MEU's Log of Claims. Whilst it is acknowledged that it is important for the ROCs to be involved, their staff numbers are small and their introduction into the negotiations is likely to slow down the process.

In January this year the LGSA sought a response from Councils on the claims. As Manager Human Resources I responded on behalf of the General Manager, outlining the likely impact of the Unions' claims; highlighting areas of significant difference in relation to existing entitlements; and explaining Council's current practice in the application of Award conditions and policies.

On 4 April, I attended a regular meeting of the Local Government Human Resource Group held at the LGSA in Sydney. A key item on the agenda was an update on the Award negotiations. At that meeting the LGSA advised that regional meetings would be held to provide information on progress with negotiations and to seek feedback from HR Managers on the areas within the Logs of Claims that employers consider reasonable and manageable, and those that would be more problematic. One of these recent consultation meetings was held at Coffs Harbour Council on 10 May, and the LGSA sought feedback on the list of demands from the Unions that had been prioritised down to a list of the top twenty items.

At this session I put forward Council's concerns in relation to difficulties for local government caused by outcomes of previous award negotiations. Councils are rapidly losing their ability to remain flexible and responsive, and to compete with external service providers in a rapidly changing environment. There have been minimal productivity gains arising from negotiations, resulting in further costs having to be borne by the organisation. Councils must manage the cost impact of increased salaries and conditions, without any associated trade-offs or commitments to greater productivity levels across the staff.

Other participants shared this concern, and the LGSA admitted that unfortunately any commitment by the Unions to link the desired increases to greater productivity is unlikely. The LGSA suggested the proactive measure of presenting a counter log of claims clearly outlining Councils' priority areas. This may be considered when the negotiations are further advanced, and if such a strategy were pursued it is likely to be limited to the issue of the percentage salary increase.

The lead negotiator for the employers is David Gibson, who heads up the Industrial Division of the LGSA, assisted by Lillian Tiddy, LGSA Legal Officer. Progress to date with the negotiations has been slow, and many provisions sought by the Unions are considered by the employers as retrograde steps in terms of items progressed through the 1997 negotiations, eg re-introduction of weekend penalty rates, rather than the agreed hours to be worked between Monday and Sunday.

The MEU's identified priority areas are listed below, and the Manager - Finance and Administration will provide comment on the financial impact of these items should they be successfully negotiated by the Union, in the next section of the report.

i) Rates of Pay

A likely scenario is that Councils will need to increase rates of pay for the coming three years as follows:

2001 – 3.5%
2002 – 3.25%
2003 – 3.25%

This is a similar increase to that agreed for the 1997 – 1999 period which took effect from October 1997. The factors taken into account as a benchmark when determining these increases are:

CPI Increases	-	6% (March 2001)
Rate Pegging Limit	-	2.4%
AWOTE	-	5.5% (November 2000)
Public Sector Award Inc.	-	2%
Local Govt Award Inc.	-	2.7% (October 2000)

(Note – AWOTE = Average Weekly Ordinary Time Earnings)

These benchmarks and other external influences need to be taken into account during negotiations. Other salary movements in Councils brought about by staff moving within or between Salary Grades (Council has a 24 Grade Salary System with 4 salary steps within each Grade) has been put forward by the LGSA as something which should be taken into account when looking at increases gained by staff, however this has been rejected by the Commission.

ii) Salary Systems

Across the State, thirty Councils remain in breach of the Award by not having a salary system in place that provides for progression via skills or performance. Our Council has fortunately been removed from the Industrial Commission's list due to our commitment to work together with the Unions and our progress with the Skills Assessment Project.

Our main concern in this area is the MEU's push for a standardised 5% increase between the salary steps. Currently at LCC, the difference between the steps is 3 & 4%. Generally, this requirement causes problems due to the range of different salary systems that are in place across Councils.

Some of the other demands in this area relate to provisions linked to training plans; publication of progression rules; and clearly identifiable KPI's (Key Performance Indicators). These things are manageable, but will require intensive resources and development work before they can be incorporated into the salary system.

ii) Hours of Work

On 12 April, Council responded to one of a number of surveys forwarded by the LGSA. The survey sought feedback on current arrangements and possible impact of changes. One example that we responded to demonstrates the impact of the Unions claims:

Q. The MEU's Claim provides for overtime to be paid on Saturday at 1½ for the first 2 hours and then double time, and double time on Sunday. What would be the estimated cost to Council of such a claim for overtime?

A. LCC pays overtime at Award rates, if current weekend ordinary time were to attract penalty similar to weekend overtime, this would cost Council in excess of \$66 000 p.a.

The above highlights our concerns that the current Log of Claims is unfortunately taking us backward from the flexible arrangements negotiated in the 1997 Award, where one of the agreements was to introduce a standard working week with a spread of hours that could be worked between Monday and Sunday. The LGSA will strongly argue against the re-introduction of a 35 hour week and the payment of weekend penalty rates.

iii) Paid Maternity Leave

On 13 October 2000, the MEU lodged an application for 15 weeks paid Maternity Leave to be included in the Award. The Local Government conference in Gosford agreed on a motion that *'up to 12 weeks paid leave'* be included in enterprise agreements.

The MEU's argument is that the Public Service and other similar authorities offer significant periods of paid Maternity Leave, and this would bring local government authorities in line with those conditions. The LGEA has made a claim for parental leave, providing for a period of paid leave associated with the birth or adoption of a child.

A separate report was provided to Council's Management Group on 12 December 2000, and it was agreed that Council support the LGA's position, but it was also agreed that we should await the outcomes of the negotiations. (This report is available through the General Manager's Office should Councillors wish to obtain a copy.)

The Manager Finance and Administration commented at the time on the cost to Council. This will vary depending on the position of the employee. On average and based on 12 weeks maternity leave, the cost would be around \$8,400 per employee.

From a paternity leave perspective, the amount would be higher and would be available to all staff.

If introduced, these costs would be funded by a slight increase in the oncost rate.

The claim has now gone to a hearing of the Full Bench of the Industrial Commission, and the differing viewpoints of the Shires Association and the LGA will also prolong this debate.

iv) Casual Employees

The Unions' key issues relate to the concern that casuals are not able to access many benefits that only accrue to staff with on-going service eg skills assessment for salary progression

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Log of Claims for the Local Government State Award 2001

purposes; how casual employment can be properly defined; and the quantum of the loading paid.

The employers' main concern is the proposed increase in the loading from 20% to 30%, and the possibility of unfair dismissal cases being mounted when casual employment ceases.

v) Workplace Change and Redundancy

The unions have raised the following as key concerns:

- Recognition of prior service at other Councils for calculating severance pay
- Money for retraining
- Additional notice to make arrangements to mitigate against unemployment
- Increase in the scale of severance pay

It is difficult to quantify the cost impact of the above on Councils. Should the above points be taken into account and factored in to redundancy calculations, our payments would increase significantly.

vi) Contracting Out

Unions are wanting to be involved in discussions at a much earlier stage in order to influence any decisions. This remains a very sensitive issue, but reflects a changing environment.

The proposed timetable for the negotiating process is that six dates have been set between 7 June and 31 October, with the new Award to come into effect from 24 October, 2001. Conciliation sessions are to be heard in front of Her Honour Justice Schmidt who has a good background and is very familiar with local government issues.

Manager - Finance & Administration Comments

The outcome of the Award negotiations will impact on Council in the latter part of 2001. From my perspective, staff should be paid their correct entitlement and this process is part of ensuring this happens. Unfortunately, the outcome coupled with other factors may have a detrimental impact on the Council's ability to deliver works and services at an affordable and competitive price.

The single biggest impact relates to pay rate increase of 10% over three years, being 3.5% in year one and 3.25% in years two and three. As the wage and salary bill for Council per annum is approximately \$11.7 million, the increase will be \$410,000 in year one, \$395,000 in year two and \$408,000 in year three. On an accumulated basis, the wage and salary bill will be \$1.21 million more than what it is now.

The financial impacts associated with other claims will increase this amount.

Public Consultations

Consultation sessions have been offered by the LGSA for relevant staff responsible for implementing the proposed conditions in the workplace. Staff have been kept informed of the progress of negotiations.

The Unions have had similar meetings for their members and provide information updates on their internet sites.

I am not aware of consultation meetings that have been open to the public.

Other Group Comments

Comments from other groups support the need for a clear link between productivity improvements and any increase to rates of pay.

Important linkage also is between productivity and workplace flexibility.

Author's Response to Comments from Other Staff

The report supports a greater emphasis on any increases to pay and conditions being clearly linked to enhancing Council's ability to deliver products and services in a competitive environment. The Groups' comments support this emphasis and discussions with Group Managers have indicated their willingness to explore innovative ways of achieving this aim.

Conclusion

The above report outlines the impact that can be realistically quantified in relation to the current priority areas. The lower priority areas could be reintroduced into the negotiations, depending on the Unions' 'success rate' with their items at the top of the list.

The general impact on Council will be significant, and there are concerns that the LGSA will not put forward a strong enough case on behalf of employers who, now more than ever, need to carefully manage resources and deliver services in a flexible and competitive manner.

Our current regulated industrial framework reduces Councils' ability to achieve the outcomes expected by our constituents and elected representatives. We firmly believe that there needs to be a shift in the mindset, where our aim is to work co-operatively with unions, managing staff relations within an agreed framework of workplace agreements and enterprise specific policies. This will position Council to more adequately meet the demands of the changing local government environment through a workforce which has the flexibility to respond to these demands.

Recommendation

The LGSA be strongly urged to ensure that Council's interests are protected during the negotiations for the 2001 Award as any further erosion of Council's ability to maintain salary and on-cost expenses at a reasonable level will have a long-term detrimental effect on the organisation's viability.

Subject/File No: FLOOD ACQUISITION AS PART OF THE LISMORE LEVEE SCHEME – 128 BRIDGE STREET, NORTH LISMORE (P1341)

Prepared By: Manager Client Services – Lindsay Walker

Reason: Richmond River County Council consider that the acquisition of this property is beneficial to the Levee Scheme.

Objective: To obtain Council's approval to proceed with the acquisition.

Management Plan Activity: Property, Flood Mitigation

Background:

The property known as 128 Bridge Street was identified in the Lismore Levee Scheme E.I.S. as being eligible for house raising.

More recently the property's eligibility status was investigated by Richmond River County Council as part of the "Stage 2 House Raising" review. This review recognised the property's continued eligibility for house raising but recognised that the floor level of the raised house would be approximately 4.3 metres above the natural surface level.

Accordingly Richmond River County Council acted decisively to negotiate with the land owner to purchase the property when it recently became available for purchase.

It is proposed that the purchase represents a viable alternative to house raising. The purchase price is \$52,500.00.

Lismore City Council is being asked to contribute its proportion of the 1:1:1 funding from it's Lismore Levee Scheme allocation and the negotiations of purchase of the property will be dealt with by Richmond River County Council and its staff.

Manager - Finance & Administration Comments

On advice from Richmond River County Council, Council is to acquire this property as part of the Lismore Levee Scheme.

Council's share of the purchase price (\$17,500 on a 1:1:1 basis) is part of its contribution towards the Lismore Levee Scheme and as such no additional contribution is required.

Public Consultations

Nil.

Other Group Comments

Planning and Development:

No planning objections.

Group Manager – City Works:

Living within a floodplain has a number of disadvantages. It may solve some problems if you have a house raised high above the known floods but it can also cause a number of other problems. Any house with a floor level of 4.3m above the ground means that a lot of steps must be negotiated every day, especially for instance if the laundry remains at the lower level.

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Flood Acquisition as Part of the Lismore Levee Scheme

Without doubt the best option is to fund the removal of houses that are seriously affected by floods.

The purchase and removal of this particular house is a one-off expenditure that ensures there are no ongoing problems. I therefore agree with the recommendation.

Author's Response to Comments from Other Staff

Nil.

Conclusion

The property known as 128 Bridge Street, North Lismore is eligible for house raising within the Lismore Flood Levee Scheme. The raising of this house to a height of 4.3 metres, as required, will be expensive and has the potential to lead to a poor social outcome. The opportunity to purchase this property is considered as a viable alternative which can be funded from Councils existing budget allocations for the Levee Scheme.

Recommendation (GM11)

1. That Council authorise the General Manager or his delegate to purchase No. 128 Bridge Street, North Lismore.
2. That Council contribute its 1/3 funding contribution, for the purchase of 128 Bridge Street, North Lismore, for an agreed price of \$52,500.00 from within the Lismore Levee Scheme budget.
3. That the General Manager and Mayor be authorised to sign and apply the Common Seal of the Council to the contract for sale and property transfer as necessary.

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Subject/File No: TENDERS FOR THE PROVISION OF SEWER RELINING – T21014

Prepared By: CONTRACTS ENGINEER - RAVI ARIYASINGHE

Reason: To inform Council of tenders received for the renewal of sewer mains in various locations, Lismore

Objective: To obtain Council approval to award the Tender

Management Plan Activity: Strategic Plan Link 6.5, 6.4, 2.2

Background:

Tenders have been called for the renewal of sewer mains in certain sections of:

- Union Street,
- Keen Street,
- Hutley Place and Keen Street,
- Laurel Avenue and Hunter Street,
- Parkes Street, Dawson Street and Ballina Street,
- Kyogle Street, Crown Street and Phyllis Street,
- Barrie Street, Junction Street and Shannon Street,
- Fowler Street and Diadem Street,
- Exton Street and Bridge Street; and
- Atlas Street and Barham Street

as part of the 2000/2001 sewer main renewal program.

These sewer mains were identified as needing replacement because they were in poor service condition.

The Client Services Unit on behalf of Lismore Water prepared the tender documents

Tenders were advertised in the Northern Star, the Courier Mail and the Sydney Morning Herald. Tender documents were issued to eight (08) companies, with five (05) tenders were received by the close of tender on 2.00pm, Tuesday, April 10, 2001.

Tender Examination:

The tenders received are summarised below:

TENDERER	ORIGINAL TENDER PRICE	REVISED TENDER PRICE
Pipe Replacement Solutions Pty Ltd (PIREPSOL)	\$ 352,606.00	\$ 263,993.00
Essig Products Australia Pty Ltd (ESSIG)	\$ 364,145.72	\$ 264,240.03
Advanced Underground Technologies Pty Ltd (AUT)	\$ 552,758.00	\$ 359,601.00
No-Dig Pipe Laying Pty Ltd (NO-DIG)	\$ 653,344.00	\$ 363,071.61
Australian Pipe Relining Pty Ltd (APR)	\$ 699,485.22	\$ 485,978.90

The prices shown above are inclusive of GST.

The original tender price corresponds to the amount inserted by the tenderers in the tender form.

Tenders for Provision for Sewer Relining

On examination of tenderers' prices and other details, it was decided to delete the following two sewer mains sections from the scope of works as there would be some major technical difficulties associated with the renewal of these two sewer mains.

- Kyogle Street, Crown Street and Phyllis Street; and
- Barrie Street, Junction Street and Shannon Street.

The tenderers were then requested to revise the total tender price taking into consideration of this deletion. Further, it was observed that the rates for reconstruction of house junctions submitted by the two lowest tenderers (PIREPSOL and ESSIG) were very low. These two tenderers were asked to confirm their prices for house junctions. The revised tender prices take into account of tenderers' responses to these requests.

The estimated cost of undertaking these works is \$301,000. An evaluation panel consisting of Ravi Ariyasinghe (Contracts Engineer), Janaka Weeraratne (Asset Manager, Lismore Water) and Chris Allison (Contracts Officer) undertook the assessment of tenders.

