

COUNCIL Business Paper



MARCH 12, 2002



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, MARCH 12, 2002, at 6.00pm and members of Council are requested to attend.

(Craig Kelly)
ACTING GENERAL MANAGER

March 5, 2002

COUNCIL BUSINESS AGENDA

March 12, 2002

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NOTICE OF RESCISSION MOTION

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

That Council rescind its decision made on February 12, 2002 regarding the referendum to be held at the next Council elections concerning a reduction in the number of councillors.

- 26/02 **Resolved** that the report be received and -
- 1 *That the Council determine that eleven (11) be the number of Councillors (including a popularly elected Mayor) for the following term of office, subject to approval at a constitutional referendum.*
 - 2 *That a constitutional referendum be held in conjunction with the next general election or any by-election in the meantime.*
 - 3 *That the estimated cost of conducting the referendum be funded from general election funding.*

COUNCILLOR D J Roberts

COUNCILLOR D R Tomlinson

COUNCILLOR F F Swientek

DATE February 12, 2002

(02-1770: S44)

NOTICE OF MOTION

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

That Council conduct a poll at the next election (or by-election) with a view to reducing to 9 councillors.

COUNCILLOR F F Swientek

DATE February 12, 2002

(02-1771: S44)

NOTICE OF MOTION

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

That prior to making a decision on the number of councillors, Council conduct a deliberative poll of a statistically representative sample of 200 residents to determine whether there is informed support for either retention of 12 councillors or for a reduced number, and if the latter, what that number should be.

COUNCILLOR R M Irwin

DATE February 26, 2002

(02-2417: S44)

NOTICE OF MOTION

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

In light of the response by the Department of Local Government to our enquiries regarding the activities of Rous County Council, the Council convene a meeting between Rous County Council, Lismore City Council and the other constituent councils of Rous to discuss the issues raised in the letter.

Comment:

The Department has raised some concern about the tenuous links between Rous County Council's activities and its charter. It suggests we should work together in the best interests of the community.

We need also to discuss these activities, whether they are profitable and whether they are in the best interests of ratepayers.

Could staff please attach a copy of the letter from the Department and what information they have on the success or otherwise of Rous County Council's "non-core" activities.

COUNCILLOR D R Tomlinson

DATE February 28, 2002

Copy of letter from the Department of Local Government attached.

(02-2513: S306)

NOTICE OF MOTION

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

That the Richmond-Tweed Regional Library be requested to investigate how its catalogue can be placed on the internet and accessed through Council website.

COUNCILLOR D R Tomlinson

DATE February 28, 2002

STAFF COMMENT BY: Manager-Information Services (Sandra Cormack)

Lismore City Council has a link to the Richmond-Tweed Regional Library website. If the catalogue can be put on the RTRL website, then it will be accessible from Council website.

I have e-mailed the Information Technology Manager for RTRL for plans to make the library catalogue available via its website.

(02-2512: S120)

NOTICE OF MOTION

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

That Council's Policy 1.2.6 on Councillors' Access to Council Files be changed to reflect more closely the provisions of the Local Government Act 1993. That the wording of this policy read as follows:

- 1 *Councillors will as a general policy be given access to all Council files to enable them to obtain information to assist them in their role/duties as Councillors.*
- 2 *All applications will be made in writing to the General Manager and the files made available to the applicant within 2 working days of the application being received.*
- 3 *The General Manager may refuse such applications only when the request relates to:*
 - *the personal files of staff members and/or ex-staff members;*
 - *matters where the applicant can reasonably be determined to have pecuniary/conflict of interest;*
 - *legal advice or related correspondence in connection with:*
 - *matters presently being litigated by the Council;*
 - *staff/industrial relations issues, or*
 - *sale or purchase of property.*
- 4 *Where the General Manager refuses Councillor requests s/he will advise the Councillor in writing within 2 days of the reason for refusal.*

COUNCILLOR R M Irwin

DATE February 27, 2002

(02-2285: S44)

LISMORE CITY COUNCIL –Meeting held March 12, 2002

Subject/File No: MEMORIAL BATHS REDEVELOPMENT

Prepared By: Recreation Planner – Alex Wilford
Contracts Officer – Chris Allison

Reason: To update Council in regard to the redesign of the Memorial Baths

Objective: To obtain Council approval for the design of the new aquatic centre

Management Plan Activity: Swimming Pools

Background:

Council at the meeting December 11, 2001 resolved to award the contract for the redesign of the Memorial Baths to Bzowy Architecture.

During the period since the awarding of the contract, the Memorial Baths Redevelopment Project Team consisting of Cr. Reg Baxter, Cr. Merv King, Cr. Brian Suffolk, Chris Allison, Alex Wilford, Gary Rees, Lindsay Walker and Rino Santin have met with Rick Bzowy in order to determine the final design for the Memorial Baths. In addition to the project team members, Cr. Bob Gates, Cr. Ros Irwin, Cr. John Hampton, Cr. John Chant and Cr. David Tomlinson together with Iain McDowell-Jones have also attended several of these meetings.

As part of the design process, the Architect requested meetings with the major users of the current facility as well as the various interested parties to the project. As a result meetings have been held with Lismore Access Committee, Lismore Amateur Swimming Club, Lismore Workers Water Polo Club, Lismore RSL Sub Branch, Council's Community Services & Planning Departments, NSW Department of Sport & Recreation, Aboriginal Community Groups, the Flood Levee Project Team and the Lismore RSL Club. These meetings have proven to be very successful with the feedback regarding the initial concept design being very enthusiastic and a number of comments from these groups incorporated into the final concept design.

As a result of the various meetings, the design has been refined and at the Project Team meeting held February 21, 2002, "in principal" agreement was reached with regard to the final concept design of the Memorial Baths, a copy is attached. Attached is a copy of a report from Bzowy Architecture in relation to the project to date.

Bzowy Architecture is proposing that the final design be a master plan for the site and will include all the agreed options for the complex.

Manager - Finance & Administration

The adoption of an 'in principle' design as a master plan for the total project is essential. While I'm sure the cost of the total project will be well in excess of the touted \$4.0 million, it may be possible to stage its development to coincide with available funds.

Information relating to the total project cost based on this design will be provided at the April meeting. At that time, I will endeavour to provide a full analysis of Council's funding options.

I would like to add that from my perspective, the consultation work undertaken by the Project Team and the concept designs from the Architect will result in a facility that reflects community expectations when fully constructed.

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Memorial Baths Redevelopment

Manager - Community Services

Progress to date on design elements has been very positive. The extensive consultative process undertaken by the architect has resulted in a very workable schematic plan. Most importantly the plan has made provision for future needs and services, which may be addressed over the next few years, and in this way has the ability to serve the Lismore community to great effect. Community Services fully supports the proposed final concept design.

Public Consultations

Meetings with major user groups and interested parties

Other Group Comments

Not required.

Conclusion

In order to advance the project to the next stage of full costed options for the project there is a need for Council to provide “in principle” agreement to the final concept design. Bzowy Architecture will then prepare, in conjunction with the various engineering sub-consultants, schematic designs for all options, which will then be costed by a quantity surveyor. It is expected that these costed options will be presented to the April 9, 2002 Council meeting.

Recommendation (GM36):

That Council approve “in principle” the design for the redevelopment of the Memorial Baths swimming complex.

Subject/File No: LISMORE LAKE
(P27012)

Prepared By: Alex Wilford, Recreation Planner

Reason: To discuss issues surrounding the pumping of water from Wilsons River into Lismore Lake

Objective: Council to consider issues surrounding the pumping of water from Wilsons River into Lismore Lake and provide its direction in relation to this project

Management Plan Activity: Community Services

Introduction:

The pumping of water from Wilsons River into Lismore Lake has been a controversial issue in recent weeks. The purpose of this report is to provide an update on this issue and obtain Council's direction in relation to this project.

Background:

When Council adopted the Plan of Management for Lismore Lake in June 2001 the installation of a new pump to allow for gradual topping up of the lake from Wilsons River was identified as a first priority. A licence application for a new pumping system was lodged with the Department of Land and Water Conservation (DLWC) in September 2001.

An old tractor powered pumping system has been employed for many years to top up the lake when the water level has become very low. This pump is noisy, inefficient and unreliable. The tractor is kept off site and brought into position when required. In November 2001, DLWC issued council with a temporary (12 month) permit to use this pump while the permanent licence application for a new pumping system was being processed. No license or permit has ever been held for the existing pump.

Council's application for the licence application is currently being assessed by DLWC. As part of this process the details of the application were advertised in the Government Gazette and the Northern Star on December 1, 2001 and a period of 28 days was then allowed for any objections. Three objections were received. These objections are being considered by DLWC and the merits of the application are being assessed (including its effect upon the environment) before a decision is made as to whether the application should be granted or refused. The environmental assessment will consider the affects upon any threatened species and ecological communities occurring at the lake. If any valid objection is not withdrawn, the matter may be referred to the Local Land Board for determination.

A design and cost estimate for the supply and installation of a suitable new pumping system has been prepared in consultation with Rothwell's Pump and Irrigation. As there is currently no electricity to the eastern side of the lake, a new electrical supply will need to be established. This may also require an easement to be created through the adjacent caravan park. The cost to install a suitable new pumping system is approximately \$65,000. (New pump installed \$45,000, electrical connection and supply \$15,000, creation of an easement through the caravan park for underground power \$5,000). The proposed new submersible electric pumping system will have water level sensors to automatically maintain the lake at a desired water level. Approximately \$48,000 is available in this year's budget for lake remediation works.

As Council will be aware, there has been continued opposition to plans to allow power boats to use the lake. Many letters and a petition containing 1,017 signatures have been received requesting that the lake to be retained as a nature reserve for birds and passive recreation.

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Lismore Lake

In December 2001, Council and the National Parks and Wildlife Service (NPWS) were advised by a member of the public that "75 species of birds have been recorded at Lismore Lake, including Endangered and Vulnerable birds listed on the Schedule of Threatened Species". These species are the Comb-crested Jacana and the Black-necked Stork. DLWC have also since been notified of this.

In December 2001, the NPWS was requested to advise Council of its obligations with respect to the proposed activities at the lake (particularly pumping from the adjacent Wilsons River) and any threatened species that may inhabit the lake. In January 2002, NPWS advised that Council will need to consider:

- All potential actions that could result from the proposal at each of the preconstruction, construction and post-construction stages.
- Whether these actions are permissible under the current zoning; either with or without consent. If it is permissible with consent then Council will be required to undertake an assessment under the EPA Act, taking threatened species and endangered ecological communities into consideration.
- The potential for other threatened species and ecological communities to occur at the lake or in areas adjacent to the lake to be affected by the proposal.

A copy of the NPWS's response is attached.

Council's Planning Services Section have indicated that development consent would be required to install a new pumping system at the lake under the current zoning (1r – Riverlands). Thus, as mentioned above, Council will be required to undertake an assessment under the EPA Act, taking threatened species and endangered ecological communities into consideration. The development application would include a Statement of Environmental Effects prepared by a suitable consultant (at an estimated maximum cost of \$5,000).

Following an extended dry period, the lake was filled over a two week period in January 2002. This resulted in some community concern as it was suggested that pumping water from the river would negatively impact upon the birds that inhabit the lake. This claim cannot be verified as no relevant environmental assessment has been undertaken at this stage. Pumping at the lake has now ceased.

It should be noted that regardless of the future use of the lake (birds or boats), some form of pumping from the river would be required to ensure its long term existence.

Manager - Finance & Administration Comments

I agree that this is a logical process to ensure that we will not expend any funds unnecessarily.

Based on the information provided, and assuming a positive outcome from the process, Council will need to allocate between \$23,000 and \$25,000 to install the pump in the 2002/03 Management Plan.

Public Consultations

Numerous letters and a petition containing over 1,000 signatures have been received since the adoption of the Lismore Lake Plan of Management requesting that the lake be retained as a nature reserve for birds and passive recreation. Several letters have also been received supporting the use of power boats at the lake.

Other Group Comments

Group Manager – City Works:

The Lismore Lake is a 'man made' lake with virtually no catchment. Without some form of pumping programme, the Lake will not exist as we know it today.

Clearly we need to have both a licence and an effective pumping system if the Lake is to remain in any of the proposed forms, ie, bird sanctuary, boating area or another facility yet to be determined.

The ultimate use of the Lake will determine how and when the pumps will be operated –

1. If the aim for the Lake is to be predominately for boating purposes, the water level would need to be maintained as high as reasonably possible.
2. If the Lake is to be principally for wildlife, it is likely that the water level should be varied at different times of the year when changes in water level could be maximised to stimulate fish or bird breeding.

The latter option would require considerable investigation into which species the pumping strategy should be tailored to suit, or how it may be tailored to suit the majority of wildlife species living at the Lake.

Author's Response to Comments from Other Staff

No comments required.

Conclusion

It is clear that environmental assessment and the establishment of a management regime for pumping at the lake is required before any further pumping of water from Wilsons River into the lake is undertaken.

As DLWC will be undertaking an environmental assessment as part of their evaluation of our licence application, it is suggested that Council await the results of this assessment and the outcome of the application before undertaking any further environmental assessment that may be required.

This will allow Council to determine the parameters for any further environmental assessment that may be required without duplicating the work and expense of DLWC's assessment. The results of environmental assessment will serve as the basis for establishing a management regime which will determine appropriate water levels and timing of pumping to best suit the native ecological communities at the lake.

Recommendation (COR05)

- 1 That Council await the outcome of the DLWC licence application before undertaking any further environmental assessment that may be required.
 - 2 That Council undertake any further environmental assessment that may be required using funds set aside for lake remediation in this years budget.
 - 3 That the results of environmental assessment serve as the basis for establishing an appropriate management regime for pumping at the lake.
 - 4 If the DLWC licence application is successful, prepare a development application for the installation of a new pumping system.
-

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Lismore Lake

- 5 That Council consider funding for the new pumping system as part of the budget process for 2002/2003 management plan.
- 6 If the DLWC licence application is refused a Council report be prepared to consider future actions.

Subject/File No: DEVELOPMENT APPLICATION NO. 99/925 – S96 AMENDMENT TO ALTER BUFFER CONDITIONS

Prepared By: Development Assessment Planner - Chris Soulsby

Reason: To enable Council to determine an amendment to the development application

Objective: The determination of a S96 application for a Council approved development.

Management Plan Activity: Development Assessment

Background:

On December 8, 2000 Council approved the subdivision of 74 residential allotments, 2 public reserves, 1 residue lot to contain a biological buffer and associated engineering works at Lot B DP 413649, 20 Waratah Way. A copy of the original report and consent is provided as Attachment 1. The purpose of this application is to modify the development consent to enable the deletion of the requirements for the biological buffer and to remove the requirement for this subdivision's road layout to conform to the adjoining approved subdivision that has now lapsed. A copy of the application is provided as Attachment 2.