The tender documentation (Clause B7) defined four areas by which each tender would be assessed: Total Price, Knowledge of Local Conditions, Capability, Quality & Safety and Management with 60% of the total attributed to the price. The tenderers were required to address each of these criteria in their tender. Attachment A shows the weighted result for each criterion.

No further considerations were given to the tenders by NO-DIG and APR because the revised tender prices of NO-DIG and APR were more than 140% of the revised price of the lowest tenderer PIREPSOL.

The weighted assessment shows that the tender by PIREPSOL has provided a good value for this project, although PIREPSOL may need close supervision from Council as described under "Referee Check"

The weighted result for ESSIG is marginally lower than the weighted result for PIREPSOL. It is not considered that there is any advantage of selecting ESSIG over PIREPSOL considering the past performance and references received for ESSIG.

The tender submitted by AUT is considered to be of better quality than the tenders submitted by PIREPSOL and ESSIG, considering their proposed methodology, capability, quality, safety and management aspects. Although Council has not previously contracted AUT for any work, there were good references for AUT. However, the weighted result for AUT is substantially lower than the weighted result for PIREPSOL due to the higher tender price of AUT.

Referee Check:

PIREPSOL was contracted by Council to carry out replacement of sewers in Cathcart/ Robinson Street in January 1998 when the company name was TRS Australia Pty Ltd. The work performed under this contract was considered to be marginally satisfactory. However, it should be noted that the work under this contract was difficult being in a hilly residential area with restricted access.

PIREPSOL was recently (in 2000/2001) contracted by Wagga Wagga City Council, Redcliffe City Council and Young Shire Council for re-construction of sewer mains and house junctions. The contract values of these works were \$350,000; \$420,000 and \$80,000 respectively. The supervising officers of these contracts expressed that they were generally satisfied with the performance of PIREPSOL although there were concerns about the level of supervision required by Council, OH&S issues and some of the restoration works carried out by PIREPSOL.

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Tenders for Provision for Sewer Relining

Asset Manager – Lismore Water

As per the referee check, Client Services in association with Lismore Water will need to provide an increased level of supervision for the works to be undertaken by PIREPSOL. A preliminary referee check carried out on ESSIG indicated that a similar level of supervision to PIREPSOL would also be required for ESSIG. In spite of the increased supervision costs, the best value tenderer to undertake the works is still PIREPSOL and the recommendation to award the tender to PIREPSOL is concurred to.

Principal Accountant's Comments

Sufficient funds have been provided in this year's budget to perform the level of works detailed in this report.

As there are a number of distinct projects being undertaken by the contractor, careful supervision on an ongoing basis will reduce Council's risk and enable termination of the contract at a manageable level, should the need arise.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

Recommendation (GM12)

1. The contract for the renewal of sewer mains in various locations, Lismore be awarded to Pipe Replacement Solutions Pty Ltd for the amount of \$263,993.00
2. The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

Subject/File No: DRAFT DEVELOPMENT CONTROL PLAN NO. 9 – NIMBIN VILLAGE
(BB:MG:S385/3)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Completion of exhibition of draft DCP

Objective: Council's adoption of the draft DCP

Management Plan Activity: Strategic Planning

Background:

At its meeting of December 12, 2000 Council resolved to place the new draft DCP for Nimbin Village on public exhibition for a period of 3 months. The draft DCP was prepared by Consultant Town Planner, Malcolm Scott, along with a planning study that provided background material to the DCP. Copies of the draft DCP and Planning Study were distributed to Councillors with the December 12, 2000 Business Paper.

Public Exhibition:

The draft DCP and Planning Study were exhibited at Council's Administration Centre, the Nimbin Community Centre and the City Library from January 29, 2001 to April 27, 2001. The exhibition process also involved press releases in the local newspapers, including the 'Nimbin Good Times', interviews with planning staff on two local radio stations and a public meeting at the Nimbin Community Forum on April 4, 2001.

Pre-consultation with key stakeholders was also undertaken prior to the preparation of the draft DCP. Those involved in the consultations included:

- The Nimbin Community Development Association;
- Nimbin Chamber of Commerce;
- Community Health;
- Nimbin Police;
- North Coast Community Housing;
- NSW Health – Area Planning; and
- Nimbin School.

Submissions:

A total of six (6) submissions were received in response to the exhibition. These are summarised as follows:

Submission No 1

1. Issue

Camphor Laurel is not included in Table 2 'Declared Noxious Environmental Weeds' of draft DCP.

Comment

The plant is included in Table 2.

2. Issue

Legally and semantically no such thing as a 'Declared Noxious Environmental Weeds' as listed in Table 2 of the draft DCP.

Comment

Weeds declared as noxious under the Noxious Weeds Act 1993 are known as 'noxious weeds'.

3. Issue

No reference is provided proving that the Cocos Palm is 'toxic to at least 2 species of flying fox'.

Comment

This statement was also made in the Nimbin Planning Study document. The information was supplied by Nan Nicholson of Landmark Ecological Services who carried out the vegetation analysis for the Planning Study and DCP. Cocos Palm was identified as a potential ecological problem in the Nimbin Planning Study. As the plant (and others) is not separately listed or officially declared noxious, the study and draft DCP have sought to identify and recommend appropriate forms of management.

4. Issue

No reference is made to toxicity of Camphor Laurel.

Comment

Camphor Laurel is officially declared noxious and its toxicity is well documented in publications and by the Far North Coast County Council and others.

5. Issue

Camphor Laurel as the dominant intruder species is not mentioned in section 5.5 of Nimbin Planning Study.

Comment

Section 5.5 was not intended as a comprehensive vegetation assessment in the village. The assessment provides an overview of significant vegetation in the village and identifies particular introduced plant species that have potential to cause ecological harm. Section 5.5.2 documents that the Camphor Laurel predominates with several other vegetation species in the village.

Recommendation:

1. The name of Table 2 of the draft DCP be amended to 'Noxious Weeds – Noxious Weeds Act 1993'.
2. Reference in the DCP to Queen (Cocos) Palm *Syagrus romanzoffiana*, be amended to state: Queen (Cocos) Palm *Syagrus romanzoffiana*, is planted extensively in the village area. The palm green fruits are known to be toxic to certain species of flying-fox.

Submission No 2

1. Issue

Requests that 7 Cecil Street, Nimbin be designated in the same manner as the next door property at 7a Cecil Street, was previously designated in DCP No 9.

Comment

As a consequence of the sale of the former Fire Station land (7 Cecil St), DCP No 9 was amended to permit a range of commercial type uses. The has been used for approved commercial uses (art gallery) and has the benefit of an existing consent.

The draft DCP identifies this and adjoining lands as an 'existing residential precinct'. The designation is consistent with the predominant use of the lands in the locality. The request is not supported because it is considered that:

- the designation would tend to fragment the existing commercial precinct;
- the lands are not suitable for commercial use – proximity to intersection of Cullen and Cecil Streets, potential for pedestrian and vehicular conflicts with redevelopment of hospital, lack of on-site parking areas, conflicts with adjoining residential uses.

Recommendation:

The request be declined and the site (7a Cecil Street) remain designated as 'existing residential precinct'.

Submission No 3

Nimbin Community Centre

1. Issue

Attended many community consultations over the years. Nearly every planning community consultation has identified a by-pass for Nimbin as a No.1 priority. Cullen Street is the social heart of the village and as the only through road it is a concentration of people and activity, heavy flow of vehicles, noise, pollution and a danger to pedestrians.

Comment

This is also a matter that was raised at the Nimbin Community Forum. Cullen Street is part of MR 142 – Lismore /Nimbin/Blue Knob. The road is the only existing trafficable route through the village (north/south) and is often congested with both traffic and pedestrians.

No by-pass of the village has been nominated in the draft DCP. Land which is the subject of the DCP review has not been evaluated in terms of a suitable location for a by-pass and it is highly probable that a route for a by-pass would not be able to be feasibly located within the village zoned lands. The most likely route for any future by-pass would be located well to the west of the village. As no future village type development is proposed in this area, the identification and setting aside of a corridor for a future by-pass is not a matter that needs to be considered in the assessment of new development in Nimbin Village.

However, the issue of a by-pass is a matter of legitimate concern to many village residents and it seems inappropriate that the DCP should be entirely silent on the matter. The problem will be alleviated to some extent in the medium term with the construction of the proposed link road to the east of the village between Cecil Street and Alternative Way (as nominated on Map No.6 of the DCP). However, in the longer term a western by-pass would be a more satisfactory means of facilitating through traffic and addressing congestion problems in Cecil Street.

Construction of such a by-pass would necessarily be dependant upon a number of factors including the future availability of funds and the identification of a route that satisfactorily addressed environmental, social and economic considerations. As no feasibility study has been done, it is not possible to show an indicative route on a DCP map. Similarly, identifying the need for a western by-pass in the DCP will not necessarily provide a trigger for its construction. However, as a matter that has implications for the future planning and development of Nimbin it is considered appropriate that the DCP identifies the need for a by-pass road to the west of the village in the longer term.

Recommendation:

That mention be made in the DCP of the need for the construction of a by-pass road to the west of the village in the longer term.

Submission No 4

1. Issue

Requests that land described as Lot 5, DP 260812, Nimbin Road (approx 4 ha) be identified as a new residential precinct.

Comment

Lot 5 is located on the northern and western side of Nimbin Road at the southern approach to the village. It is currently zoned 1(a) rural under Lismore LEP 2000 and therefore the request could only be actioned through an amendment to the LEP to rezone the land to 2(v) Village.

At this stage insufficient information has been provided to determine whether all or part of the land may be suitable for village development. Lot 5 'wraps around' two existing small lots on the northern side of Nimbin Road that form part of a small cluster of houses on the left hand side of the road at the southern approach to the village. These lots are also zoned rural. The question was raised at the Forum meeting as to why these houses are not included within the village zone. It was apparent from the meeting that there is a perception that the village starts in the vicinity of these houses and that it may therefore be appropriate to rezone at least part of Lot 5 between the houses and the existing 2(v) zone boundary. This would be balanced by the fact that the village area extends along the eastern side of Nimbin Road to the Falls Road intersection, approximately opposite the existing houses on the western side. It is considered inappropriate for the village zone to extend further along Nimbin Road beyond the existing dwellings as this would most likely have an adverse impact on visual amenity and would give an appearance of ribbon development along Nimbin Road. Any future rezoning would be subject to the land meeting all other criteria for residential suitability (including suitable access) as well as the need to maintain an attractive approach to the village. A small part of Lot 5 on the western side may be located within the buffer for the Nimbin Sewerage Treatment Works and part of the land is constrained by the location of a drainage line that would be unsuitable for housing development.

The Nimbin Planning Study identified certain lands in and immediately adjoining the village that were considered to be inappropriately zoned and that should be rezoned in a manner that reflected current and likely future land use. These areas were not considered appropriate for either village or residential development by reason of environmental constraints (flooding, slope, access, drainage, soils). Council could therefore consider this request at the time that it considers the wider zoning issues in the current village zone.

Recommendation:

That Council invites the applicant to submit a full rezoning application when it undertakes a review of the zoning provisions in and around the village.

Submission No 5

Nimbin Eco-Village Pty Limited

General issues

Pleased with the Planning Study and Draft DCP and levels of community consultation but expressed concern in relation to two matters in the draft DCP, ie recognition of housing affordability in draft DCP, and location and description of proposed road between Cecil St and Alternative Way.

1. Issue

Requests that the issue of housing affordability be specifically included/addressed in the general objectives of the DCP, objectives of the 'new residential precinct', and objectives for the provision of village infrastructure.

Comment

Both the Nimbin Planning Study and draft DCP identified the particular housing and socio-economic characteristics of the village and the importance of providing for and encouraging affordable housing in the village. Council has in part adopted the *Lismore Affordable Housing Strategy, 1998* which recommended a range of measures to promote the provision of affordable housing in the local government area.

The Lismore Affordable Housing Strategy indicates there is a range of factors that influence housing affordability. These may in part include housing demand and the housing market, land availability, Council policies (LEP, DCP, S64 and S94 plans), housing needs, an individual's socio-economic status etc. The difficulty in promoting or encouraging affordable housing is that it is a relative concept that will vary according to the influence of the above factors and between people and the form of housing they seek or can afford.

The draft DCP promotes housing affordability to some extent by permitting a wide range of residential and ancillary uses in the existing and new residential precincts, encouraging alternative environmentally acceptable engineering subdivision and housing design solutions which may reduce cost of subdivision and housing development. It is considered appropriate that the draft DCP also include as a general objective the promotion of development that provides affordable housing.

Section 64 charges for water and sewer are also perceived as an inhibiting factor to housing affordability. The issue of whether new residential development in the village should be required to connect to town water and sewer was one of the main issues raised at the Nimbin Community Forum meeting and this is discussed later in this report.

2. Issue

The submission notes the requirements of existing DCP No. 9 and the draft DCP to provide a new road between Cecil Street and Alternative Way. It states that no detailed study has been made in respect of the best route and that shown in the above documents appears to be quite arbitrary. Location of road is considered to be inappropriate (given proximity to natural drain), in conflict with other environmental provisions of the draft DCP and expensive to construct.

Requests that the exact route of the road not be prescribed by way of location on a map in the draft DCP, as the relevant engineering, planning and environmental issues have not yet been considered. Suggests that it is adequate for the requirement for such a road just to be stated in the draft DCP.

Comment

A link road between Cecil Street and Alternative Way is warranted to meet the future traffic needs (vehicle, pedestrians, cyclists etc) of the village, particularly if lands adjoining the road are developed for residential and ancillary purposes.

The preferred location of the road has been shown on maps in both the existing and proposed draft DCP's. While not specifically stated it is recognised that the preferred (approximate) location of the road would be subject to further environmental assessment prior to and at the time a Development Application is prepared for the lands. Logically this should be undertaken at the time a site 'master plan' for the whole area is prepared. Although the site currently shown in the DCP is constrained by the location of a drainage line, land further to the east is also constrained by the occurrence of a mature stand of forest red gum. However, it is recommended that the location of the proposed road be shown further to the east with a note that it represents the approximate location of the road link only, subject to more detailed survey at the DA stage.

3. Issue

The proposed road between Cecil Street and Alternative Way is not a 'loop' road as described in the DCP as it does not function as a 'loop', which might diverge and join a major road. Also the road is not proposed between Cecil Street and Sibley Street as stated in the DCP, it will be between Cecil Street and Alternative Way.

Comment

There is no need for the road to be referred to as a 'loop' road in the DCP and the description of the proposed location should be corrected.

Recommendation:

1. That the following objective be included in section 2.6 of the draft DCP:
"To promote development that will provide affordable housing".
2. That the approximate location of a road between Cecil Street and Alternative Way on Map 6 be shown to the east of the existing location.
3. That Clause 5 of Section 4.3.2 'Development Standards and Guidelines' for Village Infrastructure relating to 'roads and access' be amended to read:
"A road, located in approximately the position shown on Map 6 between Cecil Street and Alternative Way, is to be provided to a standard that reflects its hierarchical use".

Submission No 6

1. Issue

This was a late submission that requests that the property at No 84 Cullen Street be included within the Commercial precinct.

Comment

This property is located on the western side of Cullen Street immediately to the north of the existing Commercial precinct. No 82 which is next door, and within the Commercial precinct, supports a similar small cottage to that on No 84. The person making the submission wishes to develop the existing building with a retail component in the front while retaining a residence at the rear. As it immediately adjoins the Commercial precinct the submission is supported.

Matters raised at the Nimbin Community Forum Meeting, April 4, 2001

1. Storage Sheds

There was a concern that inappropriate development such as industrial storage sheds could be allowed to infiltrate into residential areas.

Comment

Storage sheds are not listed as preferred land uses in either the existing or new residential precincts. However, it is recommended that they specifically be listed as a preferred land use in the light industrial village precinct so that this type of development will be guided to this precinct in the future.

2. Flood-prone Areas

Can the flood-prone areas adjoining the village be kept as a 'greenbelt' to the village?

Comment

The Nimbin Planning Study identifies approximately 16 ha of flood-prone lands are currently within the 2(v) village zone. As such land would be inappropriate for residential development it is recommended that this land be rezoned to an appropriate rural zone in a future LEP amendment.

3. Nimbin By-pass

Nimbin is in need of a by-pass road due to the current congestion in Cullen Street.

Comment

This issue has been addressed previously in the response to the written submissions.

4. Connecting road between Cecil Street and Alternative Way

The nominated location of this road should be moved further to the east.

Comment

This issue has been addressed previously in the response to the written submissions

5. Connection to reticulated water and sewer

Connection to the town water and sewer systems was an issue that generated considerable discussion at the Community Forum. Several of the participants at the Forum believed that it should not be mandatory for new development to connect to town water and sewer and that the DCP should permit consideration of alternative technologies that permit on-site water harvesting and effluent treatment and disposal. The use of such technologies was seen to have environmental and economic benefits.

Comment

The Nimbin Sewerage Treatment Works has a design capacity of 330 ET. Current loading on the plant generated through existing development in the village is estimated to be 230 ET, leaving a nominal spare capacity of around 100 ET. Water supply is piped from a weir on Mulgum Creek to a storage dam and treatment plant located to the east of the village. Current capacity is 400 ET with an estimated spare capacity of around 100 ET.

Given the significant public investment in existing water and sewer infrastructure in the village, it could be argued that the best use of such infrastructure should be made by utilising any spare capacity and requiring all new village development to connect to town water and sewer. On the other hand, much of the new residential development that is likely to occur in Nimbin will be located on vacant green-field sites to the east of the village. The owners of these sites have indicated a desire to develop their land along 'eco-village' lines where the emphasis is on housing affordability and resource and energy efficiency. Given this, there is likely to be a preference for designing individual or small collective systems for on-site water harvesting and wastewater disposal.

Council's Environmental Health Section has indicated that it has no objection to the use of rainwater tanks or on-site wastewater disposal systems in a village or urban area providing wastewater is disposed of in accordance with Council's 'On-Site Sewer and Wastewater Management Strategy'. Similarly there is no objection to the use of dry composting toilets in urban or village areas.

Council's Water and Wastewater Section has also indicated that it has no objection if future development on vacant 2(v) land to the east of the village elects not to connect to either the reticulated water or sewer system. However, in the existing built-up area, new or infill development should connect to the water and sewer as the reticulation infrastructure is already in place in those areas and most existing lots have not been designed to accommodate on-site disposal areas in accordance with current requirements.

Recommendation:

That the DCP be amended in terms of section 4.3.2 relating to water supply and wastewater. Separate requirements are to apply to the 'existing residential' and 'new residential' precincts as follows:

New Residential Precinct

The option exists for new residential development to either connect to Council's reticulated water and sewer system or to provide on-site water supply and effluent disposal.

Water Supply:

Where water is to be supplied from Council's reticulated network it is to be in accordance with:

- DCP No. 28 – Subdivision, and

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- Council's 'Water Reticulation – Technical Specifications and Drawings'
Where appropriate, reticulated water mains are to be provided in a common trench with telecommunication cabling.

Where water supply is to be provided on-site, such supply shall be provided in accordance with:

- DCP No. 28 – Subdivision

Wastewater Disposal:

Where development is to connect to Council's sewer system, it is to be in accordance with:

- DCP No. 28 – Subdivision, and
- Council's 'Sewer Reticulation – Technical Specifications and Drawings'

Where wastewater disposal is to be provided on-site, such system(s) is to be designed in accordance with Council's On-Site Sewer and Wastewater Management Strategy.

Existing Residential Precinct

Water Supply:

Water is to be supplied from Council's reticulated network is to be in accordance with:

- DCP No. 28 – Subdivision, and
- Council's 'Specification for the Construction of Water Reticulation'

Use of rainwater tanks as an additional water supply is permitted.

Wastewater Disposal:

Wastewater is to be disposed of to Council's reticulated network and is to be in accordance with:

- DCP No. 28 – Subdivision, and
- Council's 'Specification for the Construction of Sewers'

Other Matters

1. Checklist

A useful method of encouraging compliance with a DCP is to provide a checklist that can be used by applicants when lodging a Development Application to ensure that all relevant matters in the DCP have been addressed. A checklist is also useful for development assessment staff when assessing an application. A checklist for the Nimbin DCP has been developed and is provided as an attachment to this report. It is recommended that the checklist be appended to the DCP and that applicants be encouraged to use the checklist when submitting a development application for any proposal within Nimbin village.

2. Cullen St Beautification

The draft DCP included maps showing Cullen St Beautification that was nominated and proposed in the studies:

- Nimbin: Sense of Place: Designing our Future – Community Consultation Outcomes and Conceptual Design for Cullen St and Nimbin Village Centre by Permaculture Systems Design and Consulting. November 1994. Nimbin, and
- Nimbin Sense of Place – Nimbin Village Centre – Landscape Enhancement Cullen Street by Permaculture Systems, May 1995. Nimbin.

The beautification plans were included in the draft DCP as information only, to provide guidance as to the future form and character of streetscape works and as a recognition of the proposed works, particularly in the commercial precinct. However these plans do not constitute part of the

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DCP and may be changed or amended by Council without the need to amend the DCP. Reference to the plans in the draft DCP is in Section 3.4.1.

Recommendation:

That Section 3.4.1 'Strategic Context' for the Commercial Village Precinct be amended to make reference to the beautification plans as guidelines for future streetscape works.

3. Environmental weeds list

Council has adopted an Environmental Weeds Species List that contains a comprehensive list of environmental weeds in the Lismore area, along with alternative species that may be planted in their stead. To avoid duplication and possible inconsistencies, it is recommended that the environmental weeds list in Table 3 of the DCP be replaced with a reference to Council's adopted list.

Manager - Finance & Administration Comments

Not required

Other Group Comments

Environmental Health Section and Water and Sewerage Section concur with the statements and recommendations in this report.

City Works – Development Assessment Engineer, Mike Perkins

Requirements/comments are as follows:

- Intersection upgrading at the intersections of Cullen Street/Cecil Street; Sibley/Cullen Streets; Alternative Way/Sibley Street and Alternative Way/Cecil Street are required. The Sibley Street/Cullen Street intersection appears to be covered in the Cullen Street beautification works however the remaining intersections do not appear to be mentioned in the document.
- Cullen Street beautification has been addressed.
- Inclusion of public carpark west of Cullen Street has been addressed.
- Any intensification of use will require upgrading of the road frontage. In streets where the road has sections of kerb and gutter existing it will be required construct kerb and gutter for the property frontage.

Whilst the proposed pedestrian links from Cullen Street to the public carpark are required, the exact locations could be carried. It would be detrimental if the DCP forces Council to acquire them in these locations when a more viable alternative may arise. There, the DCP should be worded so as to enable variation of access requirements if required.

Author's Response to Comments from Other Staff

It is agreed that the DCP should identify intersection upgrading requirements for those intersections mentioned by City Works and it is recommended that the DCP be amended accordingly.

The plans of the proposed Cullen Street Beautification and Streetscape works have been included in the DCP in the interests of completeness and for the information of users of the DCP.

It is envisaged that modifications to the plan can be made without the necessity to amend the DCP.

Conclusion

The following is a summary of the recommended changes to the draft Nimbin DCP as discussed in this report:

1. The name of Table 2 of the draft DCP be amended to 'Noxious Weeds – Noxious Weeds Act 1993'.
2. Reference in the DCP to Queen (Cocos) Palm *Syagrus romanzoffiana*, be amended to state:
'Queen (Cocos) Palm *Syagrus romanzoffiana*, is planted extensively in the village area. The palm green fruits are known to be toxic to certain species of flying-fox.'
3. That mention be made in the DCP of the need for the construction of a by-pass road to the west of the village in the longer term.
4. That the following objective be included in section 2.6 of the draft DCP:
'*To promote development that will provide affordable housing.*'
5. That the approximate location of a road between Cecil St and Alternative Way be shown further to the east at the Cecil Street end on Map 6.
6. That clause 5 of section 4.3.2 'Development standards and guidelines' for Village Infrastructure relating to 'roads and access' be amended to read:
A road, located in approximately the position shown on Map 6 between Cecil St and Alternative Way, is to be provided to a standard that reflects its hierarchical use.
7. That Council invites the owners of Lot 5 DP 260812 to submit a rezoning application when it undertakes a review of the zoning provisions in and around the village.
8. That No 84 Cullen Street be included within the Commercial precinct.
9. That the list of preferred land uses for the Light Industrial Precinct be amended to include 'storage sheds'.
10. That section 4.3.2 of the DCP be amended to provide an option for residential development in the New Residential Precinct to connect to Council's reticulated water and sewer or to provide on-site water supply and effluent disposal to Council requirements.
11. That the checklist as attached to this report be appended to the DCP.
12. That section 3.4.1 'Strategic Context' for the Commercial Village Precinct be amended to make reference to the beautification plans as guidelines for future streetscape works.
13. That the environmental weeds list in Table 3 of the DCP be replaced with a reference to Council's adopted *Environmental Weeds Species List*.
14. That intersection upgrading requirements be identified in the DCP for the following intersections: Cullen/Cecil Street; Sibley/Cullen Street; Alternative Way/Sibley Street and Alternative Way/Cecil Street.

In addition to the above there are a number of minor typographical errors and formatting changes to be made to the document as exhibited.

Recommendation (Pla 7)

That Council:

- 1 Adopt the Nimbin Development Control Plan with such recommended amendments as outlined in this report; and
- 2 Notify its decision to adopt the plan in accordance with the requirements of Clause 21 of the Environmental Planning and Assessment Regulation 2000.

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Subject/File No: NIMBIN WATER SUPPLY STUDY/COMMITTEE
(AA:CD:S304)

Prepared By: Anu Atukorala – MANAGER LISMORE WATER

Reason:

1. To continue investigating water supply options for Nimbin;
2. To fill the vacancies on the Nimbin Water Supply Committee

Objective:

1. To accept State Government financial assistance to complete investigation work;
2. For Council to consider and accept the nominations of two new members to the Nimbin Water Supply Committee.

Management Plan Activity: Improve service levels

Background:

1. The Nimbin Water Supply Committee (NWSC), at its meeting on May 14, 2001, recommended Council accepts the financial offer of \$88,000 from the Minister for Land and Water Conservation for pre-construction activities.

The NWSC is currently investigating low cost options to improve the water quality in Nimbin. Hence it is unlikely that all of the funds offered will be utilised. However, it is prudent that Council accept the offer, in order to share the costs with the State Government.

2. Three members of the Nimbin Water Supply Committee have resigned, due to personal and business reasons and the Committee, at its meeting on April 9, 2001, resolved to call in fresh applications. Council advertised these vacancies in the Northern Star on Saturday, May 5, 2001 and also did a letter drop to all Nimbin Water Consumers. On close of nominations, Council received four nominations, those being from Mr Carl Heydon (a rural water consumer), Mr Robert Emmett (current owner of the Nimbin Laundromat), Mr Harry Francis Anning and Mr Robert Green. Robert Emmett replaces Danny Wort, who is leaving the committee after having sold his laundromat business to Mr Emmett. Although neither Mr Anning nor Mr Green are Nimbin water ratepayers, it is recommended that both their nominations be accepted because of their involvement in the Nimbin Community and that the total number of community members be increased from eleven to twelve.

Principal Accountant's Comments

An initial amount of \$50,000 in total, with 50% in grant funds from the Department of Land and Water Conservation (DLWC) and 50% funded from Water Supply revenues has been included in the 2001/2002 draft budget. Should further funds be required to match the grant from the DLWC during the course of the year a budget adjustment can be made. There are adequate funds within the Water Funds reserves to meet any increases up to the amount mentioned in this report.

Public Consultations

Public consultation is via Nimbin Water Supply Committee.

Other Group Comments

Not Required.

Author's Response to Comments from Other Staff

Not Required.

Conclusion

1. Further investigation is required to determine the best option for water supply to Nimbin. The NWSC is also eager to complete it's investigation process. Council should take advantage of the DLWC offer of 50% subsidy for pre-construction activities.
2. The NWSC be increased to twelve community members and the vacancies be filled by the four nominations received by Council.

Recommendations (ENT07)

It is recommended that:

- 1 Council accept the DLWC offer of 50% subsidy for pre-construction activities and the Mayor and General Manager be authorised to execute the agreement and the common seal of the Council be affixed to the agreement.
- 2 Council increase the number of community members in the Nimbin Water Supply Committee from eleven to twelve.
- 3 That Carl Heydon, Robert Emmett, Harry Anning and Robert Green be appointed to the Nimbin Water Supply Committee as community members.

Subject/File No: LISMORE LAKE PLAN OF MANAGEMENT
(P15861)

Prepared By: Alex Wilford, Recreation Planner

Reason: The Draft Plan of Management for Lismore Lake has been exhibited and submissions invited

Objective: Council adoption of the final Plan of Management for Lismore Lake

Management Plan Activity: Community Services

Background:

The public exhibition and submission period for the Draft Plan of Management for Lismore Lake ended on May 14, 2000.

The purpose of this report is to advise Council of the results of the exhibition and submission process and to seek formal adoption of the Plan of Management. A copy of the Draft Plan was forwarded to all Councillors for the March 13, 2001 meeting.

Background:

At the March 13, 2001 Council meeting it was resolved that –

- 1) *Council give in-principle endorsement of the Draft Plan of Management for Lismore Lake, subject to -*
 - a) *The installation of a submersible pump to allow for gradual topping up of the lake as a first priority;*
 - b) *The timing of the project to be*
 - Short term (4 years)*
 - Medium term (after 4 years)*
 - Long term (long term)*
- 2) *The Draft Plan be placed on exhibition and public submissions be invited in accordance with the provisions of the Local Government Act 1993.*

The Draft Plan was subsequently amended to reflect the above points and placed on exhibition and public submissions were invited. This process was undertaken over a 7-week period until May 14, 2001.

During this period, a copy of the Draft Plan was made available for public examination at Council's Administration Centre. Advertisements notifying the community of the Draft Plan exhibition and submission period were placed in local newspapers.

Two submissions to the Draft Plan were received before the closing date. Another submission was received a day after the closing date. Copies of the submissions are enclosed separately.

Key Elements of the Plan

The key elements of the Plan include:

- Remediation of the lake to ensure that satisfactory water quality and levels are maintained and that excess weed is removed and controlled, with the installation of a submersible pump to allow for gradual topping up of the lake as a first priority.
- Provision of passive recreation facilities such as picnic and barbecue facilities, bench seating, viewing platforms and a children’s playground.
- Construction of a pedestrian/cycle path that extends around the lake (as per 1995 Cycleway plan).
- Improved landscaping and shade tree planting.
- Improved signage system (directional, instructional and interpretative).
- Limited and regulated use of the lake for motorised and non-motorised watersports such as jet skiing, power boating, model power boating, water skiing, canoeing, rowing, sailboarding, etc.
- Improved vehicle parking and access.
- Retention of the swimming pool at least until the Memorial Baths (or any other new aquatic facility) are redeveloped. Cost-benefit assessment (economic and social) to be undertaken once the Memorial Baths are redeveloped to determine the best option for the future of the Lismore Lake pool.