The applicant is proposing to purchase the macadamia trees on the adjoining property and to remove them. This will negate the need for the buffer. The developer will not be removing the trees until July 2002. This will require the buffer conditions being retained until the removal of the trees.

The developer had also verbally expressed a desire to alter the staging of the development. The order of staging preferred by the developer has not yet been finalised. As this is not a significant matter it is proposed that the General Manager be granted delegated authority to approve alterations to the staging.

Provisions of Relevant Legislation

The application is made pursuant to section 96 (2) of the Environmental Planning and Assessment Act 1979. Council is required to consider the relevant heads of consideration under the provisions of section 79C.

S79C (1) (a) (i)

Any Environmental Planning Instruments (EPI)

Clause 20 of Lismore City Local Environmental Plan 2000 requires that residential development must not be approved unless Council is satisfied that it will be compatible with any existing specified land use. Intensive horticulture is a specified land use. Conditions 45 to 50 were imposed to enable Council to be satisfied that the development would be compatible with the adjoining development. The buffer conditions should remain operative until the removal of the trees. The land on which the trees are located is zoned 2(a) residential. The practising of agriculture within this zone requires consent. The owner of this land would need to lodge a development application with Council to put the trees back on the land once they were removed. Thus any new agricultural use of the land would become the encroaching development and it is unlikely that Council would approve of such a use due to the adverse impacts on the approved subdivision.

To implement this change a new condition needs to be added to the consent. This new condition (45A) would enable the buffer conditions to operate whilst ever the intensive horticulture is present on the adjoining land.

79C(1)(a)(iii)

Any Development Control Plan:

DCP 27 Buffer Areas provides the criteria by which to assess the compatibility of the uses under the provisions of clause 20. This proposed amendment is not inconsistent with the provisions of DCP 27.

79C(1)(c)

The Suitability of the Site for the Development:

Council approved a 214 lot subdivision (DA95/22) on the adjoining allotment. DA95/22 has since lapsed and cannot be acted upon. Council imposed condition 3 to require the road network proposed for this subdivision to match the network as approved in DA95/22. This is no longer required and condition 3 should be deleted. It should be noted that any new subdivision proposals on the adjoining land to the east will now have to match up with this approved road layout.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The proposal was exhibited and adjoining owners were notified in accordance with DCP 41 Notification of Development Applications. No submissions were received.

Consultation within Council

Building and Regulation

No issues.

City Works

No issues.

Environmental Health

No objection to the proposal.

Water and Sewer

No issues.

Conclusion

The deletion of condition 3 and the addition of condition 45A is considered reasonable and acceptable having regard to the above issues, and to the circumstances of the case.

The provisions of Section 96(2) of the Environmental Planning and Assessment Act 1979 have been satisfactorily upheld.

Recommendation (PLA8)

It is recommended that Council:

- 1 Approve the following amendments to Development Consent 99/925;

Insert new condition 45A;

45A Conditions 45 to 52 and 60 shall have effect whilst ever there is intensive horticulture being practised upon the adjoining allotment (Lot 2 DP 252826). Upon cessation of the use for intensive horticulture on the adjoining allotment, the subdivision certificate for lots 17, 18, 19, 20, 21, 70, 71, 72, 73, 74, 75, 77 and 78 may be released. These lots may be further developed subject to the provisions of the Lismore City Local Environmental Plan 2000 and any other relevant environmental planning instrument or statute.

***Reason:** To prevent adverse impacts due to incompatible land uses whilst maintaining flexibility for development.*

Delete condition 3

- 2 Grant the General Manager delegated authority to approve amendments to the consent involving alterations to the staging of the subdivision.

Subject/File No: GENERAL MANAGER RECRUITMENT PROCESS
(J2002/01)

Prepared By: Manager-Human Resources – Isabel Perdriau

Reason: Council resolution

Objective: To select a consultant for the recruitment of a replacement General Manager.

Management Plan Activity:

Background:

Council at its meeting held on February 12, 2002 adopted a process for the recruitment of the next General Manager.

Part of the process involved the selection of the consultant to conduct the recruitment process.

The selection panel met on Monday and Tuesday, March 4 and 5, 2002 to review presentations by the prospective consultants.

A supplementary report on this process, including a recommendation for the appointment of a consultant, will be issued to Councillors as soon as it is prepared.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable.

Recommendation (GM03)

That Council consider the supplementary report on the selection of a consultant to assist in the recruitment of a replacement General Manager.

Subject/File No: COUNCILLORS' HOME COMPUTER FACILITIES
(SC: S44)

Prepared By: Sandra Cormack, Manager Information Services

Reason: Review of Councillors' requirements and presentation of a Business Case to Council for consideration

Objective: Provide Councillors with computer facilities to enable them to conduct business communications efficiently and effectively with Council and the community.

Management Plan Activity: Councillors

Background:

History

Council's 'Payment of Expenses and Provision of Facilities Policy' states:

Councillors will be provided with the following facilities:

- h) a laptop or personal computer, printer and modem for business paper, research, word processing and other Council related use.

A report was presented to the Council meeting (22nd February 2000) outlining the costs associated with providing personal computers to Councillors and other options for Council's consideration. At this Council meeting, it was agreed that Council:

1. Proceed with a review of Councillors requirements and present a Business Case to Council for consideration

In February 2002, a review of Councillors requirements for computers was completed. The attached Business Case for Computers for Councillors was prepared from the findings of this review.

Requirements

Computer facilities is interpreted to mean:

- Personal computer
- Modem (for internet access and e-mail)
- Laser printer/ facsimile
- Microsoft Office (Word processor, e-mail, spreadsheet, presentation software)
- Service provider for internet access
- Anti-virus software
- Power surge protection
- Consumables (paper, disks, toner for laser printer/ facsimile)

Provision of such facilities will only be beneficial if suitable and adequate training and support is provided. Training is included in this proposal, as is support.

Benefits

Key benefits of providing computers to Councillors include:

- Improved and more convenient communications with other Councillors, Council staff, the community, and other businesses and agencies
- Access to a wealth of information in a timelier manner

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Councillors' Home Computer Facilities

Costs

Setup costs (incurred at the commencement term of Councillors ie. September 2003) associated with providing computers for Councillors include:

Item	Cost per Councillor	Total for 12 Councillors	Notes
Phone line installation	\$250	\$3,000	
Training	\$500	\$6,000	To be funded from the Councillors Professional Development budget. Based on 5 days training per Councillor.
PC-Setup			IS support budget to absorb cost.
Power surge protection	\$250	\$3,000	Can be used to protect the printer/ fax also
Contingency		\$1,000	Contingency for special requirements
TOTAL SETUP COSTS		\$13,000	

Recurrent costs are incurred each year. Note, these recurrent costs reflect only the **additional** costs associated with providing computers for Councillors. Some costs, such as the provision of fax machines and consumables, are currently incurred.

Item	Cost per Councillor	Total for 12 Councillors	Notes
Computer leasing costs	\$1,025	\$12,300	Cost includes hardware, all software, 3 year parts and labour warranty and 3 year phone support. Cost per unit is \$3,000.
Printer / facsimile			Some Councillors currently have laser printer/ fax capabilities. Remaining Councillors have thermal fax machines. As these thermal fax machines become outdated, they are being replaced by laser printer/ fax machines. Replacement faxes are being funded from Councillors Facilities budget, and therefore a cost has not been assigned to a printer/ facsimile. Estimated cost is \$1,200 per printer/ fax.
Internet connection	\$240	\$2,880	Based on 20 hours access per month per Councillor. Note, some Councillors currently have internet connections funded from Councillors Facilities budget.
Consumables	\$120	\$1,440	Consumables include laser cartridges, computer disks, paper. Consumables to be funded from Councillors Facilities budget. These costs are NOT additional costs, and are currently being incurred, and therefore a cost has not been assigned.
Insurance	\$10	\$120	Insurance based on \$2,000 excess.
Follow-up training	\$200	\$2,400	To be funded from the Councillors Professional Development budget
TOTAL RECURRENT COSTS		\$19,140	

Manager - Finance & Administration Comments

There is a 'good case' for Councillors to have access to home computer facilities to undertake their local government role. The difficulty, from my perspective, is how to value this compared to the cost. This is an issue for Council.

In regards to costs, these have been dissected into "Setup" and "Recurrent".

The setup costs are once only and will require an additional budget allocation of \$7,000 in 2003/04 to implement. Training costs of \$6,000 are proposed to be absorbed within the Councillors Professional Development budget.

The recurrent costs are annual costs and will require an additional budget allocation of \$16,800 in 2003/04. The most significant component is the computer leasing cost of \$12,300.

As such, a total additional budget allocation of \$19,300 will be required in 2003/04.

It is important to note that the costs identified are the incremental costs to provide home computer facilities beyond what is already provided, not the total cost of providing these facilities.

Public Consultations

Not required

Other Group Comments

Not required

Author's Response to Comments from Other Staff

Not required

Conclusion

The economic, social and political world in which we live is becoming increasingly exposed to, and dependent on information technology.

With access to computer facilities as outlined above, coupled with appropriate training, Councillors will be able to provide a level of service to Council, the community and other businesses and agencies, that is expected in a society heavily dependent on technology.

Recommendations (COR06)

1. Adopt the approach outlined in the attached Business Case for providing computers to Councillors.
2. Funding be allocated in the 2003/2004 Management Plan for the set-up costs associated with the provision of computers for Councillors elected in September 2003.
3. Funding be allocated in the 2003/2004 and subsequent Management Plans for recurrent costs associated with providing computers for Councillors.

Subject/File No: GENERAL AMENDMENT TO LISMORE LEP - 2002 (AMENDMENT 10 TO LEP 2000)
(S800)

Prepared By: MANAGER-PLANNING SERVICES – Helen Manning

Reason: To obtain Council’s resolution to prepare a draft amending LEP.

Objective: To update and improve the Local Environmental Plan.

Management Plan Activity: Strategic Planning

Introduction and Summary:

This report describes the proposed contents of the next general amendment to the Lismore Local Environmental Plan and seeks Council’s endorsement to prepare the amending plan accordingly.

There will be three major components of this amending plan, as follows:

A. Heritage matters, comprising minor alterations to the current plan and implementation of outstanding resolutions of Council in regard to inclusion of standard heritage planning provisions and identification of heritage “landscapes”.

B. Minor zoning alterations at Nimbin, Clunes, Goonellabah, and North Lismore and for the National Parks and Wildlife Service; and

C. Miscellaneous alterations to the written plan to clarify provisions for markets, warehouses, motels and bed and breakfast development.

The procedure required by the Environmental Planning and Assessment Act is that, should Council endorse the proposed contents outlined in this report, consultation with all affected persons or authorities must take place before the draft plan is prepared. The requirements of affected persons/authorities are to be taken into consideration in the drafting of the plan.

Maps indicating the location of land involved, and other explanatory material, is included in the attachment to this business paper.

Council is asked to confirm its intentions to proceed with the heritage matters subject of resolutions made in 1999.

A. HERITAGE

1. Alterations to Schedule 1 Heritage Items

(a) Queen Victoria fountain

The Queen Victoria Fountain is located within the Spinks Park Conservation Area (Schedule 2 of the LEP), and therefore already enjoys protection of the heritage conservation planning controls. However the Richmond River Historical Society has requested that it also be listed in Schedule 1 as an individual heritage item on the basis that it has a better chance of attracting funding for repairs. The Civic Pride Panel has resolved that Council be requested to place the fountain in Schedule 1 Heritage Items.

During the considerable time devoted to preparation of the ‘heritage LEP’, culminating in its adoption by Council in August 1999, it was understood that an effort was made to avoid duplicating controls by not listing as individual items those which were already located in Conservation Areas.

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General Amendment to Lismore LEP - 2002

However, it now appears that this effort was devoted to Girards Hill only, as many other individual items are duplicated within other Conservation Areas, leading the Historical Society to question why the Queen Victoria Fountain is not duplicated also.

It is not clear that individual listing provides better heritage protection than that in Conservation Areas and Planning Services staff have been unable to confirm that funding bodies give priority to individually listed items. However, given the duplications already contained in Schedule 1 Heritage Items, no harm is seen in adding another one.

The Historical Society will be advised of Council's decision regarding the inclusion of the fountain in Schedule 1.

(b) Woodlawn College

The College is listed within Schedule 1 Heritage Items, but is also included in a list of potential landscape items for inclusion in the LEP (discussed below). It is recommended that Schedule 1 be altered by the addition of the correct address (189 and 203 Woodlawn Road) and by including the words 'and grounds'. This will have the effect of providing heritage protection to the building and grounds without duplicating the listing for landscape purposes.

(c) Railway Carriage Shed

Item 73 in Schedule 1 Heritage Items is identified as 'Railway Strait Carriage Shed'. Reference to the Heritage Study indicates that the spelling should be corrected as 'Straight'.

It is recommended that this item be altered to read 'Railway Straight Carriage Shed'.

(d) Former Lismore High School Site, cnr. Keen & Magellan Sts.

This site contains separate properties, being 152 Keen Street (Lot 15, DP 867281) containing A Block, and 150 Keen St (Lot 14 DP 867281) containing B and C Blocks and other buildings. Both properties are identified within Schedule 1 but due to an oversight only 152 Keen Street is mapped. It is recommended that a map indicating 150 Keen is added as Map 32A to ensure consistency between the written instrument and the maps.

2. Implement outstanding Council resolutions 110/99 & 277/99 regarding heritage matters

(a) Include standard provisions issued by Heritage Office

On 30 March 1999 Council resolved (110/99) to

- (b) amend the existing heritage provisions of the LEP to reflect the standard provisions of the NSW Heritage Office as previously resolved by Council at its meeting of 10 March 1998 with the addition of references to archaeological items and conservation areas as appropriate;

It is understood that the standard heritage provisions underwent several drafts before finally being supplied by the Heritage Office as 'Revised Edition August 2000' and it is not known which draft the resolution of 10 March 1998 referred to. The August 2000 edition refers to archaeological sites, potential archaeological sites, places of Aboriginal heritage significance and conservation areas.

A copy of the standard heritage provisions is included in the Attachment to the Business Paper. Although the new provisions appear longer and more complicated than the older provisions currently contained in LEP 2000, much of the difference lies in the new provisions making explicit requirements which previously were implicit. The major differences between current provisions in LEP 2000 and the new standard provisions are:

i) **New definitions** added as follows:

Archaeological site means the site of one or more relics

Conservation Management Plan means a document prepared in accordance with the requirements of the NSW Heritage Office that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

Heritage Impact Statement means a statement demonstrating the heritage significance of a heritage item or conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

Heritage Significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

Maintenance means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

Potential archaeological site: such a site may be mapped as having, in Council's opinion, the potential to be an archaeological site.

Place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

Potential place of Aboriginal heritage significance: (self explanatory)

Other heritage definitions currently in the LEP are altered, the meaning being clarified and expanded.

- ii) Places of actual or potential **significance to the Aboriginal community** are separately provided for.
 - iii) There is provision for Council to recognise and protect places which have the **potential to have heritage significance**, but which are not identified as heritage items.
 - iv) An application concerning a heritage item (or works within a conservation area) must include a **heritage impact statement**, the contents of which are specified.
(Note: this is information which would previously have been required in a Statement of Environmental Effects)
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- v) 'Conservation incentives', which over-ride the land use tables to permit any use of a building or land which is a heritage item providing that the retention of the item depends on the granting of consent, has been expanded to require that the proposed use is in accordance with an endorsed conservation management plan, the requirements of which become conditions of consent. This is an improvement over the current provisions which provided little guidance on usage and have led to attempts to undermine the planning controls.
- vi) The requirements for development applications in conservation areas have been expanded to include a list of matters to be addressed in the application and assessed by Council. This is of particular benefit to Councils such as Lismore which do not have the advantage of permanent heritage officers to advise applicants and assess applications.
- vii) Consent is to be required for structural changes to the **interior** of an item.
(Note: Building & Regulation officers have clarified that 'structural changes' would comprise, for example, removal of internal weight bearing walls, but would not comprise updating of kitchens, bathrooms, or repainting or general home maintenance)
- viii) The Heritage Office is to be notified of applications for demolition of **State significant** items only, not all listed items.

Provisions which do not significantly alter are:

- i) Consent is still required for demolition, moving or altering an item either individually listed or within a conservation area, unless in Council's opinion the proposal would be minor and non-significant.
- ii) Advertising of proposals for demolition or incentives related works.

It may not be possible for Council to choose to adopt some provisions but not others: any heritage related local environmental plan must obtain the endorsement of the Heritage Office before the Minister will make the plan, so that if Council chooses to pursue any of the heritage related matters from resolutions of the previous Council it must also include the standard provisions if it wants the LEP amendment to be adopted.

(b) Add 'Archaeological Management Zone' to be known as Lismore Village Archaeological Zone (Res.110/99)

Resolution 110/99 formally initiated the 'Heritage LEP' under S54 of the Environmental Planning & Assessment Act. The report to Council of March 30 1999 did not expand on the proposed 'Archaeological Management Zone' other than stating that it was recommended in the Heritage Study and endorsed by the then Steering Committee.

It appears that a map was prepared to implement this resolution, covering the former 'Lismore Village', bounded by Union, Zadoc, Molesworth, Shannon, Wardell, Taylor Streets and Foleys Rd. and including the river (included in attachment). However no written provisions from the time can be located, and it appears that the draft LEP subsequently exhibited did not include the 'Archaeological Management Zone', in contravention of Council's resolution. The proposal is not mentioned in the subsequent report considered by Council in August 1999.

The standard heritage provisions to be included in Lismore LEP now contain a clause headed 'Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance' which would apply to this 'Zone'. This requires that before granting consent for development on an actual or potential archaeological site, Council must consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic, and notify the Heritage Council and take into consideration any comments received from that Council. However the clause is not to apply if the proposed development does not involve

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disturbance of below ground deposits and Council is of the opinion that the heritage significance of above ground relics would not be adversely affected.

Both the Riverbank project and the construction of flood levees could potentially be affected by this provision if any excavation is proposed. Other affected development could be commercial buildings requiring excavation for footings or car parking. However, this is not expected to be an onerous requirement on developers as the required 'heritage impact statement' could be addressed within the Statement of Environmental Effects accompanying any DA.

Council is requested to confirm that it wishes to proceed with instituting an "Archaeological Management Zone" in Lismore.

(c) 3 Dunoon Road, The Channon;

Item (a) of Resolution 277/99 required *'the deferral of inclusion of 3 Dunoon Road, The Channon, for inclusion in a future amendment pending further investigation by way of an on-site appointment between the Tainshs and Council's Heritage Officer Wendy Laird.'*

No such property can be identified within Council's record system; it is assumed that the resolution should have referred to 3 The Channon Road, Dunoon. The resolution was not implemented before the resignation of Wendy Laird. The owner/s of 3 The Channon Road, Dunoon, will be contacted to ascertain views as to the inclusion of the property within Schedule 1 Heritage Items and these views will be reported to Council. Inspection shows the property remaining as photographed in 1995.

Consultation will be required with the property owners, Mr. & Mrs. Tainsh.

(d) Resolution 277/99, item (c): The deferral of inclusion of the former Power Station Building and site pending preparation of a Conservation Management Plan for the site at the expense of North Power.

The purpose of requiring additional information was to ascertain whether the entire North Power site should be included in Schedule 1 Heritage Items, or only the site of the former Power Station. The then North Power objected strongly to the inclusion of the entire site, fearing listing would interfere with current operations carried out from the site.

The Conservation Management Plan submitted was unclear initially about the features of the site which had heritage value and which were of sufficient significance to be listed in the LEP. However subsequent investigation, site inspection and correspondence with Country Energy has clarified that the site to be listed in Schedule 1 to the LEP is that containing only the building known as the former Power Station, contained on Lot 1, Section 1, DP 1691. A map illustrating that land is included in the attachments to this Business Paper.

Consultation with Country Energy has been undertaken to reach the above conclusion.

(e) Landscape items and archaeological items (Res. 277/99 item d)

These items were listed in an appendix to a report considered by Council on 31 August, 1999, which gave rise to Resolution 277/99. That meeting was the last of the previous Council before the local government election, and precipitated a number of last minute reports with various attachments, resulting now in some confusion as to exactly what was considered by Council at the time. The list headed *Appendix 1 Items to be Deferred for Inclusion in a Future Amendment* contains 16 items such as school and church grounds, native vegetation, Rocky Creek Dam, Rainbow Power Company. The list is reproduced in the attachment. However it also contains errors in addresses and identification of properties, a duplication with an item already listed (Woodlawn College), duplication with conservation areas and comprises landscape items only.

No additional list of archaeological items has been able to be identified to date, and the inclusion of this reference in the resolution may have been an error.

The 'landscapes' listed as 'Items to be Deferred for Inclusion in a Future Amendment' were first identified in the City Wide Heritage Study in 1995. Considerable changes could have occurred in landscapes since that time, and accordingly each site has been recently inspected to ascertain whether or not it is in a similar condition to that identified in 1995. Each site, and its current status, is listed below. The item numbers relate to those on the list deferred by Council in August 1999, and are repeated here for ease of reference. However they actually refer to map numbers and if adopted by Council will be altered in the redrafted LEP.

The reports considered by Council in 1999 contain no planning provisions specifically for the landscape items and consequently it is assumed that the standard provisions, concerned mainly with buildings, were intended to apply. The Heritage Office has advised that there are no standard provisions specifically for heritage landscapes; other Councils have applied the standard heritage provisions to significant gardens and bushland areas. In regard to bushland areas, bushfire hazard reduction is considered to be maintenance and no consent is required.

However, the applicability of standard heritage provisions, designed to protect buildings, to natural bushland areas must still be questioned: for example does removal of some, but not all, vegetation fall under 'maintenance' permissible without consent, or is it 'alteration' requiring consent? What is the threshold between the two?

The list considered by Council in 1999 identifies some items as having 'Regional' significance. However the Heritage Act, as amended, recognises only 'State' and 'local' significance with the result that the 'Regional' notation must be deleted.

Proposed 'heritage landscape items' covering natural bushland areas have been advised to the Department of Land & Water Conservation for consideration for inclusion in the forthcoming Regional Vegetation Management Plan. It is likely that consent from DLWC will be required for removal of the vegetation. Duplication of consent procedures should be avoided.

The number of proposed landscape items containing vegetation now considered as environmental weeds is a concern, and it is unlikely that consultants Perumal Murphy Wu (who prepared the Heritage Study) would have been familiar with what is considered as weeds in this region.

Proposed Heritage Items:

Item 88 Former Dungarubba School Grounds: a large hoop pine evident in the photograph from the inventory sheet remains; remaining vegetation remains much as in the 1995 photograph.

Item 89 Orchard & Trees, Smith St. Clunes: remains intact.

Item 90 Native Vegetation, Pelican Creek, Bruxner Highway: the 1999 aerial photographs show that this vegetation remains, but extends further than that identified in the Heritage Study inventory. There is no information as to why only part was selected. It is recommended that this item be deleted from Council's heritage listing as protection is likely to be duplicated within the Regional Vegetation Management Act.

Item 91 Native Vegetation, The Channon Rd, The Channon: this comprises a large area of land in several ownerships. The 1995 Heritage Study describes it as 'Large ridgetop area of native forest, conserved between Terania Creek and Rocky Creek'. Approximately half is within the area identified within the LEP as requiring the concurrence of Rous Water for any development.

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It is to be protected under the proposed Regional Vegetation Management Plan and therefore it is recommended that it be deleted from the proposed heritage listing as duplication of consent procedures is unnecessary.

Item 92 Garden & Trees, 30 Thorburn St., Nimbin: This address is not recognised in Council's records system. Inspection shows that the hoop pine noted in the inventory sheet still exists but possibly due to disease or age is almost dead. The site is included in the Nimbin Conservation Area and therefore already enjoys heritage protection and should be deleted from the list.

Item 98, St Peters Anglican Church, 52 Main St Clunes: this 'landscape' comprises a square of lawn bordered by camphor laurels. The camphor laurels have been severely pruned since the item was originally photographed, but otherwise it remains as described in 1995. The Heritage Study inventory sheet describes it as '*Timber church on ridgetop corner site. Elevated position emphasised by a bank of Camphor laurels, with rainforest species and some privet. Trees are notable in the village streetscape and may be seen from the surrounding countryside. Local significance.*' It is questionable whether this is sufficient justification to include the grounds as a heritage item and because the main vegetation is an environmental weed it is recommended that this item be deleted.

Item 101, Rocky Creek Dam: the inventory sheet for this item refers to the dam wall, and landscaped parkland and treeplanting. The mapping of the item for inclusion in the LEP should identify the wall and surrounding landscaping.

Item 104, Garden & Trees, 71 Dunoon Rd., Dunoon: This address is a relatively recent brick home with an unexceptional garden, and is not the property appearing in the photograph for inventory item 30105. The photographed property is actually No. 91 Dunoon Road, and is recommended as a heritage item on the basis of comprising a '*remnant garden layout to Federation home, rare locally, with characteristic trees from the inter-War period*'. The house itself is a 'recorded item' ie not recommended for inclusion in the LEP. However, the garden contains a camphor laurel/privet hedge with a boundary of camphor laurel plantings, and again, on the basis of inclusion of environmental weeds, it is not recommended that it be listed as a heritage item.

Item 106, Uniting Church, 1615-1615A Dunoon Rd., Dunoon: this item appears well maintained with the landmark bunya and Norfolk Is. pines healthy.

Item 109 Remnant of Big Scrub, Gray Rd., Eltham: The vegetation remains intact. The land is already protected by zoning of 7(a) Environment Protection (Natural Vegetation & Wetlands), requiring consent for any activities requiring clearing. Heritage identification would simply result in an additional consideration for Council in assessing any application for consent to clear.

Item 110 Big Scrub regrowth, 952 & 895 Boatharbour Rd., Eltham: The correct property addresses are 952 and 963 Boatharbour Road (being Lot 1, DP 122841 and Lot 21 DP 730264). The vegetation is already protected under 7(a) zoning. Heritage identification would result in an additional consideration for Council in assessing any application for consent to clear.

Item 114, St Marks Church, 27 Cullen St., Nimbin: within Nimbin Conservation Area and does not require separate listing; could be deleted from this list.

Item 118 Nimbin Rocks, 255 Lodge Rd., Mountain Top: Two property ownerships are involved, with neither at the nominated address. The correct addresses are 2345A Nimbin Road, Nimbin and 332 Lodge Road, Mountain Top. The Rocks should be included as a heritage item because of their significance to the Aboriginal community as well as scenic significance.

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Item 119 Kelly's Lookout, adjacent Crofton Rd., Nimbin: Kelly's Lookout is identifiable on the Nimbin 1:25000 topographical map as the southern extremity of a vegetated spur reaching a height of 420 m and extending south from the Nightcap National Park. No road access exists. The area outside the National Park will be covered by the Regional Vegetation Management Plan and there is no need to duplicate consent requirements. Deletion recommended.

Item 127 Woodlawn College: the building is already included in Schedule 1 Heritage Items and it is recommended that that Schedule be altered to include the words 'and grounds'. The College could therefore be deleted from the landscape items list.

Item 128 Rainbow Power Company, 7 Alternative Way, Nimbin: the Heritage Study recommends its inclusion on the grounds of its local significance as one of the sites made available for the 1973 Aquarius Festival.

In conclusion, analysis of the proposed listing of 'heritage' landscape items shows that several are already protected in conservation areas or contain environmental weeds, the maintenance of which should not enjoy heritage protection or possible funding. Should Council wish to introduce heritage protection over landscape areas it is recommended that the following properties only should be included:

Item 88 Former Dungarubba School Grounds

Item 89 Orchard & Trees, Smith St. Clunes

Item 101, Rocky Creek Dam.

Item 106, Uniting Church, 1615-1615A Dunoon Rd., Dunoon

Item 109 Remnant of Big Scrub, Gray Rd., Eltham

Item 110 Big Scrub regrowth, 952 & 963 Boatharbour Rd., (being Lot 1, DP 122841 and Lot 21 DP 730264) Eltham

Item 118 Nimbin Rocks

Council is requested to confirm that it wishes to proceed with listing "landscape items" in the Heritage Schedules.

Consultation with property owners will be required.

B. REZONINGS

1. Nimbin.

The Planning Study which accompanied the reviewed DCP 9 Nimbin in November 2000 made several recommendations for rationalising the village zoning boundaries at Nimbin. These are:

(a) Delete flood prone land from 2V zone

The current 2(v) Village zone at Nimbin (shown in the attachment) includes a substantial amount of land in the north west as flood prone. A corresponding clause in LEP 2000 prevents Council from consenting to any building on the land unless that building is to be used for the purposes of flood emergency or utility services, or a necessary service to the community. It is understood that the land was originally included in village zoning on the basis of a specific development proposal, which subsequently did not proceed.

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As the land is unable to be used for residential, commercial or industrial development it is misleading to include it in the Village Zone. The land should be rezoned to 1(r) Riverland to reflect its characteristics. This zone permits certain commercial and industrial development as well as general rural uses.

Consultation with property owners will be required.

(b) Include entire Dept. Education lands in Village Zone

Land occupied by the school is currently zoned partly 2(v) Village and partly 1(a) Rural. The Rural zoning should be altered to Village to reflect the use of the land.

Consultation with the Department of Education and Training will be required.

(c) Bush Factory and Sibley Street filled lands

The Planning Study states that these lands are outside the current village zoning but are currently used for, or have the potential for, light industrial uses which could be serviced with water and sewerage. The location of these lands, and the recommended zoning boundary, is illustrated on the map in the attachment to the Business Paper.

Consultation with property owners will be required.