Summary of Submissions

The following table provides a summary of the submissions received and a response to the issues raised.

Name	Summary of Submission	Response
<p>Mr J Bowers Lakeside Lodge Motel</p>	<p>Disagrees with the future use of the lake as outlined in the Draft Plan, suggesting that lake remediation work would be a gross waste of money.</p> <p>Summary of issues/requests/suggestions:</p> <ul style="list-style-type: none"> ▪ Considers the new intersection between the Bruxner Highway and the Lake access road to be inappropriate and dangerous, requesting that it be fixed. ▪ Requests that model boats be confined to the same area designated for jet skis and that they not to be used before 10:00am. 	<p>The Plan reflects the results of consultation, particularly the desire for the lake to be remediated.</p> <p>The new intersection between Bruxner Highway and the Lismore Lake access road was designed and constructed in line with the requirements of the Roads and Traffic Authority. Bruxner Highway is under the RTA’s control. Mr Bowers has been advised to discuss his concerns with the Regional Manager of the RTA.</p> <p>An objective of the plan of management is to “limit and regulate motorised water sport usage to ensure safety and minimise negative impacts upon the environment, surrounding land uses, other park users and neighbouring residents and stakeholders’. This was previously achieved through the development and application of Council Procedure CW. 8.3 ‘Rules Governing Use of Lismore Lake’. The plan recommends that this policy be reapplied, reviewed and amended when the lake is reopened to ensure that the above</p>

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Lismore Lake Plan of Management

Name	Summary of Submission	Response
<p>Mr J Bowers Lakeside Lodge Motel (continued)</p>	<ul style="list-style-type: none"> ▪ Requested that the existing log barrier located to the north east of the motel be retained. ▪ Ban powerboats from launching from the proposed "lake access for light watercraft" and require all power boats to launch from the vicinity of the boat ramp. ▪ Physically prevent or ban motor bikes from using the cycle paths. ▪ Ban motor bikes from using the BMX track. ▪ Requests that Council appoint an employee to be available 24 hours a day to receive direct reports on any problems at the lake. ▪ Objection to the proposed provision of a leash free dog exercise area on the eastern side of the lake. 	<p>objective is achieved. Mr Bowers' proposed restrictions could be applied if deemed necessary at that time.</p> <p>This log barrier is to be retained, unless other proposed barriers adjacent to the ring road make the existing barriers redundant.</p> <p>The proposed lake access for light watercraft is intended for use by the rowing club and informal non-motorised watercraft (eg. canoes, sailboards, etc). As such the launching of power boats from this area is to be prohibited and signs to this affect installed when this access is constructed.</p> <p>Motor bikes would be prohibited from using the cycle path and signs to this affect would be installed.</p> <p>The BMX track is currently unused and overgrown. Under the plan, it could be restored if sufficient demand eventuates in the future. If this occurs motor bikes would be prohibited from using the BMX track and signs to this affect would be installed.</p> <p>Council's Parks and Reserves Coordinator is on call to respond to problems that may occur in relation to all parks, including the Lismore Lake area. Council's Law Enforcement Officers are also on call after hours. These employees can be contacted by calling Council's emergency after hours telephone number.</p> <p>The provision of a leash free dog exercise area is in response to requests for this area to be made available for such use. As with other dog exercise areas in Lismore, the owners will be responsible for controlling their pets to ensure the safety of other users of the area. This arrangement would be monitored and revised if necessary.</p>
<p>Mr S Leach Northern Rivers Model Boat Racing Club</p>	<p>Expressed support for the Draft Plan and included copies of correspondence between Council and the club that has occurred in relation to the lake since 1995.</p>	<p>Acknowledge support for the plan and continued interest in the project.</p>
<p>11 signatories from the former Lismore Model Boat Club (received 1 day after advertised closing date)</p>	<p>Would like to see the lake restored stating that such a valuable asset should be used and maintained.</p> <p>The club requires a clean stretch of water, which they believe can be achieved simply and inexpensively by hauling chain or cable through the lake then skimming off to</p>	<p>Acknowledge desire for the lake to be restored.</p> <p>This suggestion would only address the problem of excessive weed in the lake; it would not address the greater problem of blue green algae blooms. However, it is</p>

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Lismore Lake Plan of Management

Name	Summary of Submission	Response
	collect the weeds.	suggested that the feasibility of this option be explored further along with other options.

Process following Council Adoption of the Plan

Upon Council adoption of the final Plan, the following will be undertaken:

- Make a copy of the final Plan available for public inspection at Council's Administration Centre;
- Prepare a media release regarding Council's adoption of the Plan;
- Advertise adoption of the Plan in Council's Public Notices.

Implementation and Budgetary Requirements

The Lake area is to be improved and further developed on a gradual basis over several years as funding and/or other necessary resources become available. Works/Actions suggested for completion in the short, medium and long term are listed in Suggested Action Plans which are contained in section 5 of the Plan.

A preliminary estimate of total capital expenditure is in the order of \$660,000 with full remediation of the lake estimated to cost approximately \$250,000. A suitable submersible pump to gradually top up the lake would cost approximately \$20,000-\$25,000 fully installed (including associated earthworks and infrastructure) according to Rothwells Pump and Irrigation, Alstonville.

Council does not hold a license to pump water from Wilson's River into the lake and there is currently an embargo on the issuing of new licenses. Discussions are continuing with the Department of Land and Water Conservation (DLWC) to obtain a license. Member for Lismore, Thomas George MP, has made preliminary enquiries to the Minister for Agriculture, Richard Amery MP, in this regard. No response has been received at this stage.

As further investigation and assessment is required, the Plan does not prescribe any particular method of lake remediation. It simply recommends that the lake be remediated when sufficient funding is secured. This will allow a separate decision on the method of remediation to be made following further investigation and assessment.

Funding and in-kind assistance will continue to be actively sought from a range of sources including the NSW Waterways Authority, Department of Sport and Recreation, environmental agencies and work for the dole programs.

It is also important to recognise that park maintenance requirements and costs will also increase as facilities are improved and usage levels rise. The Parks and Recreation Manager stressed this point in the previous report to Council on March 13, 2001.

Manager - Finance & Administration Comments

The adoption of the Lismore Lake Plan of Management is supported on the basis that "the area is to be improved and further developed on a gradual basis over several years as funding and/or other resources become available."

At this time, we have approximately \$48,000 available for an estimated \$660,000 program. The purchase and installation of the submersible pump will come from these funds.

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Lismore Lake Plan of Management

Public Consultations

Extensive consultation has occurred in relation to this project since 1999. Full details of the consultation process and results are contained in the Plan of Management. Consultation with MGM, relevant Council officers, the Public Lands Strategic Management Team and the Lismore District Sports Association has also been conducted.

Public submissions received in relation to the Draft Plan are discussed earlier in this report.

Other Group Comments

The Parks and Recreation Manager's comments were included in the previous report to Council on March 13, 2001.

Conclusion

The Lismore Lake Plan of Management recommends the gradual upgrade, improvement and further development of the area to reach its potential as a multi-use community recreation resource. The plan largely reflects the results of consultation with stakeholders, existing and potential users groups, relevant Council officers and the general community.

The draft plan has been exhibited and public submissions invited. The three submissions received are discussed in this report. The issues raised can be adequately addressed within the scope of the plan of management.

Recommendation (COR27)

That Council adopt the Plan of Management for Lismore Lake as per the Draft Plan.

Subject/File No: REQUEST FOR RENAMING OF KYOGLE ROAD
(WR:MG:S330)

Prepared By: Special Projects Planner – Warren Rackham

Reason: Specific Request From Kyogle Shire Council

Objective: To Determine if Lismore City Council Wishes to Accede to Kyogle Council's Request

Management Plan Activity: PLANNING

Background:

Council has received a request from Kyogle Council, requesting change of the road name "Kyogle Road". As the request also affects Richmond Valley Council, Kyogle has suggested the name "Bentley Road", as being common and appropriate to all three local government areas.

The purpose of the request is to ensure consistency with road names with adjoining Councils, and to remove "dual naming" – common roads between local government areas with the same names. In this case, Kyogle Council advises that there is already a Kyogle Road existent (being MR 141 which runs between Kyogle and Murwillumbah), and the Lismore-Kyogle Road is therefore in conflict.

Kyogle Council also advises that it has already taken action to **rename** all other roads which are common across local government boundaries but with different names, to align with those names in adjoining Council areas, but this one instance will require a consensus between Lismore, Richmond Valley and Kyogle for a new name.

Current Position:

1. Lismore Council already has a 'Bentley Road' (at Tullera) which services approximately 24 properties, and it would be inappropriate to rename that road. This fact was advised to Kyogle Council, whose response has been that Lismore Council might wish to suggest alternative names for Kyogle Road, which will also have to be acceptable to Richmond Valley Council.
2. Kyogle Road within Lismore Council area between North Lismore and the Kyogle Shire boundary services a considerable number of properties, and any change of name will require extensive notification.
3. Lismore area has a Kyogle Street **and** a Kyogle Road which are non-contiguous, so that there is merit in altering the name of **one** of these.
4. Alternatives which now appear are:
 - (i) Not to support Kyogle Council's request – not agree to any road name change;
 - (ii) Agree to alter 'Kyogle Road' but not to 'Bentley Road' (need to determine an alternative name);
 - (iii) Agree to rename existing Bentley Road, Tullera to another name, and to rename Kyogle Road to Bentley Road.

Given the circumstances, it would appear appropriate to consider alternative (ii), to propose "in principle" a change of name for Kyogle Road (to another name, satisfactory to Lismore, Kyogle and Richmond Valley Councils) and to test public reaction to same through joint notification process.

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Request for Renaming of Kyogle Road

Other Group Comments

Traffic & Law Enforcement Co-ordinator, Bill MacDonald

Lismore City Council went through a similar exercise some years ago in reviewing the duplication of road names and naming many unnamed roads within its LGA.

Neighbouring Councils were given the opportunity at that time to comment on Lismore City Council's proposed changes.

If Council were to agree to change 'Kyogle Road to 'Bentley Road', not only would Bentley Road residents be inconvenienced but also a considerable number of residents along Kyogle Road. There would be a considerable clerical work-load involved.

Whichever way Council decides to go it would certainly not want the name 'Bentley Road' duplicated.

May I suggest that Kyogle's proposal be advertised, as well as calling for suggested alternative names for Bentley Road. The public's response might then determine the issue for this Council.

Author's Response to Comments from Other Staff

Comments noted and agreed.

Costs – It would be presumed that notification costs would be jointly shared between the three Councils. These costs include – notification letters to landowners (before and after), government departments, advertisements in press, and notification in Government Gazette.

Alternative Names

A search of topographical and parish maps shows only two prominent names *which have not been used elsewhere* – being “**Disputed Plains**” (bridge, properties, homesteads and dip), and “**Manifold**” (district, and dip) which are centrally located along the length of this road. Other names which could be appropriate (eg Bentley, Armstrong, Federation, Bungabee, Back Creek, Fernside, etc) are already used elsewhere in the Council areas. Kyogle has advised that “Disputed Plains” may not be acceptable ‘due to its length’, however it is still considered to be the best option.

Conclusion

Kyogle Council's request should be supported, with “Disputed Plains Road” suggested very appropriate.

Council may also wish to suggest other suitable names, or seek an appropriate indigenous name from the local aboriginal land council. It is suggested that “Disputed Plains Road” be considered in the first instance.

Recommendation (Pla 6)

1. That Council agree in principle to altering the name Kyogle Road as requested by Kyogle Council, and proceed to joint discussion with Kyogle and Richmond Valley Councils with a view to advertising the proposal for public and affected landowner comment.
 2. That “Disputed Plains Road” be submitted as Council's first choice for joint consideration.
 3. That results of the notification process be reported back to Council, as required by the Roads Act and Regulation.
-

Subject/File No: INTERSTATE AND OVERSEAS TRAVEL BY STAFF AND COUNCILLORS (CC:S9)

Prepared By: Group Manager Corporate & Community Services – Col Cooper

Reason: Council resolution

Objective: Ensure a consistent and open process is followed.

Management Plan Activity: N/A

Background:

Council at its meeting on April 10, 2001 resolved that a report be submitted on the introduction of a policy that will apply the same conditions to staff as those pertaining to Councillors with regard to interstate and overseas travel.

Councillors

The process relating to Councillors is found in the Expenses and Facilities Policy and was formulated with input from ICAC, with the objective of ensuring that such travel is transparent to the community and have an identifiable benefit to the local area through Council activity. For interstate travel (excluding Canberra and South East Queensland) there are two levels of reporting:

1. Where the cost is **not** expected to exceed \$1,200, a report with no detail other than a recommendation for approval.
2. Where the cost **is** expected to exceed \$1,200, a detailed report outlining such issues as who is to take part, objectives to be achieved and details of costs etc.

As it is now many years since this requirement was introduced, there is justification for a review of this process. I cannot re-collect any reporting under item 1; however there have been a number of instances of reporting under item 2 since the introduction of this requirement. This does not appear to have been an onerous burden and has not disadvantaged any councillor to my knowledge.

It is suggested that the amount be increased to \$1,500 and that the reporting mechanism for step 1 be changed from requiring a Council report (with no detail) / council resolution, to the General Manager merely notifying councillors by way of memo on a regular basis. Details provided would include the conference name, location, who attended and dates etc. This would mean that approval for amounts up to \$1,500 would **no** longer be required, but would be reported to councillors following attendance at an interstate conference etc. The only suggested change to step 2 is the proposed change to the amount.

Staff

The process for staff is outlined in a Staff Procedure GM. 2.40 whereby the approval of the General Manager must be sought for **all** instances of interstate travel (excluding Canberra and SE Queensland). Under the Local Government Act 1993, it is the responsibility of the General Manager to “manage” staff within the allocations provided by the Council in the Management Plan process. In order to obtain approval, staff must justify (to the GM) the relevance in attendance, detail costs and ensure there is an identifiable benefit to the community by enhancement of their professional development/training in attendance at an interstate venue.

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Interstate & Overseas Travel by Staff and Councillors

As staff are only provided with relatively small amounts of PD/Training funds per year (generally less than \$1,400 per professional staff member), the choice as to what they will attend and potentially gain the most benefit from is best left to their judgement, with relevant input from their supervisor and subsequent approval from the GM (if at an interstate venue)

Due to the limited amount of resources available for PD/Training, it would be totally inappropriate and administratively inefficient for councillors to have input into what staff can/cannot attend.

As with councillors, I believe that the GM should report to councillors (for information purposes), details of staff who have travelled interstate. For both councillors and staff alike, where costs exceed \$1,500, a detailed report should be included in the Annual Report outlining how the travel's objectives were met and how the community benefited from it (as per the Expenses and Facilities Policy). Such information should be readily available, provided that councillors comply with the requirement to provide a brief report following attendance at any conference (point 6 of Policy 1.2.2). As detailed in a number of memos, **this policy requirement is rarely complied with**, yet is essential for proper reporting in the Annual Report.

Overseas Travel

Such travel is generally of such importance so as to ensure that it is detailed in the annual Management Plan. If this is not the case, then a detailed report justifying the travel should be considered by Council, in an open meeting prior to travel arrangements being made. This process shall apply to councillors and staff alike (as detailed in the Expenses & Facilities Policy)

Manager - Finance & Administration Comments

Not required.