2. 9 Blue Hills Avenue, Goonellabah

The land is currently zoned 1(a) General Rural. It is located on the south-east of Goonellabah and is adjacent to residential zoned land across Taylors Road and Blue Hills Ave. The land is within an area identified in the 1996 Urban Development Strategy for future residential use when sewerage becomes available.

As Lot 1 DP 255203, the land comprises 2.5ha; however the application is to rezone only that part of the land capable of being seweraged (5702 sq. m) so as to facilitate the development of five residential allotments. The owner of this land (Mr. R W Coe) applied in 1999 to have the land rezoned for residential use, but was content to wait for the rezoning to be included in a general amendment to zonings.

The applicant has submitted a rezoning report which addresses all necessary requirements, indicating that the land is free from hazards, and including a letter from Lismore Water advising that the Blue Hills Sewage Pump Station would have capacity for a further four lots.

Because of the small number of lots, the availability of sewerage, and the suitability of the land for residential development, it is recommended that the land be rezoned to 2(a) Residential in advance of any zoning alterations flowing from the current review of the urban development strategy.

Further consultation with Lismore Water will be required to ascertain that sewerage capacity remains, and to quantify the amount of that capacity. Consultation with adjoining landowners should also be undertaken.

3. National Parks

Over the last three years some State Forests have been transferred by the State Government to the National Parks and Wildlife Service for national park/nature reserve use. However the zoning under the Lismore LEP has not been updated in response, so that new National Parks may remain zoned 1(f) Forestry. That zoning permits uses authorised by the Forestry Act 1916, whereas Zone 8 National Parks and Nature Reserves permits uses authorised by the National Parks and Wildlife Act 1974. The NPWS has been requested to advise Council of its current holdings in Lismore LGA so that the zoning can be adjusted accordingly. The proposed LEP amendment will rezone some land from 1(f) Forestry to 8 National Parks and Nature Reserves.

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Consultation with NP&WS has resulted in an up to date map of the services' holdings being provided.

4. 81 James Gibson Road, Clunes (Lot 382 DP 867394)

This land is zoned part 2(v) Villages and Part 1(d) Investigation and appears to have been within this zoning since at least 1988. The boundary between the zones is an irregular shape that does not relate to any topographical feature and may have been based on a former easement to access a creek. The land is in one ownership.

The owner, Mr R Hancock, has applied to rationalise the zoning boundary by realigning it as a straight east-west line, so as to facilitate the preparation of conceptual development designs for village expansion in the 2(v) zone. The result will be in the nature of a "land swap" between the two zones, the areas of which will remain similar to current areas. Support is recommended as rezoning now will enable consideration of future development proposals without the necessity of awaiting the outcome of the cumbersome rezoning process.

The land has been used for grazing purposes and is not subject to any known hazard or contamination. The realigned zone boundary will cross pasture land.

5. 33 Tweed Street, North Lismore (Lot 3, DP 732534)

This land is owned by the Roman Catholic Church and is currently in three (3) zonings, being Residential 2(f) Flood Liable; Special Uses 5 (Church) and 1(r) Riverland. The land has been for sale for some time. It contains two brick buildings formerly used as a church and school but now surplus to the Church's requirements.

Council has received several enquiries about purchase and potential uses of the land, but the Special Uses 5 Zone restricts it to Church-related uses only. As a result Father Peter Karam has now sought to alter that zoning.

Given the flood prone nature of the land, the most appropriate zoning for the land is that of adjoining properties, being Residential 2(f) Flood Liable. This will permit a wider range of uses, such as residential or light industrial. Rezoning of the land is recommended.

C. MISCELLANEOUS

1. Markets

Lismore Local Environmental Plan does not make any specific provision for markets. Instead, they have been assessed as 'commercial premises' and permitted or prohibited according to the permissibility of that use in the zoning table. While this is clear to practicing planners, it is not clear to the public or to market operators. In the interests of making the planning controls clear and transparent to all users, it is recommended that a definition of 'market' be introduced and the zoning tables be altered to indicate where this use is permissible and where it is prohibited. The following definition has been adapted from that which has been in use in the Tweed Shire LEP for some years:

Market: *A temporary outlet for the sale of local crafts and goods, a large proportion of which are not available through normal commercial outlets and*

(a) which operates on one day of the week only and

(b) which does not require the erection of permanent structures.

Markets should be made permissible with Council's consent as advertised development in 2(v) Village, 3(a), 3(b) and 3(f) Commercial, 4(a) Industrial, 5 Special Uses, 5(b) SCU Technology Park, and 6(b) Private Recreation Zones. They should be prohibited in the rural, urban residential and environmental protection zones because of their significant demands for parking, waste management, water and sewerage. The term 'local' is deliberately not defined so as to avoid demands for policing the source of goods sold, as this could not be resourced without the employment of an enforcement officer.

Consultation with Council's Economic Development & Tourism will be required.

2. Warehouses

By virtue of adoption of the Model Provisions the Lismore LEP contains a definition of 'warehouse' as follows:

Means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

The requirement for goods to be intended for 'persons engaged in the retail trade' is considered to be too restrictive, as there are instances where goods can be stored pending further distribution to wholesalers or manufacturers. It is proposed that the LEP adopt the following definition:

'warehouse' means a building or place used for the storage of goods, merchandise or materials pending their sale or distribution.

Consultation will not be required for this proposal.

3. Motels in General Rural 1(a) Zone

Motels are currently permissible with consent in this zone and it is proposed to require them to be "advertised" development. This is because motels can impact on surrounding land uses, and as advertised development, the proposal would be exhibited for public comment for two weeks.

Consultation will not be required for this proposal.

4. Bed and Breakfast Establishments in Zone 7(b) Environmental Protection (Habitat)

Probably due to an oversight in the drafting of the LEP, bed and breakfast's are currently prohibited in the 7(b) zone. It is recommended that the use become permissible with consent to allow landowners an ability to gain some income from the conservation values of their land.

Consultation will not be required for this proposal.

Manager - Finance & Administration Comments

This plan amendment is being undertaken by staff and does not require any specific budget allocation. Therefore the comments of the Manager-Finance and Administration were not sought.

Public Consultations

Noted throughout body of report. Public exhibition will be required for a minimum of 28 days.

The draft plan instrument and maps will be prepared following the required consultations, and taking into account any issues arising in that consultation. If no significant issues arise, the resulting planning instrument will simply enact Council's resolution from this meeting, and in those circumstances it is recommended that Council agree that the draft plan can be placed on public exhibition without being reported again to Council.

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However, if significant issues arise during consultation, which may require alteration to the proposed draft LEP Amendment, it is appropriate that it be reported to Council again for endorsement before public exhibition.

In either event, the draft plan will be reported to Council following public exhibition in order to advise of public submissions and obtain endorsement for the plan's submission to the Minister.

Other Group Comments

Not sought at this stage – see consultation requirements for individual items.

Author's Response to Comments from Other Staff

Not applicable.

Conclusion

Draft Amendment No. 10 to the Lismore Local Environmental Plan represents the annual alterations to the plan which have been found to be necessary during its operation. It also takes the opportunity to implement resolutions of Council regarding heritage matters, which have not been actioned to date because the high resource demands of heritage planning could not be accommodated amongst other priorities.

Recommendation (PLA6)

It is recommended that, pursuant to S. 54 of the Environmental Planning & Assessment Act, Council resolve:

1. To prepare a draft amending local environmental plan which introduces the following changes to the Lismore Local Environmental Plan:
 - (a) includes the Queen Victoria Fountain within Schedule 1 Heritage Items;
 - (b) alters the reference to Woodlawn College within Schedule 1 to clarify that college grounds are included;
 - (c) corrects the spelling of the 'Railway Straight Carriage Shed' within Schedule 1;
 - (d) includes 150 Keen Street as Map 32A, Heritage Items;
 - (e) includes standard provisions for heritage protection as provided by the Heritage Office;
 - (f) adds the Lismore Village Archaeological Zone;
 - (g) includes 3 Dunoon Road, The Channon in Schedule 1 Heritage Items;
 - (h) includes the former Lismore Power Station on Lot 1, Section 1, DP 1691 in Schedule 1 Heritage Items and amongst the maps;
 - (i) includes in Schedule 1 Heritage Items the landscape items recommended in the body of this report;
 - (j) rezones certain flood prone land at Nimbin to 1(r) Riverland;
 - (k) includes the entire Nimbin School site in the 2(v) Village Zone;
 - (l) includes the Bush Factory and filled land in Sibley Street with development potential within the 2(v) Village Zone at Nimbin;
 - (m) rezones part of Lot 1, DP 255203, Blue Hills Ave., Goonellabah, to 2(a) Residential;
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- (n) rezones lands held by the National Parks & Wildlife Service to 8 National Parks and Nature Reserves;
 - (o) realigns the 1(d)/2(v) zone boundary on Lot 382 DP 867394, Clunes;
 - (p) removes the Special Use 5 Zone from part of 33 Tweed Street, North Lismore and replace it with the Residential 2(f) Flood Liable zone.
 - (q) introduces a definition of 'markets' and makes provision for this use within the zoning tables;
 - (r) introduces a new definition of 'warehouse';
 - (s) requires the advertisement for public comment of proposals for motels in the 1(a) zone; and
 - (t) permits bed and breakfast establishments to be developed with consent in the 7(b) zone.
2. To exhibit the draft amending plan in accordance with the Guideline 'LEPs and Council Land', dated January 1997.
 3. To agree that, should no issues arise during consultation which would significantly alter the proposed draft plan, agree that the draft plan can be placed on public exhibition without further reporting to Council.

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Draft DCP No. 42 – Guidelines for Urban Design & Weather Protection in the CBD

Subject/File No:	DRAFT DEVELOPMENT CONTROL PLAN NO.42 – ‘Guidelines for Urban Design & Weather Protection in the CBD’ (S635)
Prepared By:	Development Assessment Planner - Angela Jones
Reason:	To obtain Council’s endorsement to adopt the DCP in the form that it was publicly exhibited.
Objective:	To improve pedestrian amenity and urban design in Lismore’s CBD, as a contribution to the economic well being of Lismore.
Management Plan Activity:	Strategic planning

Background:

In January 1994 Council adopted a strategic planning work program which listed "urban design and weather protection policy for the CBD" to be funded from the 1994/95 budget. It is understood that the impetus was the completion of streetscaping designs for the CBD and also an approval given for a building that did not provide any weather protection for pedestrians. The project was unable to be given priority at the time, and was not prepared in the time frame originally envisaged. In 1998 Council requested a report on the origins of the requirement for such a policy and resolved to *'prepare a development control plan for urban design incorporating weather protection for the CBD'* (31/3/98).

Contents:

The draft DCP applies only to the CBD, which is defined by map as being bounded by Ballina, Dawson and Orion Street, and the River. The objectives of the DCP are to ensure that new buildings, or redevelopment of existing buildings, include in their design:

- Weather protection measure for pedestrians
- Energy efficiency principles
- Crime prevention principles
- Disabled access
- Respect for the streetscape and adjoining buildings

The DCP contains three sections:

1. Introduction and background
2. General guidelines (for new buildings and additions to existing buildings; weather protection; surface treatment and street furniture; disabled access; crime prevention; heritage buildings; retention of trees)
3. Specific requirements: building heights; roof form; windows and doors; design; scale/mass; setbacks; materials; colour; signage.

All requirements of the DCP are taken from current guidelines and practices. The urban design requirements are very basic ‘common sense’ principles which would already be familiar to professional building designers and architects.

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Draft DCP No. 42 – Guidelines for Urban Design & Weather Protection in the CBD

The draft DCP was the subject of a workshop with Councillors on March 20 2001. Before being placed on public exhibition the DCP was circulated to, and discussed with, the Civic Pride Advisory Panel and relevant staff. Feedback and suggestions from these sources was addressed, where possible, prior to exhibition.

Since the workshop with Councillors the DCP has been further edited in accordance with suggestions from Councillors. The word *'must'* is used only in relation to the provision of weather protection for pedestrians, and the provisions for building heights are in the form of a guideline and performance indicator. However, a suggestion for including strong direction on heritage colours for heritage items has not been included as it is a specialist field not within the expertise of staff.

Council may wish to commission a consultant to prepare a 'colour palette' for Lismore (which has been suggested by a previous Heritage Advisor), which would identify a suitable colour theme for Lismore and which could be incorporated into Lismore identification and promotions. However, it is understood that most paint companies include 'heritage colour' ranges and offer a consultancy service.

The DCP is contained within the attachment to this Business Paper.

Manager - Finance & Administration Comments

Not sought; the DCP has been prepared by staff and within current budget allocations.

Public Consultations

The draft DCP was on public exhibition from November 22, 2001 to February 20, 2002 for a three (3) month period. Copies of the draft DCP with covering letters were sent to both Lismore Unlimited and the Civic Pride Advisory Panel for their comment, objection or suggestion. During the exhibition period Council received no submissions. The lack of submissions was not surprising as the DCP will only apply to new or redeveloped buildings within the defined area and does not apply to existing buildings in the CBD.

Other Group Comments

Included in draft plan.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Draft DCP 42 "Guidelines for Urban Design and Weather Protection" seeks to preserve and improve the amenity of the CBD so as to attract customers and visitors, contributing to the city's economic competitiveness within the region. The requirements contained in this DCP are taken from current guidelines and practices and will only apply to new buildings or additions to existing buildings within the defined CBD area. Adoption of the draft plan as publicly exhibited is recommended so as to ensure that new buildings, or redevelopment of existing buildings is in accordance with desired general design principles such as weather protection for pedestrians and crime prevention principles.

Recommendation (PLA7)

It is recommended that Council:

1. Adopt the draft DCP as publicly exhibited;
2. Notify its decision in accordance with clause 21(2) of the Environmental Planning and Assessment Regulation 2000.

Subject/File No: ENVIRONMENT/CATCHMENT MANAGEMENT
(AH:MG:S227)

Prepared By: Environmental Health Officer – Andrew Hanna

Reason: Requested by Department of Land and Water Conservation and Richmond Floodplain Committee

Objective: To gain Council support for the development of an Estuary Management Plan for the Richmond River.

Management Plan Activity: Environmental Health

Background:

The NSW Government has been promoting and supporting the development of Estuary Management Plans for all estuaries in NSW since 1992 under its Estuary Management Programme.

The Richmond River estuary is one of the last remaining waterways on the NSW North Coast that has not yet formally commenced an estuary management planning process. Currently, seventy-four estuary management committees are working to develop plans across the State's estuaries.

In developing an Estuary Management Plan (EMP) the focus is on improving or maintaining the overall health and functioning of an estuary, and maintaining the integrity of the whole system including its chemical and physical, and biological properties as well as its economic, recreational and aesthetic values.

To achieve this, the process involves engaging the local community and encourages the local community to take responsibility for managing their own estuaries. The DLWC administer the Estuary Management Programme, however decisions and activities are carried out by respective Local Councils and a locally formed Estuary Management Committee.

The need to develop an Estuary Management Plan for the Richmond River Estuary is paramount if an integrated, balanced and responsible approach to future development, nature conservation, and remedial actions in the estuary and its catchment are to be achieved. Without a plan decisions will be based on limited data and understanding of issues affecting the health and viability of the Richmond River Estuary. This has most recently been seen by the massive fish kill in the estuary after floods early in 2001.

The Richmond Floodplain Committee (RFC) a committee of Richmond River County Council has supported the initiative to progress the development of an Estuary Management Plan, which would be overseen by a locally formed Estuary Management Committee possibly established as a sub-committee of RRCC.

Lismore Council considered committing funds towards developing an Estuary management Plan in the 2001/02 budget process. At that time it was not included primarily due to there being no commitment from the other two Local Government Authorities, Richmond Valley and Ballina Shire Councils. These two Councils have since committed to the process and have allocated funds. The Richmond Floodplain Committee and representatives from DLWC have requested that Lismore Council also show their support so the process of forming an Estuary Management Committee and developing a plan can commence.

Estuary Management Committees and Process of Developing a Plan

The formation of an Estuary Management Committee is the first step to be undertaken when developing an Estuary Management Plan.

Committees are established by local Councils, in this case being Richmond River County Council, and is made up of representatives from local Councils, State Government Departments and authorities (as necessary), local residents and landholders, relevant industry representatives, environmental interest groups and researchers.

Estuary Management Committees follow a structured planning process to develop their plans. The process involves eight steps which, as mentioned above, commences with the formation of the committee.

STEP 1 – Establish an Estuary management Committee

STEP 2 – Assemble existing data

STEP 3 – Undertake an Estuary Process Study

- Biological system
- Physical system

STEP 4 – Carry out an Estuary Management Study

- Current uses
- Conflicts of use
- Management options and objectives
- Management strategies and potential impacts

STEP 5 – Prepare a Draft Estuary Management Plan

- Outline goals and values
- Describe how area is to be managed
- Recommended management options
- Schedule and cost of activities

STEP 6 – Review Draft Estuary management Plan

- Public
- Stakeholder groups
- Council
- Government

STEP 7 – Adopt the Estuary Management Plan

- Interim measures
- Planning actions
- Restoration works and monitoring
- Education

STEP 8 – Monitor and Review

Relevance to Lismore City Council

Lismore City Council's component of the Richmond River estuary includes the Wilson's River from Boatharbour to Coraki (50km), Leycester Creek up to approximately Tuncester and approximately another 40km of the main Richmond River channel to Broadwater. It also includes the Tuckean Broadwater and a large part of the Tuckean Swamp drainage network. The Wilsons alone represents 23% of the total catchment area of the Richmond River.

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Environment/Catchment Management

It contributes 26% of the total phosphorous generation of the Richmond Catchment area. Four of its five sub-catchments are the highest ranking catchments in the Richmond catchment in terms of sediment loading to the Richmond River. (*NSW State of the Rivers and Estuary Report, 2001 DLWC*).

As identified in recent years by Council's Economic Development Unit, the health, vitality and productivity of the Wilson's River are potentially one of the most valuable assets to Lismore and its wider community in terms of aesthetics, tourism (fishing, boating, swimming, passive recreation) and its cultural and natural heritage.

The benefits of developing an Estuary Management Plan for the Richmond and Wilson's River are far reaching and include:

- Providing clearer direction for long term sustainable use of the Richmond River estuary and floodplain rather than rely on short-term adhoc decisions.
- It will provide a useful strategic framework for planning on all issues affecting the estuary, the floodplain and its environment.
- It will allow better integration between various programmes and between the various Local Government Areas and agencies and authorities in the Richmond, and thus provide many cost sharing opportunities within the estuary between various players.
- It will help overcome competition for funds and duplication of effort, which is a common feature of natural resources management in catchments.
- A Richmond Estuary Management Plan will greatly increase chances of funding and support from State Government, and it is likely that in the future, commitment to and completion of an Estuary management Plan will be a strong factor in any State Government consideration and approval of developments in estuary and floodplain areas.

Funding

The proposed Estuary Management Plan is eligible for financial assistance on a \$ for \$ basis under the State Government's Estuary management Programme. Implementation of the Plan would also be eligible under the Programme.

Development of the Plan is envisaged to take 2.5 years and requires a total dollar commitment from Lismore of \$50,000. The Department of Land and Water Conservation have requested a commitment of \$30,000 in the 2002/03 financial year.

The 50% funding required by Local Government to match State Government funding will be split between the three Councils of Lismore, Ballina and Richmond Valley, with each Council contributing \$50,000.

Manager - Finance & Administration Comments

No comment sought

Other Group Comments

Not relevant to this report.

Recommendation (Pla 9)

1. That Council support the development of an Estuary Management Plan for the Richmond River.
 2. That Council commit to providing \$30,000 in the 2002/03 financial year budget towards development of the Plan.
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Subject/File No: WATER & WASTEWATER DEVELOPER CONTRIBUTIONS
(AA:CD:S744)

Prepared By: Anu Atukorala – Manager Lismore Water

Reason: Council request

Objective: To clarify issues related with calculation of developer contributions and provide additional information on subsidising developer contributions.

Management Plan Activity: Water Supply and Wastewater Services

Background:

At its meeting on February 12 2002, a report was tabled on waiving of S 64 contributions (Attachment 1).

It was resolved that the report be deferred subject to advice on the following:

If no discounts have been applied to the following three projects then the Manager of Lismore Water submit a further report detailing possible discounts and the mechanisms of how they could be applied. The discounts are to reflect the following comments:

1. *Sporting Clubs using Crozier Stadium generally used Oakes Oval or other venues. It is unlikely both fields will be used at the one time. Most users of Crozier Stadium are ratepayers that have already paid Section 64 fees.*
2. *The Hockey Club already have change rooms and toilets. If these are to be closed then there should be discounts for Section 64 fees.*
3. *Bowlers at the RSL Sports Club are sharing the showers and toilet facilities associated with the Jim Armstrong table tennis building. If this is the case then maybe there should be a discount for Section 64 fees.*

The report also investigate:

- a. *Problems of funding revised fees from incentives for investment policy 11.1.1.*
- b. *The provision of a material public benefit in this form of a building or work being used to satisfy a cash contribution similar to Section 94 (EPA Act).*
- c. *If funds accumulated in this working funds surplus could be used to satisfy the cash contributions required by the three developments.*

Report:

The report tabled on February 12, 2002 highlighted the legal difficulties and ramifications associated with waiving S64 charges already imposed.

Items 1 to 3 of the above resolution are seeking further information on the rationale behind the calculation of ET (Equivalent Tenement) loadings and whether particular circumstances would enable further reductions. Hence, it is appropriate that the current method of calculation be detailed.

The load generated from a house is based on average usage. As such the ET rating for a house incorporates reductions due to occupants working (away from home), dining out, participating in sports activities etc.

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Report – Water & Wastewater Developer Contributions

Accordingly, loads generated from office buildings, restaurants, cinemas, sporting venues etc. need to be accounted for separately. In addition, given that these venues may impose the load on a different water or wastewater catchment (to that where the user lives), it is prudent to assess them separately.

The current method of calculation for non-residential developments is:

1. To use actual flow data from similar developments, or
2. Fixture units, or
3. Information supplied by the developer, or
4. The Department of Public Works and Services (DPWS) Guidelines.

The above approach is detailed in Attachment 2. It ensures that the best possible estimate is made of the load generated by the development. It is sufficiently flexible to allow reductions where the applicant can demonstrate that the proposed development will impose a demand less than that assessed. Most councils in NSW use the above-mentioned method or variations of it.

It is important that developer contributions are calculated and imposed in a consistent manner to avoid legal and administrative difficulties. Hence, it is recommended that Council formally adopt the policy detailed in Attachment 2. This policy effectively replaces Policy No 6.1.4 "Water & Wastewater Headworks Charges" (Attachment 3). It also provides for deferred payments and "works in kind" in line with the s94 plan.

It is also recommended that the policy be exhibited, before being adopted, so that any community and developer concerns can be considered.

- Sporting Clubs using Crozier Oval generally used Oakes Oval or other venues. It is unlikely that both fields will be used at the same time.

At present the following conditions are applicable to Crozier Oval;

Cl. 28. The competition use of the site shall not occur at a time when both the Lismore Car Boot Market occurs and the use of Oakes Oval is anticipated to exceed 5,000 spectators.

Cl. 30.4. Combined crowd levels at Oakes Oval and Crozier Oval are not to exceed, 5,000 at Oakes Oval and 3,000 at Crozier Oval.

The above conditions do not restrict the use to only one field at all times. A maximum of 8000 persons can be accommodated except when the car-boot market is on. In addition, the need for additional toilet facilities to supplement Oakes Oval is specifically stated as a management plan objective.

Council could impose conditions to reduce the combined total (to say 5000), so that there is no additional demand created. However, discussions with the Recreation Planner, Mr Alex Wilford, indicate that this is not appropriate, as it will diminish the utility value of the ovals.

Apart from this, the fact that there are more toilets and other facilities available at Crozier Oval is likely to result in a demand being created specifically in that catchment, and it would be difficult for the applicant to prove that there will be no additional demand imposed. The above explanations holds true when considering venues other than Oakes Oval.

Report – Water & Wastewater Developer Contributions

- Most users of Crozier Oval are ratepayers that have already paid S64 fees (as such the load is accounted for already).

As indicated previously, the load generated from a house is based on average usage and reductions have been incorporated for occupants' activities away from home. Hence it is necessary that offices, sporting venues etc. are assessed as separate entities.

In addition, calculations for offices, sporting venues etc. are based on fixture units rather than peak loads, which can be considerable. For example, in the instance of Crozier Oval, which can accommodate 3000+ persons, the water and wastewater load has been assessed as equivalent to that of 17 persons (6.1 ET's).

- The hockey club already has changing rooms and toilets. If these are to be closed then there should be a discount for S64 charges.

Agreed. The applicant should make a formal request. The original proposal was to use these facilities as well, and recent discussions with the administration have indicated that they have not made a firm decision with respect to this matter.

Reductions in S64 charges are allowed where the applicant can demonstrate conclusively that the demand is less than what was originally assessed.

- Bowlers at the RSL club are sharing the showers and toilet facilities associated with the Jim Armstrong Table Tennis building. If this is the case, then maybe there should be a discount for S64 charges.

One could argue that the reason as to why the bowlers need to share these new facilities is due to the fact that the existing facilities are overstretched. This argument can be supported if the current ET figures for the RSL Club are considered. In 1990, the ET's assessed were 4 ET but the current demand is 8 ET. Despite the doubling of usage, Council cannot recover the headworks charges on the additional 4ET's the RSL Club is using. Improved amenities are likely to provide a better level of service for the RSL Club customers, and there is a strong case for the applicant to request that RSL club subsidise these contributions.

Irrespective of the above, at this stage it is difficult for to justify that these additional facilities will result in a demand less than that assessed.

- Investigate problems of funding revised fees from "Incentives for Investment" Policy 11.1.1.

Applicants will be able to access these funds provided they meet the criteria. Additional information has been provided by the Manager EDU & Tourism.

- Investigate the provision of a material public benefit in the form of a building or work being used to satisfy a cash contribution similar to S 94 (EP&A Act).

A material public benefit in S 94 consists of a physical component, other than the dedication of land or payment of a monetary contribution, which may be offered as settlement of a contribution but does not relate to an item included on an adopted works schedule in the Contributions Plan.

S 306 of the Water Management Act 2000 does not allow such settlements, although "works in kind" are allowed. The revised policy acknowledges this. In addition, assets provided to serve only his/her development would not be considered for such purposes, as there are no other benefits for other developments.

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Report – Water & Wastewater Developer Contributions

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- Investigate if funds accumulate in the working funds surplus could be used to satisfy the cash contributions required by the three developments.

This is possible. On February 12 2002, when this issue was being discussed, Councillors emphasised the fact that all three developments were on Council properties. The General Fund owns these properties and any improvement to the land will indirectly benefit that fund. Accordingly, there is a case for making a contribution by the General Fund. Apart from this, by providing the subsidy in this manner, the cost is shared by the entire community rather than the Lismore Water customer base only.

Manager - Finance & Administration Comments

My comments are restricted to the request to "investigate if funds accumulated in the working funds surplus could be used to satisfy the cash contributions required by the three developments"

In the original report, I reluctantly supported the short-term solution to fund both Crozier Oval (\$17,934) and FNC Hockey (\$19,114) from the General Fund working fund surplus of \$100,000, so as not compromise the integrity of the DSP's. With Council allocating \$50,000 of that amount to the Rural Fire Service, and the potential impact on finances as a result of recent court case and another major case pending, the expectation that passenger numbers for Lismore Airport will be less than anticipated requiring further significant assistance from General Fund, I can no longer support that position in that it will cause Council to go into a deficit situation. This is not a desired "planned" outcome at this stage of the financial year.

Unfortunately, the only other option is for Council to totally reconsider its position on this issue and require the relevant developers to pay the Section 64 Charges on the basis that it will create an unfair and unsustainable precedent for future water and wastewater users and General Fund.

As for future years, I support the proposal to fund these contributions from General Fund as long as there is a Budget included in the Management Plan. This risk with this approach is that this inclusion may result in other capital works, works or services being curtailed or deleted.

Public Consultations

Not required.

Other Group Comments

Comment from Manager – Economic Development and Tourism

Sporting bodies are able to make application under the Incentives for Investment Policy. Indeed there is no specific restriction as to who may apply. The policy, however, is clearly directed at businesses. It is certainly not directed at funding other Council operations.

The policy's objectives are:

- To assist development of sustainable enterprises and industries;
- To increase employment and investment in the Lismore region;
- To assist the growth of value adding businesses to the region; and
- To encourage exporting and import replacement.

The assessment of an incentives application is carried out with reference to objective criteria and previous successful applications. The criteria are:

Report – Water & Wastewater Developer Contributions

1. Employment created;
2. Revenue generation for the region;
3. Multiplier effect to other existing sectors;
4. Value adding to other sectors;
5. Export potential/import replacement;
6. Environmental issues;
7. Social Issues;
8. Likely revenue flow to Council/infrastructure enhancement.

Please note that this is a policy designed to promote economic development and not sport, as such. Of course, sports do contribute to the economy and in certain cases a reasonable application may be able to be put forward. That application would need to indicate how the project will generate jobs and also address the other criteria listed above. Evidence of appropriate business planning is also required.

Conclusion

In order to avoid legal difficulties, it is important that developer contributions are calculated and imposed in a consistent manner. Accordingly, it is recommended that Council adopt the policy on “Water and Wastewater developer contribution charges” as detailed in Attachment 2, after public exhibition.

The current method of calculating ET's is sufficiently flexible and allows for reductions where an applicant can demonstrate that the development would create less of a demand. Accordingly, the Hockey Club will be entitled to a credit, if they propose not to use the old facilities. It is difficult to justify such a reduction for Crozier Oval or the Table Tennis Club based on the information available at present.