Public Consultations

Changes to the Expenses & Facilities Policy requires exhibition for a period of 28 days, where the public may make submissions prior to formal adoption.

Other Group Comments

Other Group Managers concur with recommendations.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Whilst councillors and staff alike are accountable when utilising public monies, there are justifiable and compelling legislative reasons why the approval process is somewhat different. The provisions of the Expenses and Facilities Policy bind councillors, whilst staff must comply with the approval process outlined in staff Procedure GM.2.40. The recommendations detailed below do not materially change those differences, but does allow for information to be provided to councillors on both councillor and staff interstate travel. Copies of policy 1.2.2 and the Expenses & Facilities policy, with the proposed changes highlighted, are included in the attachments to the business paper.

Recommendation (COR28)

That Council:

- 1 Advertise and call for public submissions, to the following proposed amendments to the Councillors Expenses and Facilities Policy:
 - a) By deleting the third and fourth paragraph under the heading **Policy – Interstate Travel**,
 - b) By inserting a new third paragraph “*Where the cost of the travel is not expected to exceed \$1,500 for transport, accommodation and out of pocket expenses per person, attendance can be by self nomination in accordance with the guidelines of Policy 1.2.2*”.
 - c) By inserting a new fourth paragraph “*The General Manager will report details of councillor interstate travel following the completion of the travel, on a regular basis*”.
 - d) Amend the amount in the fifth paragraph to \$1,500.
- 2 Amend Policy 1.2.2, item 1 second dot point (following formal adoption of the above amendments) as follows:
 - o Where the cost is expected to exceed \$1,500, requests for attendance at interstate (excluding ACT and South East Queensland) and overseas conferences / seminars must be authorised by Council in accordance with the Expenses and Facilities Policy.
- 3 Require the General Manager to report details of all staff interstate travel following the completion of the travel, on a regular basis.
- 4 Detail in the Annual Report all interstate travel that exceeds \$1,500 per person (councillor and staff), by outlining how the travel’s objectives were met and how the community benefited from it.

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Subject/File No: ANNUAL REMUNERATION FEE FOR MAYOR AND COUNCILLORS
(GW/LM: 01-6341: S38)

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Determination by Local Government Remuneration Board

Objective: Adopt Mayoral and Councillor fees for 2001/2002

Management Plan Activity: Councillors

Background:

Pursuant to Section 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal has determined the annual fees to be paid to mayors and councillors during the period July 1, 2001 to June 30, 2002. A copy of the Report and Determination is separately attached for information. The Tribunal has determined that there will be an increase of all minimum and maximum fees for councils by approximately 7% for councillors and 10% for mayors.

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

Councillor Fee

The councillor fee for Category 3 councils is now a minimum fee of \$5,350 and a maximum fee of \$11,770.

The current fee paid is \$10,500 and this amount has been included in the draft 2001/2002 budget.

Mayoral Fee

The mayoral fee for Category 3 councils is now a minimum fee of \$11,000 and a maximum fee of \$24,860.

The current fee paid is \$21,000 and this amount has been included in the draft 2001/2002 budget. In addition to the mayoral fee, the mayor also receives the councillor fee.

Manager - Finance & Administration Comments

As mentioned in the report, \$10,500 for the councillor fee and \$21,000 for the mayoral fee has been included in the draft 2001/2002 management plan. Any increase above these figures will obviously have a detrimental effect on the budget, while any recommendation below these figures will result in savings that could be expended on other priorities of Council.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Annual Remuneration Fee for Mayor and Councillors

Conclusion

The recommendation is based upon the previous Council resolution.

Recommendation (COR26)

That in accordance with Sections 248 and 249 of Local Government Act 1993, Council fix the 2001/2002 annual fee for councillors at \$10,500 and for the mayor at \$21,000.

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Subject/File No: COUNCIL MEETING SCHEDULE
(GW/LM: S43)

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Council resolution

Objective: To determine Council's Meeting Schedule

Management Plan Activity:

Background:

Council at its meeting held on November 21, 2000 resolved that the proposal to hold ordinary meetings of Council on the second Tuesday of each month be for a trial period of six months.

This trial period expires at the end of June, thus it is necessary for Council to determine its meeting schedule for the remainder of 2001.

Detailed below is a summary of the meetings held to date.

	Meeting Length (Hrs)	No. of Resolutions	No. on Public Access
February	4.75	27	2
March	5.5	32	5
April	1.75	15	2
May	2.5	18	1

The following factors should be taken into consideration:

1. If Council had continued to meet every third Tuesday it would have had 6 meetings for the period up until the end of May.
2. No special meetings have been required to be held to determine urgent matters between ordinary meetings.
3. Public Access sessions have not been full at any meeting this year.
4. At only one meeting (Coffee Camp) has the Public Question Time been fully utilised.
5. For the year to the end of May 2000, Council determined one development application and one land rezoning application. This year Council has determined one development application and no rezoning applications.
6. The increase in periods between Council meetings has released staff to do other duties and has eased the administrative burden of preparing for and post meeting processes.
7. Council has held five workshops during this period.

Manager - Finance & Administration Comments

Not required.

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Council Meeting Schedule

Public Consultations

Not required

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

N/A

Conclusion

The trial of holding monthly Council meetings has been of benefit to both Councillors and staff alike and given the above information there does not seem to be any compelling reason to amend the current monthly meeting schedule.

Recommendation (COR25)

That Council continue to meet on the second Tuesday of each month for the remainder of 2001.

Subject/File No: QUARTERLY REVIEW 2000 – 2001 MANAGEMENT PLAN –
MARCH 2001

Prepared By: Corporate Development Officer

Reason: Requirement of Local Government Act

Objective: Information and annotation of Councillors

Management Plan Activity:

Background:

Council is required under Clause 407 (1) of the Local Government Act, 1993 to periodically report on the performance set by the Management Plan.

The following information relates to the performance of programmes and activities highlighted in the Plan for completion during the quarter ended March 2001.

Recommendation:

- 1 That the report be received and content noted.
- 2 Staff be commended on their performance during the period.

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Programme Name: **General Manager's Office**

Strategic Plan Link: 1.5

Programme Owner: **Ken Gainger**

Group: **General Manager's Office**

Purpose: To manage the organisation effectively and efficiently

Goals/Objectives to be achieved	Actions planned	Quarterly Targets	Progress this Quarter
To meet performance plan targets developed by the Council for the General Manager	<ul style="list-style-type: none">• Prepare, review and monitor performance agreements for Group Managers and staff within the General Manager's Office	<ul style="list-style-type: none">• To meet performance plan target dates and measures outlined in the performance plan	<ul style="list-style-type: none">• <i>Individual meetings with the Group Managers continue to be conducted on a monthly basis. Primarily, the objectives of having these meetings are two-fold:</i><ul style="list-style-type: none">• <i>the Managers provide an overview on activities and performance for their Group and</i>• <i>they form an integral part of the appraisal process on their individual performance appraisal.</i>

Programme Name: **General Manager's Office / Communications and Marketing**

Purpose: To ensure Council 's services are responsive to community needs and expectations

Goals/Objectives to be achieved	Actions planned	Quarterly Targets	Progress this Quarter
Media relations training	<ul style="list-style-type: none">• Prepare and conduct Media training sessions for the Mayor/General Manager/Councillors / staff in accordance with an agreed timetable.	<ul style="list-style-type: none">• Training prepared and presented in accordance with training and development plan with progress reported to Council quarterly.	<ul style="list-style-type: none">• <i>This activity is conducted in two methods. Sessions for specific groups and these are held throughout the course of the year and the other is giving daily advice to Management</i>
Promote internal communication	<ul style="list-style-type: none">• Develop and produce a regular staff newsletter including effective feedback mechanisms to facilitate on-going evaluation as to the effectiveness of the publication as a communications tool.	<ul style="list-style-type: none">• Continue publication of quarterly Staff Newsletter• Establish feedback mechanisms and have working effectively by March 2001.• Provide progress and on-going acceptance reports to GM and HR	<ul style="list-style-type: none">• <i>Each of these activities is in progress</i>

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Programme Name: **General Manager's Office / Client Services** Strategic Plan Link: 1.5 Programme Owner: **Andrew Lovett** Group: **General Manager's Office**
Lindsay Walker

Purpose: To develop and manage Council's competitive tendering service and manage the Memorial Baths, Lismore Lake Pool, community facilities and properties

Goals/Objectives to be achieved	Actions planned	Targets	Progress this Quarter
Develop competitive service provision	<ul style="list-style-type: none"> Manage the contract arrangements for Transit Centre and Clunes Old School 	<ul style="list-style-type: none"> Ongoing monitoring 	<ul style="list-style-type: none"> <i>Clunes Old School Site – continue to provide advice in regard to leases and the like on an 'as required' basis.</i> <i>Transit centre – continue to be active with this site; monitoring the contract and providing advice on the site usage (toilets, DAs etc).</i>
National Competition Policy	<ul style="list-style-type: none"> Research practices and recommend related changes to Council's policy 	<ul style="list-style-type: none"> Complete research and prepared amendments - March 	<ul style="list-style-type: none"> <i>Continue to keep our knowledge current with respect to the National Competition Policy.</i>
Maintain and repair Council buildings	<ul style="list-style-type: none"> Undertake maintenance as per schedule Carry out annual property inspections and update M&R Register Provide professional project management service for Airport terminal and Memorial Baths Review Council's purchasing approval 	<ul style="list-style-type: none"> Reporting against programmed works and services schedules Update register by March Prepare DA for Baths by Jan 2001 Complete review by March 2001 	<ul style="list-style-type: none"> <i>Council Buildings – will be preparing a property and maintenance report for all Council owned improvements on a rotational basis as approved by MGM</i> <i>Memorial Baths – When Council approval is finally issued this matter will be pursued in conjunction with Community Services.</i> <i>Airport – This site has been effectively handed back to B&E, however we continue to 'mop up' outstanding contract matters.</i> <i>Whilst the section is not 'Reviewing Council's purchasing approval', it is monitoring the delivery of supplies and services to Council as part of the tendering process.</i>

Programme Name: **Human Resources Management** Strategic Plan Link: 1.2 Programme Owner: **Isabel Perdriau** Group: **General Manager's Office**

Purpose: To provide a range of human resource systems and services

Goals/Objectives to be achieved	Actions planned	Targets	Progress this Quarter
Measure staff morale	<ul style="list-style-type: none"> Collect regular feedback from staff Arrange for MGM staff briefings 	<ul style="list-style-type: none"> Ongoing monitoring Half yearly 	<ul style="list-style-type: none"> <i>Scheduled more regular information sessions for all staff groups</i>

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Programme Name: **Administrative Services** Strategic Plan Link: 1.4, 1.5 Programme Owner: **Graeme Wilson** Group: **Corporate & Community Services**

Purpose: To provide organisational service by managing resources, customer service, word processing, printing requirements and insurance services for the Council

Goals/Objectives to be achieved	Actions planned	Targets	Progress this Quarter
Provide accurate and timely preparation and distribution of business papers; enact Council decisions	<ul style="list-style-type: none"> Prepare meeting agendas for distribution 1 week prior to the scheduled meeting date Distribute resolved items the day following each meeting with amended items on or before the Friday following the meeting Resolution follow up after 14 days from distribution 	<ul style="list-style-type: none"> Three (3) weekly cycle No later than following Friday On-going 	<ul style="list-style-type: none"> All business papers prepared and distributed on time. Action of distributing resolutions within adopted guidelines has been met Follow up of Council resolutions conducted within adopted time frame
Provide a high quality printing service to Council staff	<ul style="list-style-type: none"> Train staff in appropriate skills Review latest trends in printing technology 	<ul style="list-style-type: none"> Review training needs by March On-going 	<ul style="list-style-type: none"> Review conducted and training needs noted Monitored trends in printing technology
Provide an effective and efficient customer service	<ul style="list-style-type: none"> Monitor current service levels Increase the level of customer service through staff training 	<ul style="list-style-type: none"> Review by March Participate in training programme 	<ul style="list-style-type: none"> Customer Service level within Administrative Services are constantly under review A number of courses have been attended and other courses have been arranged.
Maintain an effective insurance portfolio	<ul style="list-style-type: none"> Review insurance categories and obtain most cost effective brokage deals 	<ul style="list-style-type: none"> Policy renewal 	<ul style="list-style-type: none"> Renewal process commenced and to be finalised in next quarter

Programme Name: **Information Services** Strategic Plan Link: 1.4 Programme Owner: Vacant Group: **Corporate and Community Services**

Purpose: To provide corporate computing services direction and operational support covering data management and retrieval, consultation and training and geographic information services (GIS)

Goals/Objectives to be achieved	Actions Planned	Targets	Progress this Quarter
Implement solutions in response to Council requests	<ul style="list-style-type: none"> Cater for legislative changes Respond to external agency requirements Cater for new Council directives 	<ul style="list-style-type: none"> Respond to changes on need and priority basis 	<ul style="list-style-type: none"> 149 Certificates ready for conversion Environmental Protection Management Facilities – Ongoing MGM commitment to GUI/Ad Hoc Reporter Business-as-usual maintenance Ongoing maintenance

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Programme Name: **Information Services** (ctd)

Goals/Objectives to be achieved	Actions Planned	Targets	Progress this Quarter
Improve administrative efficiency	<ul style="list-style-type: none"> Cater for new business requirements Maintain and upgrade PC network Maintain and upgrade communications capability Cater for new business requirements Maintain up-to-date user documentation Provide training Maintain e-mail applications Maintain and enhance Councils Web site and Web site information 	<ul style="list-style-type: none"> Monitor and enhance services and applications 	<ul style="list-style-type: none"> <i>Business-as-usual / maintenance</i> <i>In progress and on target</i> <i>In progress and on target</i> <i>Business-as-usual maintenance</i> <i>Business-as-usual maintenance</i> <i>Training is an ongoing activity of Information Services</i> <i>Business-as-usual maintenance</i> <i>Added three new Access Data Bases, and new Emergency Flood Page, Fast Facts, Spokeswoman Programme, Community Profile</i> <i>Business-as-usual maintenance</i>
Identify and implement geographic information services	<ul style="list-style-type: none"> Investigate new business requirements for GIS data sets Evaluate and acquire appropriate GIS technologies and data sets 	<ul style="list-style-type: none"> Ongoing Monitor and maintain latest GIS technology 	<ul style="list-style-type: none"> <i>Conversion to LGES 1.3 completed</i>
Investigate and implement Internet/Intranet solutions	<ul style="list-style-type: none"> Investigate and define Intranet business requirements 	<ul style="list-style-type: none"> Complete December 	<ul style="list-style-type: none"> <i>Deferred to Information Services Strategy Development</i>

Programme Name: **Community Services** Strategic Plan Link: 5, 8 Programme Owner: **Anne Meagher** Group: **Corporate and Community Services**

Purpose: To facilitate the provision of community services that support the social and recreational needs of the community

Goals/Objectives to be achieved	Actions Planned	Targets	Progress this Quarter
Ensure services are accessible and culturally appropriate to the diverse needs of the community	<ul style="list-style-type: none"> Update Community Services Directory annually 	<ul style="list-style-type: none"> Update by December 	<ul style="list-style-type: none"> <i>New Directory prepared and available</i>
Develop and implement a plan for the existing and future sporting and recreational needs of Lismore	<ul style="list-style-type: none"> Provide input and follow up into recreation studies, Plans of Management and Section 94 Plans Co-ordinate development of Nesbitt Park and Crozier Oval 	<ul style="list-style-type: none"> Quarterly Works commenced 2001 	<ul style="list-style-type: none"> <i>Works commenced 2001 via Work for the Dole Scheme at Crozier Oval, Development Plans re Nesbitt Pk are being formulated by FNC Cricket Council in conjunction with the LDCA & LDSA</i>
Promote Lismore as the sporting centre of excellence within the region	<ul style="list-style-type: none"> Planning and co-ordination of Lismore Master Games Undertake co-ordinate consultation, overseer design, DA and tender processes 	<ul style="list-style-type: none"> Report to Council in April M/Games Oct Progress reports as required 	<ul style="list-style-type: none"> <i>Masters Games Entry Forms completed and forwarded to 3,000 potential competitors and major promotion work commenced</i> <i>Report to Council in April re Masters Games</i>

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Programme Name: **Community Services** (ctd)

Goals/Objectives to be achieved	Actions Planned	Targets	Progress this Quarter
Development of the Goonellabah Indoor Recreation Centre	<ul style="list-style-type: none"> Co-ordinate planning and consultation, overseer design, DA and tender processes Service internal project team 	<ul style="list-style-type: none"> Progress reports as required. Progress reports as required 	<ul style="list-style-type: none"> Flood line modelling completed by Sinclair Knight Merz and drainage channel defined in consultation with DLWC. Project team meetings deferred until future of Memorial Baths project known.
Ensure efficient and effective use of all community land under Council control	<ul style="list-style-type: none"> Complete Plans of Management in accordance with the Act Involve all stakeholders in planning Service Public Lands Strategy Management Team 	<ul style="list-style-type: none"> Minimum 2 Plans per year by December and June Monthly meetings 	<ul style="list-style-type: none"> Plans of Management for Kadina Park and Adam Gilchrist Park adopted by Council. All stakeholders represented on Kadina Park Management Advisory Committee. Monthly meetings held with minutes recorded.