Applicants will be able to access funds via the “Incentives for investments policy 11.1.1” provided they meet the criteria set out in that policy.

Given that these developments are on Council land and benefit the whole of the community, there is a strong argument that subsidies (if any) should be provided from the Working Fund surplus. The total value is \$ 44,190 excluding Rous contributions.

Author's Response to Comments from Other Staff

If there is insufficient surplus in the Working Fund, then as recommended by the Manager Finance and Administration, it is appropriate that Council reconsider its position on this issue and require the relevant developers to pay the Section 64 Charges.

Recommendations (ENT02)

1. The legal advice and the report of February 12, 2002 be noted (Attachment 1).
2. That Council exhibit the policy on S64 charges detailed in Attachment 2, with a view to adopting it after seeking public comments.
3. Given the lack of funds in the Working Fund, the developers be advised that at this stage no subsidy applications can be entertained.
4. Given the legal difficulties associated with waiving S64 charges, if it is Council's desire to exempt sporting organisations located on Council land from such charges, staff be requested to formulate a policy authorising the General Fund to subsidise these charges to a maximum of \$40,000 annually.

LISMORE CITY COUNCIL – Meeting held 12th March 2002

Byron - Lismore Tourism Organisation

Subject/File No: BYRON – LISMORE TOURISM ORGANISATION
(AL: SV:S362)

Prepared By: Manager – Economic Development and Tourism, Andrew Lovett

Reason: A proposal for the creation of a new tourism organisation in the Northern Rivers of New South Wales.

Objective: To inform Council of this new proposal and gain endorsement for continued planning and discussion

Management Plan Activity:

1) Background

In the Northern Rivers area there are a range of tourism organisations that are set up on a variety of bases. They are listed below:

- o Clarence River Tourism Association (5 Council areas – Differential Rate Funding)
- o Tweed and Coolangatta Tourism Association (2 Council areas – Cross border)
- o Byron Visitor Centre
- o Byron Shire Tourism Association
- o Lismore Tourism (Lismore City Council)
- o Richmond Valley Tourism (Richmond Valley and Kyogle Shire Councils)

The umbrella organisation is the Northern Rivers Regional Tourism Organisation, which has the trading name Northern Rivers Tourism.

In the case of Lismore the operation of Lismore Tourism is solely Council based and funded. There is a need for greater industry participation and performance.

In the case of Byron, the operation of the two tourism organisations is significantly industry based.

Around the State, there is a broad range of models for tourism representative organisations. It is clear that the more effective organisations cover multiple Council areas.

2) The Proposal

The proposal is to create a new incorporated association that would be the tourism organisation for Lismore and Byron local government areas. The Byron-Lismore Tourism Organisation (“BLTO”) would run both the Byron and Lismore Visitor Information Centres. It would be supported by both Councils and also through industry based membership. The BLTO would be the tourism promotions body and would be responsible for the provision of policy advice to local and state governments on tourism development.

If other Council areas indicate a desire to participate in the new organisation, applications would be encouraged and assessed on their merits.

3) Potential Benefits

The potential benefits to the region's tourism industry, the travelling public, the community and both Byron and Lismore Councils are very significant. Those benefits include:

- o Greater co-operation and organisation
- o Greater resources
- o Improved product development
- o Improved marketing processes
- o Distribution of tourism to the hinterland area
- o Improved occupancies and yields
- o Relieving pressure from Byron Bay's infrastructure
- o Improving Lismore's tourism industry performance
- o Increased nature-based tourism in the region

4) Consultations and Stakeholders

To date – the author has consulted with the Manager of the Byron Visitor Centre – Ms Heidi Stratford, Mr Paul Hickey of Byron Shire Council and Mr Bill Mabey of Tourism NSW.

Future Consultations – To ensure widespread acceptance of the proposal, there must be broad industry, community and government consultations.

Consultation List:

- o Byron Visitor Centre Inc
- o Byron Shire Tourism Association Inc
- o Byron Shire Council
- o Lismore Tourism Advisory Panel
- o Lismore Economic Development Advisory Board
- o Lismore City Council
- o Ballina Visitor Information Centre/ Ballina Shire Council
- o Tweed and Coolangatta Tourism
- o Kyogle Shire Council
- o Richmond Valley Shire Council
- o Grafton Tourism Association
- o Northern Rivers Tourism
- o Tourism NSW
- o Existing staff

5) Guiding Principles

- a) Partnership and co-operation
- b) Equitable contribution from Council, Industry and commercial activity.
- c) Open and accountable planning and operation
- d) The highest standards of professional service

6) Proposed Process

- a) Consultation
- b) Detailed business planning
- c) Incorporation
- d) Changeover
- e) Operation

7) Time Frame

To ensure that the new association is successful, it needs to be well planned, well resourced and carefully thought through. It is important that there is a thorough consultation process.

The Lismore Visitor Information Centre is owned and operated by the Council and therefore there is no particular time constraint due to its operation. The Byron Visitor Centre enjoys a lease-hold of the Council owned property. The lease runs through to September 2003. This provides a significant and appropriate lead-time for the necessary preliminary work prior to the commencement of the new organisation.

8) Proposed Working Group

- o Andrew Lovett – Lismore City Council
- o Heidi Stratford – Byron Visitor Centre
- o Paul Hickey – Byron Shire Council
- o Bill Mabey – Tourism NSW

9) Draft Objectives

- a) Maximising the triple bottom line (economic, social, environmental benefits) gained by the region from tourism.
- b) The provision excellent policy advice to local and state government.
- c) Increased occupancy for accommodation developments
- d) The promotion of tourism in the hinterland area.
- e) The minimisation of the harmful effects of tourism on the coastal area.

Principal Accountant's Comments

This concept appears advantageous to Council, however a detailed business plan needs to be developed before the full financial consequences can be determined.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

It is absolutely essential that a thorough consultation and planning process is undertaken before the proposal is implemented. I agree with the Principal Accountant's comments.

Conclusion

The formation of the proposed body can create significant benefits for the region. In order for the body to be successful, there needs to be a thorough planning and consultation process prior to commencement.

Recommendation (GM01)

That Byron Shire Council and Lismore City Council continue discussions and planning for the creation of the Byron – Lismore Tourism Organisation, in line with the process and information as set out in the report.

LISMORE CITY COUNCIL - Meeting held March 12, 2002

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD FEBRUARY 20, 2002
AT 10.00 AM. (WMacD:VLC:S352)

Present: Mr Garry Hemsworth (*Chairperson*), Councillors Bob Gates and Mervyn King, Ms Bronwyn Mitchell on behalf of Mr Thomas George, MP, Messrs Mike Baldwin (*Roads and Traffic Authority*) and John Daley (*Lismore Unlimited*), Snr Consts Dave Sales and Rob Clarke (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

In Attendance: Ms T Castley (*Item No. 6*), Mr M Crummy (*Item No. 7*) and Ms Jyllie Jackson (*Item No. 16*).

Apologies: Apologies for non-attendance on behalf of Mr Bill Moorhouse (*another commitment*) and Councillors John Chant and Ken Gallen were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – December 19, 2001

Members were advised that the Minutes of the meeting held on December 19, 2001 were adopted by Council at its meeting of February 12, 2002, excluding Item No. 14 (*Intersection of Union Street/Three Chain Road, South Lismore*).

Business Arising:

1. **Item No. 14 (TAC196/01) of Meeting held 19/12/01 - Intersection of Union Street / Three Chain Road, South Lismore**

Members noted Council's resolution that the status quo should remain. (R6938,R6937)

Disclosure of Interest: Nil

Correspondence:

2. **D Flatley;** requesting the installation of a marked pedestrian crossing on Conway Street, Lismore, outside the Post Office.

The Committee noted that a significant number of pedestrians crossed Conway Street, between Molesworth and Carrington Streets, at either of the three (3) refuge points. It was suggested that a marked pedestrian crossing would be best located midway between the above streets if it met the warrants.

TAC1/02 **RECOMMENDED** that pedestrian and vehicle counts be undertaken for Conway Street, between Molesworth and Carrington Streets.

TAC2/02 **FURTHER RECOMMENDED** that if the counts indicate that a crossing is warranted, a marked pedestrian crossing be installed at the earliest opportunity. (01-18149:S342)

3. **Lismore South Public School P & C Association;** expressing concern for the safety of collecting School children from the designated pick-up area at Kyogle Street, South Lismore, and requesting the area be investigated and improvements applied.

Mr MacDonald advised that an on-site inspection had been held with the Principal, Mr Irwin Bates, prior to the meeting. It was noted that the section of Kyogle Street closest to Wilson Street and adjacent to the School was the area used by parents to drop off and collect children. Road shoulders, drainage and footpaths in this area were in need of reconstruction. Part of any proposed works could include a speed bump near the start of Kyogle Street in order to slow through traffic. It was suggested that Council could prepare a plan and estimate for upgrading works and forward same to the NSW Department of Education for funding consideration.

LISMORE CITY COUNCIL - Meeting held March 12, 2002

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD FEBRUARY 20, 2002 (Cont'd)

3. **Lismore South Public School P & C Association;** (Cont'd)
Mr Bates advised that he would forward a letter to Council in support of such a proposal.
- TAC3/02** **RECOMMENDED** in accordance with the above. (01-18170:R6925)
4. **Lismore Court House;** advising of difficulties being experienced with access / egress of the driveway to its premises at Zadoc Street, Lismore, and requesting that on-street parking be prohibited close to the driveway to afford greater visibility.
Lismore Court House; advising that a proposal to provide Court staff with proximity card-holder access only to the Court House carpark is being examined with the card reader being located on the access driveway at Zadoc Street and seeking the Committee's comment.
Lismore Court House (Flexible Service Delivery Team); suggesting that additional parking be made available for people with limited mobility, east of the current disabled parking bay on Zadoc Street.
There was no objection to the proposal to introduce a new 'Disabled Parking Bay' immediately east of the driveway between the Court House buildings at Zadoc Street, with the bay being sufficiently set back from the driveway to not interfere with access to and from the driveway.
'No Stopping' signs would also need to be installed both sides of the driveway between the two disabled bays.
The Committee raised no objection to the Lismore Court House proposal to install proximity card-holder access to the Court House carpark beside the Harvey Norman building provided all installation occurred on Court House land.
- TAC4/02** **RECOMMENDED** in accordance with the above.
(02-91,02-1218,02-1696:S352,R7330)
5. **PE Lush;** providing comment on the recent new line-marking of the parking spaces adjacent to Nos. 59-61 Wyrallah Road, Girards Hill.
Members were advised that the location had been inspected a number of times with Police representatives and it was considered that the line-marking work recently carried out to formalise parking in front of Gibbo's Auto was the most appropriate treatment. It was noted that the proposal submitted by Mr Lush was not possible due the area directly in front of the building being on private land.
- TAC5/02** **RECOMMENDED** that the writer be advised in accordance with the above.
(02-110:S352,P10446)
6. **Ms T Castley;** seeking the implementation of a CBD resident parking scheme to provide exemption from two-hour parking limits for residents of the Lismore CBD.
Ms Castley was present for this item and she was advised that it was not possible for Council to provide resident parking within the CBD due to the high demand on parking during business hours.
Ms Castley also suggested that a four-hour time limit would assist as this would mean only moving her car once per day. However, it was pointed out that such a lengthy time limit would also be open to abuse by employees and would severely restrict the number of available parking spaces for shoppers on any day.
Ms Castley was advised that unfortunately Council was not able to concur with her request.
- TAC6/02** **RECOMMENDED** that the above be noted. (02-284:S353)
-

7. **M Crummy (on behalf of Telstra Staff);** advising of difficulties being experienced with access to the Nimbin Exchange at Cullen Street due to the number of vehicles being illegally parked across the driveway and requesting a permanent solution to this problem.
Mr Crummy was in attendance for this item. He was advised that the area in question had been inspected the day prior to the meeting and it was felt that further physical structures on the roadway may create a hazard for through traffic and would further restrict accessibility to parking immediately south of the driveway. It was proposed that Council Staff could paint a white line at right angles to the kerb from the 'No Stopping' sign on the southern side of the driveway and also stencil 'No Stopping' on the roadway. It was further suggested that the issue be brought to the attention of the Nimbin Police with a request for their attention when resources permitted.
Mr Crummy accepted the Committee's suggestions and left the meeting.
- TAC7/02** **RECOMMENDED** that the above works be carried out and that the issue of motorists parking in the 'No Stopping' zone be brought to the attention of the Nimbin Police. (02-327:P17885)
8. **O Miller;** expressing concern for public safety at Lombardo's Roundabout at the intersection of Ballina Road and Gordon Blair Drive, Goonellabah, and seeking the provision of increased safety measures for pedestrians and motorists, as well as adjacent properties; also drawing attention to the 'drag racing' which occurs on Ballina Road on Friday and Saturday nights.
Mr Hemsworth advised that the railing of the roundabout for the area in question had been damaged and identified for repair. It was suggested that the railing could be extended along the driveway just north of the roundabout as part of any repair work.
Snr Const Sales noted the concerns regarding 'drag racing' along Ballina Road and advised that the Lismore Police would monitor the area during normal patrols.
- TAC8/02** **RECOMMENDED** that the writer be advised in accordance with the above. (02-599,P451,R6408)
9. **Mrs K Bain;** drawing attention to the number of motorists speeding on James Street, Dunoon, and requesting a solution to this problem.
Mr MacDonald advised that traffic counts had been carried out on James Street several times in 2001 with the results indicating that the 85th percentile speed was 54 kph and 58 kph. These speeds were not considered to be excessive. It was also noted that the speed limit on James Street had been reduced to 50 kph last year.
Snr Const Sales advised that Police Officers patrolled the Dunoon Village when resources permitted and this practice would continue. Due to the relatively low speeds, further traffic calming measures were not considered warranted.
- TAC9/02** **RECOMMENDED** that the writer be advised in accordance with the above and also be provided with a copy of the recent counts for information purposes. (02-662:S352,R1501)
10. **Mrs C Mobley;** drawing attention to the T-intersection of Daphne and Esmonde Streets, Girards Hill, which is a popular School Bus Stop for local children and expressing concern for the excessive speed of motorists who use this route as a short-cut between Wyrallah Road and Ballina Street.

10. **Mrs C Mobley;** (Cont'd)
Members were advised that Daphne Street was a narrow street which restricted possible works to reduce the current problems without major expenditure. "Silent Cops" were no longer considered an appropriate device on public roads due to the inherent dangers they posed to road users
As an interim measure it was suggested that double white centre lines be painted on Esmonde Street, both sides of Daphne Street, in an effort to reduce the incidence of motorists cutting the corner.
- TAC10/02** **RECOMMENDED** in accordance with the above. (02-874:R7427,R7436)
11. **Kirklands Coaches Pty Limited;** submitting a list of Bus Stop locations requiring upgrading for possible inclusion in a grant application under the Country Public Transport/Infrastructure Scheme.
Members noted the two (2) proposed locations for bus bays at Rotary Drive and Industry Drive. Mr MacDonald advised that he had met with Mr Wil Purchase of Lismore Square to discuss the relocation of the Bus Zone on McKenzie Street and it was agreed that the danger to pedestrians would potentially increase should the Zone be relocated due to the fact that pedestrians would need to cross busy entry/exit driveways enroute to the new Zone.
As expansion of the Square was anticipated in the foreseeable future and it was likely that the Bus Zone and taxi ranks would be relocated at that time, it was suggested that the existing Bus Zone on McKenzie Street should remain in its current location for the time being.
- TAC11/02** **RECOMMENDED** in accordance with the above. (02-1307:S135)
12. **Co-Ordination Co-Operative Limited;** requesting the erection of road signs on Upper Tuntable Falls Road, Nimbin, warning motorists of horse riding activities; as well as wildlife signs; bend symbol signs, and 'School' signs.
Following an inspection of the road prior to the meeting it was suggested that a 'Winding Road' sign be placed near the start of Upper Tuntable Falls Road and that the existing 'Children Symbol' sign each side of the School be replaced, with the addition of a 'School' plate beneath each sign. Specific wildlife and horse riding warning signs were not considered warranted.
- TAC12/02** **RECOMMENDED** that the signs, as suggested above, be installed at the earliest opportunity. (02-1321:R2142)
13. **Parliamentary Secretary for Roads;** advising in connection with the proposal for a pedestrian underpass of the Bruxner Highway, Lismore Heights.
The Committee noted that a PAMP Plan was currently being developed by Council that would identify and prioritise pedestrian facilities. This was due to be completed by the end of June 2002.
- TAC13/02** **RECOMMENDED** that the above be noted. (02-1449:S796)
14. **Nimbin Chamber of Commerce;** seeking an increase in the speed limit on Nimbin Road from 80 kph to 90 kph.
Whilst major sections of Nimbin Road had been upgraded in recent years, there were still areas where a higher speed limit would not be appropriate. Until such time as the whole road is upgraded, it was suggested that the existing speed limit of 80 kph should remain.
- TAC14/02** **RECOMMENDED** in accordance with the above. (02-1475:R2801,S352)
-

15. **Lismore High School Council;** drawing attention to several areas of concern requiring improved road safety in the vicinity of the High School. Mr MacDonald advised that a prior meeting had been held on-site with the Principal, members of the P & C, Police and Council Representatives to discuss current problems. From observation it would appear that some of the problems were being caused by parents of children attending the School. This could be addressed through education. Mrs Wendy Johnson had offered to address parents and/or students at an appropriate forum. Several areas had also been identified where signposting may assist. It was proposed that -

- 'No Stopping' signs be installed on both sides of College Road, at a point north of the driveway entrance to the High School, to restrict parking in the area between the location of the new signs and the Dalley Street intersection.
- The existing 'No Stopping' sign on the northern side of Dalley Street, west of the marked pedestrian crossing, be relocated to a position further west and approximately 2m-3m from the existing pedestrian crossing warning sign.
- A double white centre line be painted on College Road, from Dalley Street up to the driveway entrance to the High School.

TAC15/02 **RECOMMENDED** that the above works be carried out in accordance with the above. (02-1617:S596)

16. **Lismore Lantern Parade 2002;** advising in connection with the Lantern Parade proposed for June 21, 2002.

Ms Jyllie Jackson was present for this item and was invited to speak on the proposed lantern parade. It is proposed that the parade would assemble in the Fredericks Carpark at the rear of the former High School site and head west along Magellan Street, left and south along Molesworth Street, right and west along Market Street, left and south along Victoria Street to the section of Heritage Park south of the Ballina Street Bridge. The parade would commence at 6.30 pm to avoid conflict with peak hour traffic.

It was suggested that the Lismore RSL Club should be contacted to seek its support as access to the Club would be restricted during the parade for a short period.

A traffic control plan would also need to be produced showing which roads would be closed and traffic controlled. Members were advised that Lismore SES would assist with traffic control at intersections. The Police Representative advised that a form seeking consent for the parade would need to be completed at the Police Station. Mr Hemsworth agreed to consider the supply of the necessary 'Road Closed' signs and barriers.

There was general agreement with the proposed route provided the above conditions were met.

TAC16/02 **RECOMMENDED** that Council support the proposed Lantern Parade provided the above conditions were met. (02-1596:S704)

17. **Mrs K Day;** drawing attention to the excessive speed of traffic through the 60 kph zone of Goolmangar Village.

As the area through the Goolmangar Village had recently been upgraded, there was little more that could be done apart from enforcement. Snr Const Sales advised that regular enforcement did occur along Nimbin Road and included the Goolmangar Village. As further assistance, it was proposed that larger 60 kph signs be installed both sides of the Village and that '60' numerals be painted on the road on the Lismore side approach to the Village.

TAC17/02 **RECOMMENDED** that the writer be advised in accordance with the above. (02-1820:S352,R2801)

LISMORE CITY COUNCIL - Meeting held March 12, 2002

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD FEBRUARY 20, 2002 (Cont'd)

18. **Lismore Challenge Limited;** requesting the Committee reconsider the options previously submitted to improve pedestrian facilities at Magellan Street, near Keen Street.
Mr MacDonald advised that an on-site meeting had been held with Ms Robin Delaney to discuss the issues of concern. As a result it was agreed that Council's original proposal to upgrade the pedestrian refuge on Magellan Street, just east of Keen Street, be implemented. Whilst not ideal, it was considered the most appropriate location given kerb heights and demand on parking in general in the area.
- TAC18/02** **RECOMMENDED** that Council's original proposal to upgrade the existing refuge be implemented at the earliest opportunity. (02-2017:R7319)
19. **E Saul;** drawing attention to the excessive noise and speed of traffic in the area of Norwood Avenue and Shearman Drive, Goonellabah.
The Committee noted that Norwood Avenue/Pleasant Street was a significant road in Council's road hierarchy and as such increased traffic volumes were to be expected. Suggestions to restrict right-turn movements at Fischer Street and Shearman Drive were not considered appropriate. The road alignment was such that high speeds were not encouraged. General maintenance on the route would continue to be carried out but unfortunately, apart from enforcement, there was little else that could be done.
- TAC19/02** **RECOMMENDED** that the writer be advised accordingly. (R6492,R6511)
- Reports:**
20. **Road Safety Officer's Report:** Activity Summary for December 2001 / January 2002.
Mrs Johnson gave a brief overview of the report and the activities were noted.
- TAC20/02** **RECOMMENDED** that the report be received and noted. (S596)
- General Business**
21. **Pedestrian Crossing Barrier – Intersection of Casino / Union Streets**
A request had been received to consider the installation of a barrier fence at the above location.
The location had been inspected prior to the meeting with Police Representatives. However, it was felt that sufficient sight distance existed on the approaches to the crossing to allow motorists to avoid any potential conflict with children who might be cycling along the footpath in front of the Station Hotel. The angle of the left-turn into Casino Street also reduced approach speeds. The erection of barriers at the start of the marked pedestrian crossing were not considered warranted.
- TAC21/02** **RECOMMENDED** that the above be noted. (R6907,R6938)
22. **Four-Hour Parking Limit – No. 11 High Street, Lismore**
Mr T De Nardi had requested that consideration be given to imposing a four-hour time limit on parking at the above location.
It would appear that a problem had arisen recently when an abandoned vehicle had been parked in the area in question for a short period which resulted in limited access to the parking area for residents, visitors, etc. The vehicle had since been removed.
Police Representatives were not in favour of imposing time restrictions on parking in such areas as enforcement would be spasmodic and limits would be open to abuse. Therefore, imposing a time limit was not considered warranted.
- TAC22/02** **RECOMMENDED** in accordance with the above. (R7117)
-

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MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD FEBRUARY 20, 2002 (Cont'd)

23. **Double White Centre Lines – Kookaburra Terrace, Goonellabah**
M/s J McLennan had lodged a complaint of a van being parked at Kookaburra Terrace close to the intersection. She had asked that the Committee investigate the need to provide double white centre lines as well as a 'Stop' sign at the intersection of Oliver Avenue and Waratah Way.
Snr Const Sales had advised that Lismore Police had inspected the area in question recently and had formed the opinion that the van in question was not causing any serious conflict for through traffic. As the intersection of Waratah Way and Oliver Avenue was a T-junction, a 'Stop' sign was not considered warranted.
- TAC23/02 **RECOMMENDED** that the above be noted. (R6579,R6493,R6578)
24. **Erection of Anti-Violence Road Signs**
A request had been received from Council's Community Services Co-Ordinator to erect the above signs on Main Roads.
Mr Baldwin advised that unfortunately the RTA could not consent to the erection of such signs on Main Roads due to their potential to distract motorists from their task at hand; that being driving with the utmost safety.
- TAC24/02 **RECOMMENDED** that Ms Fielden be advised in accordance with the above. (S346)
25. **Arrow Line-Marking – Intersection of Ballina / Dawson Streets, Lismore**
Cr Crowther had requested that the Committee consider a proposal for west-bound traffic on Ballina Street to be permitted to turn right into Dawson Street from the left lane in order to safely access McLennan Lane.
Both Police and RTA Representatives agreed that such a proposal could cause serious conflict with motorists that were travelling west on Ballina Street and wished to continue straight through.
- TAC25/02 **RECOMMENDED** that the status quo remain. (R6002,R6017)
26. **Sibley Street, Nimbin – Excessive Speed/Poor Visibility/Parking Congestion**
Cr Roberts had requested that the Committee review road safety issues at Sibley Street, Nimbin.
An inspection prior to the meeting had revealed that Sibley Street had been "spotted" in preparation for the installation of a double white centre line and it was felt that this would assist in reducing the current problems. Whilst the Committee raised no objection to restricting parking on one side of Sibley Street, there were concerns that this action could potentially increase traffic speeds through this area and obviously reduce parking in an already high demand area.
Mr MacDonald tabled a plan that showed a kerb blister around the apex of the park at the intersection of Cullen and Sibley Streets which extended for a short distance along Sibley Street. Also included in the plan was a raised area on Sibley Street similar to that which had been installed on Cullen Street in several locations to slow traffic. These measures were considered more appropriate in dealing with current problems in the longer term.
It was noted the this proposal was attached to the new Nimbin DCP and had been canvassed within the community. The Committee agreed with the proposal in general subject to a final design being completed.
- TAC26/02 **RECOMMENDED** that a plan and estimate for the above works be prepared and submitted to the Nimbin Chamber of Commerce with the intention that this project be implemented at the earliest opportunity if funds can be provided.(R1703,R1701)
27. **Glasgow Lane, Lismore**
Mr MacDonald tabled a plan showing a proposal to close the northern access road beside Fawcett Bridge and to open a new road which would be constructed along

LISMORE CITY COUNCIL - Meeting held March 12, 2002

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD FEBRUARY 20, 2002 (Cont'd)

- the rear of the former Parrys Office Supplies building and out onto Molesworth Street, approximately 20m further north and away from the intersection of Molesworth and Woodlark Streets. This would require the demolition of an existing building which it is understood has the consent of the current owners. The proposal had been put forward as part of the flood levee scheme to assist in the building of the levee. The merging of traffic coming up beside the bridge onto the roundabout has always been of concern and this was seen as a way of eliminating this potential conflict point.
- TAC27/02** **RECOMMENDED** that Council support the proposed closure of the existing access road beside Fawcett Bridge and the construction of the new access road outlined above if found to be the most beneficial option in conjunction with the construction of the flood levee. (R7311)
- 28.** **Wyrallah Road Speed limit**
A request had been received for consideration of raising the speed limit on Wyrallah Road between Lismore and the Wyrallah Village following the recent upgrade works. It was the Committee's view that any change in speed limit on Wyrallah Road should not be introduced until all roadworks had been completed and the whole road standard was compatible with a higher speed limit.
- TAC28/02** **RECOMMENDED** that this issue be re-assessed after the entire length of Wyrallah Road, between Lismore and the Wyrallah Village, is brought up to a suitable standard. (R5201)
- 29.** **Speed Limit on Cullen / Sibley Streets, Nimbin**
Ms Mitchell advised that Mr Thomas George, MP, had received a request for consideration of reducing the speed limit on Cullen Street from 60 kph down to 50 kph. The Committee raised no objection to the proposal. It was believed that Sibley Street should also be included if this was not already 50 kph.
- TAC29/02** **RECOMMENDED** that the speed limit on Cullen Street be reduced to 50 kph for the full length of the existing 60 kph zone.
- TAC30/02** **FURTHER RECOMMENDED** that the existing 60 kph speed limit on Sibley Street be reduced to 50 kph. (R1701,R1703)
- 30.** **Proposed Blister on Cullen Street, Nimbin**
A plan was tabled at the meeting showing a proposed kerb blister to be built on the western side of Cullen Street outside the Rainbow Café and Museum. The blister would consist of timber bollards connected by a decorative railing. Whilst there were no objections to the proposal in general, the Police Representatives expressed concern that the facility may attract undesirables and it should remain open to avoid any hiding places or sight distance restrictions for oncoming traffic.
- TAC31/02** **RECOMMENDED** that the above be noted. (R1701)

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

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, FEBRUARY 12, 2002 AT 6.05PM.

Present: His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin, King, Roberts, Suffolk, Swientek (from 6.08pm) and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Water & Wastewater, Manager-Human Resources, Acting Manager-Environmental Health, Fleet Manager, Manager-Client Services (from 6.22pm), Manager-Waste Services, Administrative Services Manager and Team Leader-Administrative Support.

**Apologies/
Leave of
Absence:** NIL

1/02 **Minutes:** The Minutes of the Ordinary Meeting held on December 11, 2001, were confirmed.
(Councillors Crowther/King)

PUBLIC ACCESS SESSION:

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

Paul Recher re Rescission Motion & Notice of Motion – Rous County Council

Mr Recher questioned the relationship between Rous' business activities and property investments and Rous' role as a supplier of bulk water and thus their legality.
(01-17655, 01-17654: S306)

Ray Collyer re Notice of Motion – Funding for Rural Fire Service

(See Minute No. 8/01)

Mr Collyer outlined the need to extend the RFS Control Centre. He cited recent experiences of overcrowding and the ongoing difficulties of using the Council lunch room.

(02-1203: S104)

Paul Recher re Proposed Amendments to DCP 17 – Tree Preservation Order

(See Minute No. 9/01)

Mr Recher questioned the impact of exotic plant species on native wildlife and thus the relevance of the plants listed within Schedule 1. He claimed such plants aided biodiversity and density of native wildlife.

(S453)

CONDOLENCE:

Family of the Late John Alexander (Jack) Guthrie

Jack commenced with Council in November 1964 and retired in July 1990. Jack was dedicated in his job as groundsman. He was a caretaker for the caravan park where he was involved in a gas explosion at one time.