Programme Name: **Koala Child Care Centre** Strategic Plan Link: 5 Programme Owner: **Roz Roden** Group: **Corporate and Community Services**

Purpose: To provide high quality and affordable child care that meets the clients needs

Goals/Objectives to be achieved	Actions Planned	Targets	Progress this Quarter
Maintain current accreditation standards of the centre	<ul style="list-style-type: none"> Retain current standards for Nov 2002 evaluation Meet annual licence requirements Client surveys 	<ul style="list-style-type: none"> Nov 2002 Monitor progress annually Monitor quarterly 	<ul style="list-style-type: none"> Very positive feedback from Client Quarterly surveys for March regarding centre standards of care and consultation with client families.
Provide appropriate staff training	<ul style="list-style-type: none"> Identify individual staff training needs through implementation of Performance Evaluation System Resource available staff training services 	<ul style="list-style-type: none"> Quarterly/Annual needs identification Monthly assessment 	<ul style="list-style-type: none"> Two staff members were able to update their first aid certificate and another staff member attended Effective Communication workshop

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Programme Name: **Building and Regulation**

Strategic Plan Link: 4.1

Programme Owner: **Peter Craig**

Group: **Planning and Development**

Purpose: To provide building development, fire safety and other approvals that comply with relevant legislation and to provide a degree of enforcement in relation to regulatory matters commensurate with community expectations

Goals/Objectives to be achieved	Actions planned	Targets	Progress this Quarter
Provide timely and qualitative processing of development and other applications; Ensure buildings are constructed to Building code of Australia and relevant standards	<ul style="list-style-type: none"> Monitor processing rates and monitor qualitative outcomes Evaluate and review processing procedures Monitor processing outcomes 	<ul style="list-style-type: none"> Monthly Performance Reports Five reports/staff member / annum Ongoing 	<ul style="list-style-type: none"> Quality and outcome of assessments are good, however average approval times need improvement. Application of B.C.A. to buildings is satisfactory.
Maintain required level of enforcement of the various Acts, Statutes, Codes and local approvals policies	<ul style="list-style-type: none"> Assess and determine applications Undertake inspections 	<ul style="list-style-type: none"> Monthly Performance Reports Monthly Performance Reports 	<ul style="list-style-type: none"> Activities in these areas are satisfactory.
Ensure property and building owners provide annual Fire Safety Certificates - both private and public	<ul style="list-style-type: none"> Correspond with property owners to enforce compliance 	<ul style="list-style-type: none"> 60 per quarter 	<ul style="list-style-type: none"> Due to resource constraints and prioritising work no mail outs were done this quarter. We will double up next quarter.

Programme Name: **Environmental Health**

Strategic Plan Link: 6

Programme Owner: **Matthew Kelly**

Group: **Planning and Development**

Purpose: To provide environmental health and intervention services that benefit the natural and built environments

Goals/Objectives to be achieved	Actions planned	Targets	Progress this Quarter
Provide environmental health management through the development, implementation and evaluation of strategies and programmes	<ul style="list-style-type: none"> Undertake environmental audits Fulfil State of the Environment reporting commitments 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> Stormwater Education programme being delivered Presented and adopted by Council
Implement environmental health statutes, develop implement and evaluate policies and guidelines	<ul style="list-style-type: none"> Assess and determine applications / complaints Monitor compliance standards 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> An ongoing activity undertaken within resources current performance meeting requirements An ongoing activity undertaken within resources

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Programme Name: **Environmental Strategies**

Strategic Plan Link: 6

Programme Owner: **Matthew Kelly**

Group: **Planning and Development**

Purpose: To develop a strategic framework for efficient and environmentally responsible management, control and minimisation of waste

Goals/Objectives to be achieved	Actions planned	Targets	Progress this Quarter
Develop and implement and evaluate waste strategies, policies, systems and services	<ul style="list-style-type: none"> Support/review the implementation of new waste services Undertake annual waste audit 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> Recycle audit progressed and reported to Council Waste audit completed
Develop, implement, evaluate and co-ordinate Council's dynamic waste minimisation strategy	<ul style="list-style-type: none"> Review integrated waste management strategy 	<ul style="list-style-type: none"> Complete by March 	<ul style="list-style-type: none"> Commenced but not completed at this point in time. New target date – November.
Take a regional leadership role in the development and implementation of waste management and minimisation strategies, policies, systems and services	<ul style="list-style-type: none"> Participate in regional co-operation Participate in regional organic waste management 	<ul style="list-style-type: none"> Continue to liaise with other Councils 	<ul style="list-style-type: none"> Active participation continues in this area

Programme Name: **Survey, Design & Subdivision Control**

Strategic Plan Link: 3.1, 3.2

Programme Owner: **Gary Rees**

Group: **City Works**

Purpose: To design council assets to nationally acceptable standards

Goals/Objectives to be achieved	Actions Planned	Quarterly Targets	Progress this Quarter
Survey/Design classified roads	<ul style="list-style-type: none"> Undertake in accordance with RTA's schedule of works <ul style="list-style-type: none"> Undertake survey Design Produce plans and documentation Projects: Bruxner Highway - Goonellabah & Lismore <ul style="list-style-type: none"> Bangalow Rd - Lismore 	<ul style="list-style-type: none"> Monthly Schedule 	<ul style="list-style-type: none"> Bruxner Highway – Goonellabah & Lismore design completed Bangalow/Lagoon Grass Rd Intersection design completed
Survey/Design Council-owned roads	<ul style="list-style-type: none"> Undertake in accordance with Council's Road Works and Construction Schedule - Undertake survey <ul style="list-style-type: none"> Design Produce plans and documentation Projects: Eltham Rd R'bout, Rotary Drive, Cullen Street 	<ul style="list-style-type: none"> Monthly Schedule 	<ul style="list-style-type: none"> Eltham Rd R'bout design completed Rotary Drive subject to environmental report Cullen Street design completed
Survey/Design miscellaneous Council assets (Drainage, Parks, etc.)	<ul style="list-style-type: none"> Professionally prepare plans for required works <ul style="list-style-type: none"> Programme - Hanlon Street 	<ul style="list-style-type: none"> Within programme of works 	<ul style="list-style-type: none"> Hanlon Street design completed

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Programme Name: **Parks and Recreation**

Strategic Plan Link: 7

Programme Owner: **Neil Moreton**

Group: **City Works**

Purpose: To provide, maintain and preserve passive and recreational parks and facilities, streetscapes and public conveniences

Goals/Objectives to be achieved	Actions planned	Targets	Progress this Quarter
Present playing surfaces in a high standard by developing and improving sportsgrounds. Maintain Streetscape	<ul style="list-style-type: none"> Complete capital works listed under urban sportsground development fund. Provide appropriate maintenance for trees - pruning, planting removal Maintain City entrances and street gardens built by Council 	<ul style="list-style-type: none"> Complete works in accordance with Plan Ongoing Ongoing - maintenance schedule. 	<ul style="list-style-type: none"> 5 projects completed, 2 in progress and 2 yet to commence. Number of trees pruned increasing. Garden maintenance schedules behind targeted objectives.
Provide and maintain recreational facilities	<ul style="list-style-type: none"> Continue with upgrading playgrounds not to Aust Standards. Continue with playground inspections Implement Section 94 Open Space Plan Undertake capital development projects 	<ul style="list-style-type: none"> Ongoing - upgrade programme Revise programme Complete in accordance with Plan Projects approved; <ul style="list-style-type: none"> Bins covers – Nimbin Fence – Riley's Lookout NRE shelter – Woodlark Nesbitt Pk upgrade 	<ul style="list-style-type: none"> Upgrade playground equipment in Heritage Park Playgrounds are monitored on a regular basis Majority of Sec 94 projects completed. Bin Covers Nimbin completed. Fence Riley's lookout commenced. NRE shelter completed Nesbitt Park commenced.

Programme Name: **Lawn Cemetery and Crematorium**

Strategic Plan Link: 5.1

Programme Owner: **Kris Whitney**

Group: **Business and Enterprise**

Purpose: To provide a range of human services relating to the funeral industry

Goals/Objectives to be achieved	Actions planned	Targets	Progress this Quarter
Increase profile and management services	<ul style="list-style-type: none"> Conduct a client service review 	<ul style="list-style-type: none"> Quarterly reviews 	<ul style="list-style-type: none"> Due to Managers absence this item has not been addressed. Completion is expected June 2001.
Conduct burial/cremation services	<ul style="list-style-type: none"> Respond to client requirements Review fee structure 	<ul style="list-style-type: none"> Ongoing Monitor/review March 	<ul style="list-style-type: none"> 148 cremations conducted 39 caskets collected by LMG staff 30 burial interments Local and remote comparative markets reviewed. New fee structure forwarded to Finance. GST implications being currently reviewed.
Provide memorials	<ul style="list-style-type: none"> Review fee structure Review memorial options 	<ul style="list-style-type: none"> Monitor and review annually Research by March 	<ul style="list-style-type: none"> Funeral Market provision of memorials reviewed November 2000 Extension of memorial range, withheld until development of Memorial Gardens extension plans

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Programme Name: **Aerodrome Operations**

Strategic Plan Link: 2.2, 3.1

Programme Owner: **Craig Kelly**

Group: **Business & Enterprise**

Purpose: To operate Lismore Aerodrome efficiently and effectively

Goals/Objectives to be achieved	Actions planned	Targets	Progress this Quarter
Development of a Marketing Strategy for the Airport	<ul style="list-style-type: none"> Promote business opportunities associated with the airport Lismore airport as a training destination Renewing the Lismore Brisbane air link 	<ul style="list-style-type: none"> Undertake marketing by Dec. Feasibility by March 2001 Research by June 2001 	<ul style="list-style-type: none"> Direct Marketing of Lismore directly to Airlines Promotion plan of airport benefits and achievements with PR Market research by SCU re suitability of terminal and services

Programme Name: **Commercial Property Management**

Strategic Plan Link: 1.5

Programme Owner: **Andrew Lovett**

Group: **Business and Enterprise**

Purpose: To provide a range of property asset and building services and advice to Council

Goals/Objectives to be achieved	Actions planned	Targets	Review Period
Manage an effective and efficient commercial property portfolio	<ul style="list-style-type: none"> Apply best practice Review and update local statistics on rents and vacancies Facilitate project teams on property issues Provide effective and efficient management for Nimbin Caravan Park and Pool 	<ul style="list-style-type: none"> Ongoing Report on lease and license reviews quarterly Ongoing Monitor activities and report annually 	<ul style="list-style-type: none"> Various Leasing agreements renewed 3 Flood Prone properties bought OLHSS negotiations with DET The Section continues to be active in supporting the management of the complex
Negotiate, acquire, transfer and dispose of operational, statutory and commercial assets	<ul style="list-style-type: none"> Manage and monitor delivery Overseer the Dawson Street Caravan Park lease 	<ul style="list-style-type: none"> Review systems annually Monitor 	<ul style="list-style-type: none"> Continues as part of Section Service Currently negotiating with the Dawson Street Caravan Park to ensure the best possible balance between ensuring the safety of the occupants and the commercial position of Council.

Programme Name: **Water Supply Services**

Strategic Plan Link: 6.5, 6.4, 2.2

Programme Owner: **Anu Atukorala**

Group: **Business and Enterprise**

Purpose: To provide water supply services that meet the current and future needs of the community

Goals/Objectives to be achieved	Actions planned	Quarterly Targets	Review Period
Provide improved levels of service delivery through: <ul style="list-style-type: none"> Outsourcing Benchmarking, and Introduction of N.C.Policy guidelines 	<ul style="list-style-type: none"> Outsource selected works and manage water supply system Ensure compliance with NCP guidelines 	<ul style="list-style-type: none"> Quarterly progress reporting 	<ul style="list-style-type: none"> Contracts let out for replacement of water mains in Lake St, Ross St, Garrad St and Kruass Ave.

LISMORE CITY COUNCIL - Meeting held June 12, 2001

Programme Name: **Water Supply Services** (ctd)

Goals/Objectives to be achieved	Actions Planned	Targets	Progress this Quarter
Provide improved levels of customer service through a focus on: <ul style="list-style-type: none"> Implement new level of customer service Accurate headworks assessment Demand management 	<ul style="list-style-type: none"> Operate performance monitoring system Investigate options for augmenting Nimbin water supply Participate in demand management initiatives 	<ul style="list-style-type: none"> Quarterly progress reporting 	<ul style="list-style-type: none"> <i>The Nimbin Water Supply Committee has been meeting regularly.</i>
Provide improved asset management by: <ul style="list-style-type: none"> Introducing programmed maintenance of Council's water assets Developing an asset renewal and augmentation strategy 	<ul style="list-style-type: none"> Set up best practice maintenance systems Review asset renewal and augmentation plan 	<ul style="list-style-type: none"> Quarterly progress reporting 	<ul style="list-style-type: none"> <i>Asset renewal program for 2001/02 is under review at present.</i>
Implement Business Plan	<ul style="list-style-type: none"> Review financial plan for 20 years showing capital and recurrent expenditure with published performance indicators 	<ul style="list-style-type: none"> Quarterly reporting 	<ul style="list-style-type: none"> <i>Quarterly reporting undertaken in conjunction with Council's general financial reporting</i>

Programme Name: **Sewerage Services** Strategic Plan Link: 6.5, 6.4, 2.2 Programme Owner: **Anu Atukorala**

Group: **Business and Enterprise**

Purpose: To provide sewerage services that meet the current and future needs of the community

Goals/Objectives to be achieved	Actions planned	Quarterly Targets	Review Period
Provide improved levels of service delivery through: <ul style="list-style-type: none"> Outsourcing Benchmarking, and Introduction of N.C.Policy guidelines Complete stage 2 of sewerage augmentation upgrade 	<ul style="list-style-type: none"> Outsource selected works and manage sewerage system upgrade contracts Ensure compliance with NCP guidelines 	<ul style="list-style-type: none"> Quarterly progress reporting 	<ul style="list-style-type: none"> <i>Contract documents are being prepared for a large parcel of sewer mains renewal.</i>
Provide improved levels of customer service through a focus on: <ul style="list-style-type: none"> Implement new levels of service Accurate headworks assessment and contributions Participation in the development of new village scheme strategies Development of effluent reuse strategy 	<ul style="list-style-type: none"> Operate performance monitoring system Investigate sewerage schemes for new and existing villages – Clunes and North Woodburn Investigate effluent / biosolids reuse strategy 	<ul style="list-style-type: none"> Quarterly progress reporting 	<ul style="list-style-type: none"> <i>The Clunes Wastewater Committee has been meeting regularly. Council is awaiting funding approval from the DLWC.</i> <i>Nearly 80% of the effluent from South Lismore was reused.</i> <i>Investigations are underway for utilising Biosolids in pasture.</i>

Programme Name: **Sewerage Services** (ctd.)

Provide improved asset management by:

- Introducing programmed maintenance of Council's sewerage assets
- Reducing wet weather overflows, and
- Developing an asset renewal and augmentation strategy

Business Plan

- Operate best practice maintenance systems
- Investigate options for reducing I/I
- Review asset replacement programme
- Quarterly performance reporting
- *Asset replacement program for 2001/02 is under review at present*
- Review financial plan for 20 years showing capital and recurrent expenditure with published performance indicators.
- Quarterly reporting
- *Quarterly reporting undertaken in conjunction with Council's general financial reporting*

LISMORE CITY COUNCIL - Meeting held June 12, 2001

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD MAY 16, 2001 AT 10.00 AM.

(WMacD:VLC:S352)

Present: Bill Moorhouse (*Chairperson*), Councillors Ken Gallen, John Hampton and Mervyn King, M/s Bronwyn Mitchell on behalf of Mr Thomas George, MP, Messrs Mike Baldwin (*Roads and Traffic Authority*), John Daley (*Lismore Unlimited*), Snr Const Brian Buckley (*Lismore Police*) and Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

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

Minutes of Traffic Advisory Committee Meeting – April 18, 2001

Members were advised that the Minutes of the meeting held on April 18, 2001 were adopted by Council at its meeting of May 1, 2001, excluding Item No. 1 (TAC28/01) – BBC Hardware House Development. With respect to this item, Council resolved that the RTA be requested to implement an end limits programme through the section, Caniaba Road to Three Chain Road.

The Committee noted Council's resolution and Mr Baldwin undertook to carry out the N-Limits survey and report the results back to the Committee.

TAC42/01 **RECOMMENDED** that the above be noted. (S352,R4807)

Disclosure of Interest: Nil

Correspondence:

1. **Mrs E McLennan;** seeking an extension of the 60kph speed zone on Dunoon Road at Tullera north of the Bentley Road intersection; also requesting the installation of 'Give Way' or 'Stop' signs on Bentley Road at its junction with Dunoon Road and increased traffic signs in general in this area.

The Committee was advised that a new 60kph speed zone had only recently been installed along Dunoon Road at the top of the 'cutting' but stopped short of Bentley Road. Due to the residents' concerns and a further inspection of the road, it was suggested that the 60kph be extended a further 300m north to take in the Bentley Road intersection and the rise beyond, as outlined in the letter. As the intersection of Dunoon Road and Bentley Road was a T-Junction and traffic exiting from Bentley Road was already required to give-way to traffic on Dunoon Road, a 'Give Way' sign was not considered warranted.

TAC43/01 **RECOMMENDED** in accordance with the above. (01-5934:R3407)

2. **S Wilson;** drawing attention to the concentration of traffic on the intersection of Hindmarsh and Leycester Streets following the closure of Orion Street to through traffic and outlining a possible solution.

Members were not aware of any noticeable increase in accidents at the intersection of Leycester and Hindmarsh Streets as a result of the roundabout's installation. Whilst it was acknowledged that the roundabout was tight in construction, it was felt that accidents would generally be of a minor nature.

It was also felt that the interchange was still generally working well and its integrity would be seriously undermined if it was split as a result of the re-opening of Orion Street at Brewster Street. It was noted that Council was in the process of completing a design and estimate for a roundabout at the intersection of Dawson and Leycester Streets and this was still considered the most appropriate option.

TAC44/01 **RECOMMENDED** that the writer be advised in accordance with the above.

(01-6093:S352,R6029,R6042,R6051)

3. **Nimbin Tourist Connexion and Other Proprietors at Cullen Street, Nimbin;**
seeking the relocation of the Bus Stop on the western side of Cullen Street, to a position in front of Grevillea House which is the premises of the Nimbin Tourist Connexion.

There would appear to be good support from all bus operators who currently use the Bus Zone in front of the former community school at Cullen Street for the zone to be relocated further north in front of 'Grevillea House'. The Committee raised no objection to the proposal.

TAC45/01 **RECOMMENDED** that the Bus Zone on the western side of Cullen Street, in front of the former community school, be relocated further north, in front of 'Grevillea House'. (01-6904:R1701.S599)

General Business

4. **No. 151 Woodlark Street – Lack of On-Street Parking**

Mr Paul Nicoli had lodged a complaint for the lack of available on-street parking in the vicinity of his business.

The Committee was advised that an on-site meeting had been held with Mr Nicoli to further discuss problems associated with on-street parking in front of his business. According to Mr Nicoli, vehicles were regularly parked along the southern side of Woodlark Street, between Dawson and King Streets, for lengthy periods, thereby limiting available parking close by for Mr Nicoli's customers.

Parking along this section was currently unrestricted. A proposal to introduce a two-hour limit was discussed with business houses between the Mobile Service Station and King Street with no objections being received.

TAC46/01 **RECOMMENDED** that two-hour parking be introduced on the southern side of Woodlark Street, between the Mobile Service Station and King Street. (R7329)

5. **No. 136 Union Street, South Lismore – Restricted Access to Property**

M/s Karen Keaton had expressed difficulty with reversing from her driveway at the above location due to the close proximity of the nearby roundabout at the Union/Ballina Streets intersection.

Members were advised that an on-site meeting had been held with M/s Keaton to further discuss problems with access to and from her property. The driveway was the first access on the eastern side of Union Street, just around the corner from the Ballina Street Bridge heading towards Casino.

Unfortunately there was little that could be done to improve the current situation if residents reversed out of the driveway due to the existence of the kerb blister associated with the roundabout. It was suggested that it may be easier if the residents reversed into the property which would allow them to drive out in a forward movement. This would be much safer than a reversing action. This may necessitate the widening of the driveway and M/s Keaton agreed to take up this issue with the owners of the property.

TAC47/01 **RECOMMENDED** that the above be noted. (R6938)

6. **Intersection of Elizabeth and Nielson Streets, East Lismore**
Mr Graeme Moy of Kirklands Coaches had expressed concern for the number of motorists parking their vehicles too close to the above intersection, restricting access to and sight distance of the pedestrian refuge at this location. An on-site meeting was held with a number of Kirklands Representatives to ascertain the best method of resolving the current problems. The area of concern was adjacent to an existing pedestrian refuge and double white centre lines, and it was acknowledged that motorists legally should not be parked in this area in any case. However, in order to highlight this restriction, it was suggested that a 'No Stopping' zone be introduced on the southern side of Elizabeth Street, from Nielson Street up to the first driveway heading west.
- TAC48/01** **RECOMMENDED** in accordance with the above. (R7434,R7459)
7. **Kirkland Road, Nimbin**
The Committee had been asked to investigate the concerns of a local resident regarding road user safety. Members were advised that Kirkland Road had been inspected with Police Representatives the day prior to the meeting and it was noted that the road was in good condition and of a standard consistent with other gravel roads within Council's area. Accordingly, additional traffic facilities along the road were not considered warranted.
- TAC49/01** **RECOMMENDED** that the above be noted. (R2140)
8. **Intersection of Union Street/Three Chain Road,- Line-Marking**
A request had been received for the review of the directional arrows leading into the roundabout. As a result of sight observations, it was noted that a significant amount of south-bound traffic on Union Street still turned right into Three Chain Road. It was felt that the existing lane markings which required traffic in the right lane to turn right, and traffic in the left lane to go straight through or turn left worked well. However, there was no objection to both lanes showing straight through arrows provided there was sufficient pavement width south of the roundabout to allow for a proper merging lane. This was currently not the case.
- TAC50/01** **RECOMMENDED** that this proposal be referred to Council's Design Services Section for investigation and preparation of a plan and estimate for a merge lane on the Bruxner Highway, south of the roundabout at Three Chain Road, and this be referred back to the Committee for further consideration. (R6938)
9. **Directional Signage at Exit of Lismore Airport – Bruxner Highway**
A request had been received that directional signage be installed on the Bruxner Highway indicating north to Lismore and south to Casino. The Committee raised no objection to the erection of a suitable direction sign on the Bruxner Highway opposite the Airport access road indicating the direction to both Lismore and Casino.
- TAC51/01** **RECOMMENDED** that a suitable sign be erected. (R4807)

10. CBD Internal Lane System

Three different options were tabled at the meeting showing varying traffic flow directions within the internal lane system with the objective for all three enabling motorists into Larkin Lane from Keen Street, thereby increasing access opportunities for motorists wishing to enter the section of Carrington Street, north of Magellan Street.

Option 2 was considered the most practical and it was suggested that this option be advertised for public comment and also a plan circulated to business houses within the 'Main Block' area who would be affected. The results of any feedback would be then brought back to the Committee for further consideration.

TAC52/01 **RECOMMENDED** in accordance with the above. (S352)

11. No. 314 Ballina Road, Goonellabah - U-Turn Movements

A complaint had been received from residents of No. 314 Ballina Road raising concerns for the number of motorists who currently carry out a U-turn maneuver in front of their property to gain access to the new BP Service Station at Goonellabah. This was being done due to a centre median being constructed in the centre of Ballina Road as part of the Service Station development.

The Committee noted that the ultimate solution in such cases is for a full centre median to be installed between roundabouts. However, this was not practical due to the lack of a roundabout east of the site. There was a sealed area in front of the units which was seen as a suitable alternative in the short term until such time as the median could be extended.

TAC53/01 **RECOMMENDED** that the writer be advised in accordance with the above. (R6408)

12. James Street, Dunoon – Vehicle Speeds

Mr MacDonald advised that members of the Dunoon Forum Group had expressed concern that the recently introduced 50kph speed limit through the Village was not being adhered to. It was suggested that in order to more accurately determine vehicle speeds, a classifier be installed on James Street, Dunoon, somewhere between Munro Road and the General Store; the results of which could be reported back to the next meeting to consider whether or not any further action was required.

TAC54/01 **RECOMMENDED** in accordance with the above. (R1501)

13. Gravel Road Intersection Treatments

The issue of gravel road maintenance, particularly near their intersection with bitumen-sealed roads was discussed. It was suggested that it should be normal practice when roads are reconstructed and they include an intersection with a gravel road, then the first 20m-30m of the gravel road should also be sealed. This would increase safety for motorists' entry or exit from such roads and reduce ongoing maintenance.

TAC55/01 **RECOMMENDED** that the above suggestion be adopted as practice for future works. (S374)

14. Kadina Street – High School Access

A plan was tabled showing an extension of the centre median on Kadina Street which incorporated a right-turn lane into the School access road but still prohibited right-turn exits. This proposal formed part of a previous recommendation.

The plan had also been shown to the Principal of Kadina High School, Mrs Hughes, who had given her support.

TAC56/01 **RECOMMENDED** that the latest proposal be adopted by Council and the works be undertaken at the earliest opportunity providing funds are available. (R6469)

15. **Lack of Footpaths – Southern Side of New Ballina Road**
Concerns were raised regarding the lack of footpath facilities on the southern side of New Ballina Road, between High and Kellas Streets. This was a heavily trafficked area by pedestrians, evidenced by the track worn along the grassed reserve.
- TAC57/01** **RECOMMENDED** that this pathway be given a high priority when footpath construction works are next undertaken. (R7126)
16. **Installation of Speed Camera at Clunes**
The Chairperson raised concern that the installation of the speed camera on the southern side of the Clunes Village was being carried out without Council being officially advised. It was suggested that the speed of vehicles through Clunes had been an issue for some time and it was felt that physical devices at strategic locations along Main Street may have achieved a similar result. There was concern that there may be perception from the public that the speed camera was merely a revenue raising exercise and not addressing the real problem. The question was asked as to what criteria was used when determining the installation of cameras and should Council have been consulted as part of the investigation. Mr Baldwin agreed to make enquiries and report back to the next meeting.
- TAC58/01** **RECOMMENDED** that the above be noted. (R1301,S342)
17. **Lack of Footpath Facilities - High Street**
Concerns were raised regarding the lack of footpath facilities along High Street, particularly the area between the ABC Studio and Diadem Street. It was noted that many pedestrians used the roadway to walk down to the shops at Leicester Street and beyond, which was considered to be quite dangerous given the winding and narrow road width. It was suggested that the footpath may need to detour through part of Elizabeth Gardens as the road shoulder was also narrow in parts.
- TAC59/01** **RECOMMENDED** that the proposal be referred to Council's Roads & Infrastructure Section for investigation and inclusion in a future footpath works programme. (R7117)
18. **Access to Railway Station off Union Street**
Concerns were raised that some motorists were actually driving on the wrong side of the median refuge in front of the Railway Station to gain access to the Station Carpark. It was agreed that this item should be listed for the next meeting to allow time for an inspection of the site.
- TAC60/01** **RECOMMENDED** in accordance with the above. (R6938)

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

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

Lease: Council to Battista: Left Bank Cafe

This is a new 5x5 year lease for the Left Bank Cafe to the current tenants. The lease also contains a first right of refusal clause for either the leasing or purchase of the overall Art Gallery and Cafe premises, that would be exercisable in the event that Council decided to relocate the Art Gallery.

(S615)

Licence Agreement – The Mecca Café (S J Fry)

The licence agreement has been set up to enable Lismore food serving facilities to utilise outdoor kerbside areas for dining spaces under Policy 5.2.24. – 1/7/2000 to 30/6/2002.

(P6314)

Licence Agreement – Sistas Café

Licence agreement for kerbside dining at 1/48 Magellan Street – 1/11/2000 to 31/10/2002.

(P20683)

Funding and Performance Agreement – Koala Long Day Care Centre and Community Development staff

* Funding – Koala Child Care Centre - \$15,626

* Subsidy – Community Development staff - \$10,625

(01-7237: S728)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COFFEE CAMP COMMUNITY HALL, ON TUESDAY, MAY 1, 2001 AT 6.32 PM.

Present: His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen, Hampton, King, Roberts, Suffolk, Swientek (from 6.40pm) and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Finance & Administration, Quarry Manager, Fire Control Officer, Assets Manager (Water & Wastewater), Manager-Communications & Community Relations, Manager-Community Services, Manager-Client Services, Manager-Environmental Health and Administrative Services Manager.

76/01 **Apologies/** Leave of absence was granted to Councillor Hampton for the
Leave of period June 12, 2001 to July 27, 2001.
Absence: (Councillors Baxter/Swientek)
Leave of absence was granted to Councillor Irwin on March 13, 2001.

77/01 **Minutes:** The Minutes of the Ordinary Meeting held on April 10, 2001, were confirmed.
(Councillors Roberts/Hampton)

PUBLIC ACCESS SESSION:

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

Mr Bob Marsh re Networking the Nation and Nimbin Carparking

(See Minute Nos. 79-80/01)

Mr Marsh addressed Council as Chairman of the Nimbin Chamber of Commerce. Firstly he spoke in support of Council making an application to Networking the Nation, stressing the growing need for a mobile phone service for areas surrounding Nimbin. Secondly he supported the extension of the western carpark citing the growing demand for carparking spaces in Nimbin.
(01-5504: D01/113, S158, 01-5404: P16044)

RESCISSION MOTION:

Registration of Interest – Memorial Baths

(Copy attached)

Formal notice having been given by Councillors Hampton, Suffolk and Gates it was MOVED that Council rescind the Mayoral Minute passed at the meeting of the 10th April, 2001, which moved:

- 1 Applications for Registration of Interest (ROI) be called forthwith.
- 2 Applicants be advised that the process will be a step-by-step process and construction may be staged over a number of years and the ROI be worded to reflect this concept.
- 3 Council confirm the Memorial Baths site is the preferred option for a new aquatic facility incorporating a new olympic sized pool.

(Councillors Gates/Hampton)

MOTION BE PUT:

78/01 **RESOLVED** that the motion be put.
(Councillor Hampton)

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

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors King, Chant, Baxter, Hampton, Suffolk and Gates.
(01-5702/T21004)

NOTICE OF MOTIONS:

Carparking at Nimbin

(Copy attached)

79/01 Formal notice having been given by Councillor Roberts it was **RESOLVED** that Council commence construction of the additional carparking in Nimbin at the earliest opportunity, regardless of pedestrian access issues being resolved.
(Councillors Roberts/Tomlinson)

Voting Against: Councillors Baxter, Hampton, Suffolk and Gates.
(01-5404:P16044)

Networking the Nation

(Copy attached)

80/01 Formal notice having been given by Councillors Tomlinson/Roberts it was **RESOLVED** that Council prepare and submit an application aimed at gaining Federal Government funding (under the Networking the Nation scheme) towards the cost of erecting a mobile phone transmitter tower at Mt Nardi.

If the application is successful then the matter be brought back to Council for re-evaluation and final determination.

In the meantime Council investigate funding options to meet the \$10,000 cost including the possibilities of a contribution from Council's budget allocation to economic development, from neighbouring councils where the benefit will be shared and from the communities that will directly benefit from the service.

(Councillors Tomlinson/Roberts) (01-5504:D01/113,S158)

REPORTS:

NSW Rural Fire Service, Service Level Agreement

(Copy attached)

81/01 **RESOLVED** that the report be received and –

- 1 That Council ratify the Service Level Agreement.
- 2 That the document be executed under the common seal of Council.
- 3 That Council nominate two (2) Councillors and the General Manager (or his delegate) as members of the Liaison Committee; the two Councillors being Suffolk & Gallen

(Councillors Gallen/Crowther) (S100)

Replacement of Council Plant V100, Quarry Dump Truck

(Copy attached)

82/01 **RESOLVED** that the report be received and that Council:

- 1 Accept the tender offered by Hitachi Construction Equipment for the supply of one (1) only R32C Rigid Body Dump Truck.
- 2 Enter into an Operating Lease with Hitachi Construction Equipment for a period of eight years.

- 3 Enter into the maintenance package option for maintenance of the equipment.
- 4 Trade in the existing vehicle (V100) for an amount of \$70,500, with funds to be returned to Quarry Reserves.
(Councillors Chant/Hampton) (T21012)

Section 64 Plan Review, Caniaba Water Supply and Wastewater

(Copy attached)

83/01

RESOLVED that the report be received and Council adopt the Section 64 Contribution Plan for Caniaba Water Supply and Wastewater Supply dated February 2001 (attachment 1) to take effect from May 2, 2001.

(Councillors Roberts/Suffolk)

Voting Against: Councillor Swientek.
(S744)

Lismore Square Shopping Centre Section 96(2) Modification

(Copy attached)

A MOTION WAS MOVED that the report be received and –

A. That the application for modification to Development Application No. 97/293 be approved, with the following adjustments being made to the current consent.

1 **Condition No. 1** being adjusted to relate to new plan reference numbers:

Proposed Ground Floor Level SKO1 Issue D dated 5/4/01

Proposed Mezzanine Floor Level SKO2 Issue B dated 5/4/01

Proposed Retail Level SKO3 Issue P1 dated 1/3/01

Elevations and Sections SKO4 Issue A dated 13/12/00

SKO5 Issue A dated 13/12/00

2 **Condition 3.1 be amended to read:**

“3.1 That the Developer provide a replacement for the existing Lismore Neighbourhood Centre at such location as is determined by the City of Lismore, such replacement centre to comprise a floor area not less than the floor area of the existing centre at McKenzie Street. The replacement centre is to be completed and made operational to Council’s satisfaction, prior to the demolition of the existing centre”.

3 **Condition 7.12** being amended from “1,133 carparking spaces” to “1,091 off-street carparking spaces”.

4 **Condition 4.3** – be amended by deletion of “1996” from the end of the condition.

5 **Substitute** the term “Construction Certificate” in lieu of “Building Application” in Conditions 3.3, 4.3, 4.5, 4.8, 5.1, 6.4, 9.1, 11.1, 12.6, 12.7, 13.6, 14.3, 14.5, 14.8, 15.3, 16.1, 18.2, 20.3, 21.1, and in Note 2.

6 **Add Note 12** – Individual conditions under separate Development Applications Nos 99/486 (Travelator), DA99/676 (Coles Extensions) and DA00/153 (Florist/ATM’s) remain current as appropriate to each of those individual consents.

(Councillors Swientek/Gallen)

AN AMENDMENT WAS MOVED that the report be received and –

A. That the application for modification to Development Application No. 97/293 be approved, with the following adjustments being made to the current consent.

1 **Condition No. 1** being adjusted to relate to new plan reference numbers:

Proposed Ground Floor Level SKO1 Issue D dated 5/4/01

Proposed Mezzanine Floor Level SKO2 Issue B dated 5/4/01

Proposed Retail Level SKO3 Issue P1 dated 1/3/01

Elevations and Sections SKO4 Issue A dated 13/12/00

SKO5 Issue A dated 13/12/00

- 2 **Condition 3.1 be amended to read:**
“3.1 That the Developer provide a replacement for the existing Lismore Neighbourhood Centre at such location as is determined by the City of Lismore, such replacement centre to comprise a floor area not less than the floor area of the existing centre at McKenzie Street. The replacement centre is to be completed and made operational to Council’s satisfaction, prior to the demolition of the existing centre”.
- 3 **Condition 7.12** being amended from “1,133 carparking spaces” to “1,091 off-street carparking spaces”.
- 4 **Condition 4.3** – be amended by deletion of “1996” from the end of the condition.
- 5 **Substitute** the term “Construction Certificate” in lieu of “Building Application” in Conditions 3.3, 4.3, 4.5, 4.8, 5.1, 6.4, 9.1, 11.1, 12.6, 12.7, 13.6, 14.3, 14.5, 14.8, 15.3, 16.1, 18.2, 20.3, 21.1, and in Note 2.
- 6 **Add Note 12** – Individual conditions under separate Development Applications Nos 99/486 (Travelator), DA99/676 (Coles Extensions) and DA00/153 (Florist/ATM's) remain current as appropriate to each of those individual consents.
- B.** That a 12 month extension to the Development Consent be granted, with validity of the Consent being made effective to August 6, 2002.
(Councillors Roberts/Crowther)

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

Voting Against: Councillor Swientek.

84/01

RESOLVED that the report be received and –

- A.** That the application for modification to Development Application No. 97/293 be approved, with the following adjustments being made to the current consent.
- 1 **Condition No. 1** being adjusted to relate to new plan reference numbers:
Proposed Ground Floor Level SKO1 Issue D dated 5/4/01
Proposed Mezzanine Floor Level SKO2 Issue B dated 5/4/01
Proposed Retail Level SKO3 Issue P1 dated 1/3/01
Elevations and Sections SKO4 Issue A dated 13/12/00
SKO5 Issue A dated 13/12/00
- 2 **Condition 3.1 be amended to read:**
“3.1 That the Developer provide a replacement for the existing Lismore Neighbourhood Centre at such location as is determined by the City of Lismore, such replacement centre to comprise a floor area not less than the floor area of the existing centre at McKenzie Street. The replacement centre is to be completed and made operational to Council’s satisfaction, prior to the demolition of the existing centre”.
- 3 **Condition 7.12** being amended from “1,133 carparking spaces” to “1,091 off-street carparking spaces”.
- 4 **Condition 4.3** – be amended by deletion of “1996” from the end of the condition.
- 5 **Substitute** the term “Construction Certificate” in lieu of “Building Application” in Conditions 3.3, 4.3, 4.5, 4.8, 5.1, 6.4, 9.1, 11.1, 12.6, 12.7, 13.6, 14.3, 14.5, 14.8, 15.3, 16.1, 18.2, 20.3, 21.1, and in Note 2.
- 6 **Add Note 12** – Individual conditions under separate Development Applications Nos 99/486 (Travelator), DA99/676 (Coles Extensions) and DA00/153 (Florist/ATM's) remain current as appropriate to each of those individual consents.
- B.** That a 12 month extension to the Development Consent be granted, with validity of the Consent being made effective to August 6, 2002.
(Councillors Roberts/Crowther) (D97/293)
Voting Against: Councillor Swientek.
-

State of the Environment Report 2000

(Copy attached)

- 85/01 **RESOLVED** that the report be received and that –
- 1 Council's State of Environment Report 2000 be noted and accepted as satisfying Council's reporting requirements under the provisions of the Local Government Act.
 - 2 That the matter of prioritising issues and actions be implemented through the protocols of Council's management plan process.
 - 3 That Council continue liaison with State Government Agencies to ensure a consistent approach in reporting on natural resource management issues and explore the opportunity for future comprehensive State of Environment Reports to be reported on a catchment or regional basis.
- (Councillors Baxter/Roberts) (S392)

Submission on "Plan First" – Review of Plan Making in NSW

(Copy attached)

- 86/01 **RESOLVED** that the report be received and that Council endorse the attached submission on the 'White Paper – PlanFirst Review of Plan Making in NSW'.
(Councillors Hampton/King) (S371)

Tenders for Provision of Water Main Replacement

(Copy attached)

- 87/01 **RESOLVED** that the report be received and -
- 1 The contract for the water main replacement for Mackay Street, Peate & Gray Streets, Military Road, Hutley Place and Ballina Street be awarded to Camglade Pty Ltd for the amount of \$106,551.00 (excluding GST) plus rate only item costs.
 - 2 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
- (Councillors Crowther/Swientek) (T21015)

Councillor Representation on 'Art in the Heart' Interim Steering Committee

(Copy attached)

- 88/01 **RESOLVED** that the report be received and that Councillor Tomlinson, King and Gates be nominated to membership of Art in the Heart Interim Steering Committee.
(Councillors Swientek/Roberts) (S782)

March 2001 Budget Quarterly Review

(Copy attached)

A MOTION WAS MOVED that the report be received and –

- 1 Council adopt the March 2001 Budget Review Statement for General, Water and Sewerage Funds.
 - 2 This information be submitted to Council's Auditor.
- (Councillors Roberts/Tomlinson)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Council adopt the March 2001 Budget Review Statement for General, Water and Sewerage Funds after correction in accordance with a third point.
- 2 This information be submitted to Council's Auditor.
- 3 Council adopt the organisation structure relative to salaried staff, as it exists at this point in time. The organisation structure to be reviewed as part of the 2001/02 budget deliberations.

(Councillors Gates/Hampton)

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

Voting Against: Councillors Roberts, Tomlinson and Gallen.

- 89/01 **RESOLVED** that the report be received and –
- 1 Council adopt the March 2001 Budget Review Statement for General, Water and Sewerage Funds after correction in accordance with a third point.
 - 2 This information be submitted to Council's Auditor.
 - 3 Council adopt the organisation structure relative to salaried staff, as it exists at this point in time. The organisation structure to be reviewed as part of the 2001/02 budget deliberations.
- (Councillors Gates/Hampton)
Voting Against: Councillors Roberts, Tomlinson and Gallen.
(S755)

**Review of Policy 6.1.6 – Abandonment of Water Consumption Charges –
Result of Major Break**

(Copy attached)

A MOTION WAS MOVED that the report be received and the existing policy remain subject to the following changes:

- 1 In Point 3, "*private houses*" be changed to "*residential dwellings*".
- 2 The words "*The applicants must justify their merit for consideration and*" be deleted from the final paragraph.

(Councillors Gallen/Swientek)

AN AMENDMENT WAS MOVED that the report be received and that the existing policy be amended to read -

On the occasion where a quarterly meter reading identifies a substantial increase in consumption, the property owner may apply to Council to have the water consumption charge for that period reduced. The amount of this reduction will be 50% of the consumption charge over and above the average of the four previous accounts.

Granting of this concession is subject to the following conditions:

- 1 *The increase in consumption to be more than 200% of the average of the four previous accounts.*
- 2 *This concession will be linked to the property and can only be granted once.*
- 3 *This concession is only available to residential dwellings and non-profit community groups.*

The owner must submit either a statutory declaration or a supporting letter from a qualified plumber detailing the circumstances of the break. All applications will be submitted to the General Manager, or his nominated delegate, for approval.

(Councillors Hampton/Suffolk)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Roberts, Tomlinson, Gallen, Swientek, King, Chant and Crowther.

- 90/01 **RESOLVED** that the report be received and the existing policy remain subject to the following changes:
- 1 In Point 3, "*private houses*" be changed to "*residential dwellings*".
 - 2 The words "*The applicants must justify their merit for consideration and*" be deleted from the final paragraph.
- (Councillors Gallen/Swientek)
Voting Against: Councillors Baxter, Hampton, Suffolk and Gates.
(S303)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 18/4/01

(Copy attached)

- 91/01 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding item 1 (TAC28/01).
(Councillors Roberts/Swientek)

- 92/01 **TAC28/01 -BBC Hardware House Development, Bruxner Highway, South Lismore**
RESOLVED that the RTA be requested to implement an end limits program through the section Caniaba Road to Three Chain Road.
(Councillors Crowther/Suffolk) (S352, R4807)

DOCUMENTS FOR SIGNING AND SEALING:

- 93/01 **RESOLVED –**

- 1 That the following documents be executed under the Common Seal of Council:-
- a) **Kerbside Dining Licence Agreements - Airdome Pty Limited (French Patisserie), 36 Carrington Street, Lismore**
Licence agreements have been set up to enable Lismore food serving facilities to utilise outdoor kerbside areas for dining spaces under Policy 5.2.24.
(P24015)
 - b) **Licence Agreement – Council and Jefferson Kim Berger**
Proposed hangar site at Lismore Regional Airport.
(P9733)

- 2 **Proposed Sale of Lot 34, DP 219592**

BACKGROUND:

Following public consultation and a previous resolution of Council, Lot 34, DP 219592 on the corner of Ballina Road & Bruxner Crescent was reclassified to operational land in February 2001. This lot has an area of only 285m² and does not enjoy the benefit of a dwelling entitlement. Accordingly it is proposed that Lot 34 be sold and consolidated with the adjoining No. 24 Ballina Road, Goonellabah.

- a) That Council sell Lot 34, DP 219592 to the adjoining landowner.
- b) That Council execute the Contract of Sale and Transfer in relation to this sale under common seal.

(P357)

(Councillors Hampton/Baxter)

This concluded the business and the meeting terminated at 8.55 pm.

CONFIRMED this 12th day of June, 2001 at which meeting the signature herein was subscribed.

MAYOR