2/02 Jack was brilliant with figures and could remember all the ground measurements.
The Mayor moved that Council's expressions of sympathy be conveyed to the family of Mr Guthrie and the motion was carried with members standing and observing the customary moment's silence.
(S75)

MAYORAL MINUTES:

Recognition of Bishop John Satterthwaite (1970 – 2001) Service to the Lismore Community

3/02 **RESOLVED** that the minute be received and Bishop John Satterthwaite be presented with a citation under the common seal of the Council and presented to him by the Mayor at a morning tea function as detailed.
(Councillors Swientek/Gallen) (S75)

Request for Local Government & Shires Associations to hold a State Assembly

4/02 **RESOLVED** that the minute be received and Council request the Local Government and Shires Associations to call a State Assembly to:-
1 Determine the impact of rising public liability premiums on Local Government and other bodies such as sporting clubs, other clubs and individual operators.
2 If Federal and State Government won't act to contain increases to a reasonable level then the Minister for Local Government be requested to allow for the extra cost when determining rate pegging.
3 An urgent message be sent to the State and Federal Governments on behalf of local citizens and the Council to take immediate action on this matter.
(Councillors Swientek/King) (S187)

RESCISSION MOTION:

Rous County Council

Formal notice having been given by Councillors Irwin, Roberts and Tomlinson it was **MOVED** that the Mayoral Minute of 11/12/01 in regard to Rous Water be rescinded.

(Councillors Irwin/Roberts)

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

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

(01-17655: S306)

NOTICE OF MOTIONS:

Rous County Council

Formal notice having been given by Councillor Roberts it was **MOVED** that Council formally request Rous County Council to provide us with a copy of the legal advice they received in response to our report.

(Councillors Roberts/Tomlinson)

The Mayor ruled the motion out of order.

(01-17654: S306)

Flood Levee and Wilsons Riverbank Development

Formal notice having been given by Councillor Gallen it was MOVED that –

- 1 As recommended by the Civic Pride Advisory Panel, “The Lismore Flood Levee Committee and the Wilsons Riverbank Development Committee liaise between themselves and release to the community and other interested stakeholders an agreed position on the outcomes of the two projects as they interrelate”.
- 2 Council request Richmond River County Council to consider the appointment of a member from the Civic Design Advisory Panel as a member of its technical committee.

(Councillors Gallen/Irwin)

AN AMENDMENT WAS MOVED that Richmond River County Council Levee Committee be requested to liaise with the Wilsons River Development Committee (WRDC) to discuss issues of concern to the WRDC on the levee bank construction.

(Councillors Swientek/Hampton)

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

Voting Against: Councillors Irwin, Gallen and King.

- 5/02 **RESOLVED** that Richmond River County Council Levee Committee be requested to liaise with the Wilsons River Development Committee (WRDC) to discuss issues of concern to the WRDC on the levee bank construction.
(Councillors Swientek/Hampton)
(01-17679: S775,S106)

Contribution to Community by Residents from other Countries

- 6/02 Formal notice having been given by Councillor Irwin it was **RESOLVED** that –
- 1 Lismore Council welcomes our residents who have come from other countries to make their homes here. We acknowledge the contribution they make to our community and we appreciate the opportunity to share understandings about different traditions and cultures and celebrate our similarities as human beings.
 - 2 A copy of this motion be sent to the Community Settlements Officer, with a request that it be disseminated to the people who attended the community settlements Christmas luncheon in December.
- (Councillors Irwin/Chant) (02-833: S88)

Shade Trees in Carparks, Main Streets and CBD

- 7/02 Formal notice having been given by Councillor Swientek it was **RESOLVED** that –
- 1 Lismore City Council plant and nurture suitable shade trees in all its carparks and main streets throughout the Council area, especially in its CBD.
 - 2 No action take place in areas of proposed development.
- (Councillors Swientek/Irwin) (02-911: S73)

Funding for Rural Fire Service

Formal notice having been given by Councillor Suffolk it was MOVED that In view of the significant contribution of the Rural Fire Service to the safety and protection of rural residences and property, Council provide funding for extensions to the existing RFS Control Centre to the value of \$50,000, to be funded from the current working funds surplus.

(Councillors Suffolk/Hampton)

AN AMENDMENT WAS MOVED that the funds for this Centre be considered in the 2002/03 Management Plan.

(Councillor Tomlinson/Irwin)

On submission to the meeting the AMENDMENT was DEFEATED.

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

- 8/02 **RESOLVED** that in view of the significant contribution of the Rural Fire Service to the safety and protection of rural residences and property, Council provide funding for extensions to the existing RFS Control Centre to the value of \$50,000, to be funded from the current working funds surplus.
(Councillors Suffolk/Hampton)
Voting Against: Councillors Irwin and Tomlinson.
(02-1203: S104)

REPORTS:

Proposed Amendments to DCP 17 - Tree Preservation Order

- 9/02 **RESOLVED** that the report be received and –
- 1 That Council approve the notification and exhibition of the amended DCP 17 – Vegetation Management Order for a period not less than twenty-one (21) days.
 - 2 That a further report be submitted to Council following the exhibition period, detailing submissions and other advice received.
(Councillors Swientek/Baxter) (S453)

Waiving of Water & Wastewater Developer Contributions

- 10/02 **RESOLVED** that the report be deferred subject to advice on the following:
If no discounts have been applied to the following three projects then the Manager of Lismore Water submit a further report detailing possible discounts and the mechanisms of how they could be applied. The discounts are to reflect the following comments:
- 1 Sporting Clubs using Crozier Stadium generally used Oakes Oval or other venues. It is unlikely both fields will be used at the one time. Most users of Crozier Stadium are ratepayers that have already paid section 64 fees.
 - 2 The Hockey Club already have change rooms and toilets. If these are to be closed then there should be discounts for section 64 fees.
 - 3 Bowlers at the RSL Sports Club are sharing the showers and toilet facilities associated with the Jim Armstrong table tennis building. If this is the case then maybe there should be a discount for Section 64 fees.
- The report also investigate:
- a) Problems of funding revised fees from incentives for investment policy 11.1.1.
 - b) The provision of a material public benefit in this form of a building or work being used to satisfy a cash contribution similar to section 94 (EPA Act)
 - c) If funds accumulated in this working funds surplus could be used to satisfy the cash contributions required by the three developments.
(Councillors Hampton/Baxter) (S744)

Lismore LEP 2000 Amendment No. 8

- 11/02 **RESOLVED** that the report be received and Council use its delegations under Section 69 of the Act and refer the draft Amendment No. 8 to the Minister for Planning with a request that he make the plan.
(Councillors Irwin/Gallen) (S784)

Waiving of S94 Contributions

- 12/02 **RESOLVED** that the report be received and noted.
(Councillors Irwin/Chant) (01-17389: S517)

Appointment of General Manager

A MOTION WAS MOVED that the report be received and Council endorse the Recruitment Timetable (Attachment A) and associated recommendations as set out below:

- 1 A selection panel be formed comprising at least **4 Councillors**. The Panel include the **Mayor** and have a balanced representation enabling the abovementioned HR practices to be demonstrated. The panel to include the **Manager Human Resources**.
- 2 The Manager Human Resources schedule times for consultants to be interviewed and assessed by the panel prior to a decision being made at the **March 12** meeting of Council.
- 3 The Manager Human Resources negotiate the best fee for Council and undertake referee checks on consultants.
- 4 Council delegate authority to the Panel to work with the Manager Human Resources and with the consultant to **draft the position description, selection criteria and information package details**.
- 5 The Manager Human Resources liaises with consultant to **finalise documentation on the position**. Council endorses the MHR as the key contact point, maintaining information flow to the Mayor and other members of the Selection Panel.
- 6 The panel recommend a candidate to Council for formal appointment as the General Manager at its **May 14** meeting.
(Councillors Swientek/Irwin)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 The selection panel comprise four Councillors and the Mayor, those councillors being Crowther, Hampton, Roberts and Baxter.
- 2 The Manager Human Resources schedule times for consultants to be interviewed and assessed by the panel prior to a decision being made at the **March 12** meeting of Council.
- 3 The Manager Human Resources negotiate the best fee for Council and undertake referee checks on consultants.
- 4 Council delegate authority to the Panel to work with the Manager Human Resources and with the consultant to **draft the position description, selection criteria and information package details**.
- 5 The Manager Human Resources liaises with consultant to **finalise documentation on the position**. Council endorses the MHR as the key contact point, maintaining information flow to the Mayor and other members of the Selection Panel.
- 6 Council endorse the inclusion of a session for shortlisted candidates to briefly meet other Councillors and senior staff representatives.
- 7 The panel recommend a candidate to Council for formal appointment as the General Manager at its **May 14** meeting

(Councillors Gates/Crowther)

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

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

13/02 **RESOLVED** that the report be received and –

- 1 The selection panel comprise four Councillors and the Mayor, those councillors being Crowther, Hampton, Roberts and Baxter.
- 2 The Manager Human Resources schedule times for consultants to be interviewed and assessed by the panel prior to a decision being made at the **March 12** meeting of Council.

- 3 The Manager Human Resources negotiate the best fee for Council and undertake referee checks on consultants.
- 4 Council delegate authority to the Panel to work with the Manager Human Resources and with the consultant to **draft the position description, selection criteria and information package details.**
- 5 The Manager Human Resources liaises with consultant to **finalise documentation on the position.** Council endorses the MHR as the key contact point, maintaining information flow to the Mayor and other members of the Selection Panel.
- 6 Council endorse the inclusion of a session for shortlisted candidates to briefly meet other Councillors and senior staff representatives.
- 7 The panel recommend a candidate to Council for formal appointment as the General Manager at its **May 14** meeting

(Councillors Gates/Crowther)

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

Dissenting Vote:

Councillors Tomlinson, Gallen and Irwin.

(J2002/01)

Goonellabah Indoor Sports & Leisure Centre

A MOTION WAS MOVED that the report be received and –

- 1 That staff prepare a report for the April meeting of the Council exploring the feasibility of an alternative staged facility together with funding options in regard to the Goonellabah Indoor Sports and Leisure Centre.
- 2 That Vantage Project Management Pty Ltd be advised that Council is committed to the project but cannot provide an estimated commencement date prior to its April Council meeting.

(Councillors Swientek/Chant)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That staff prepare a report for the April meeting of the Council exploring the feasibility of an alternative staged facility together with funding options in regard to the Goonellabah Indoor Sports and Leisure Centre. These funding options to include the raising of loans to be repaid by savings in reducing the number of councillors from 12 to 9.
- 2 That Vantage Project Management Pty Ltd be advised that Council is committed to the project but cannot provide an estimated commencement date prior to its April Council meeting.

(Councillors Tomlinson/Roberts)

On submission to the meeting the AMENDMENT was DEFEATED.

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

A FORESHADOWED AMENDMENT was moved that the report be received and -

- 1 That Staff prepare a report for the April meeting of the Council exploring the feasibility of an alternative staged facility together with funding options in regard to the Goonellabah Indoor Sports and Leisure Centre.
- 2 That Vantage Project Management Pty Ltd be advised that Council is committed to the project but cannot provide an estimated commencement date prior to its April Council meeting.
- 3 Consolidated Properties be advised it is unlikely that Council will have funding to commence any project for at least 3 to 4 years and their reaction to this be sought.

(Councillors Gates/Hampton)

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

- 14/02 **RESOLVED** that the report be received and –
- 1 That Staff prepare a report for the April meeting of the Council exploring the feasibility of an alternative staged facility together with funding options in regard to the Goonellabah Indoor Sports and Leisure Centre.
 - 2 That Vantage Project Management Pty Ltd be advised that Council is committed to the project but cannot provide an estimated commencement date prior to its April Council meeting.
- (Councillors Swientek/Chant) (P22522)

Voluntary Flood Prone Acquisition Scheme – 43 Union Street, South Lismore

- 15/02 **RESOLVED** that the report be received and –
- 1 Council authorise the General Manager or his delegate to negotiate the purchase of 43 Union Street South Lismore under the Voluntary Flood Prone Acquisition Scheme, as outlined in Richmond River County Council's letter of January 7, 2002, for a purchase price of \$35,000.00 together with legal and valuation expenses.
 - 2 The General Manager and the Mayor be authorised to sign and apply the Common Seal of the Council to the Contract of Sale and Property Transfer as necessary.
- (Councillors Swientek/Chant)
(P9653)

Voluntary Flood Prone Acquisition Scheme – 1 Pine Street, North Lismore

- 16/02 **RESOLVED** that the report be received and –
- 1 That Council authorise the General Manager or his delegate to purchase No. 1 Pine Street, North Lismore.
 - 2 That Council contribute its 1/3 funding contribution for the purchase of Lot 8 in Deposited 709768, for an agreed price of \$80,000.00 together with all reasonable legal expenses, from its Voluntary Acquisition Funding, when available, and such contribution be contingent upon matching 2/3 funding being provided through Richmond River County Council from the Department of Land and Water Conservation.
 - 3 That the General Manager and Mayor be authorised to sign and apply the Common Seal of the Council to the Contract of Sale and property transfer as necessary.
- (Councillors Irwin/King) (P8310)

43 Caldwell Avenue – Right of Carriageway Release

- 17/02 **RESOLVED** that the report be received and Council –
- 1 Authorise the General Manager and Mayor to execute, under seal the Transfer Releasing Easement of the Right of Carriageway benefiting Lot 1 in D.P. 713167 and register a new Right of Carriageway to provide direct access to the stormwater drain abutting the western boundary of Lot 1 D.P. 865002.
 - 2 That all costs for release of the Right of Carriageway be met by others.
- (Councillors Hampton/Baxter) (P18500)

On Site Sewage Management Strategy Review

- 18/02 **RESOLVED** that the report be received and –
- 1 That Council endorse the Environmental Health Section holding a half day forum for all nominees to convey their ideas to the 4 candidates.
 - 2 The four (4) consultants be Duncan Dey, Richard Crandon, Greg Alderson and Peter Lucena.
- (Councillors Suffolk/Hampton)

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen, Swientek and King.
The voting being tied the Mayor declared the motion APPROVED on his casting vote.
(S245)

Recycling Service Review – Contract Tendering Process

- 19/02 **RESOLVED** that the report be received and –
- 1 Council call for tenders for recycling service delivery.
 - 2 Council approve the release of the Request for Tender document, in order that the matter be expedited at the earliest opportunity.
(Councillors Irwin/Hampton) (S763)

Funding – Flood Prone Property Acquisition

- 20/02 **RESOLVED** that the report be received and –
- 1 Council agree to increase its 1/3 share towards the Flood Prone Properties Voluntary Acquisition Program from loan funds.
 - 2 The amount of Council's 1/3 share be limited to the maximum amount that can be serviced by the annual budget of \$33,000.
 - 3 Richmond River County Council be requested to borrow loan funds on Lismore City Council's behalf and use them as approved for this purpose.
(Councillors Swientek/Gallen)
- Voting Against:** Councillor Irwin. (S779)

Lismore Art Gallery – Deductible Gift Recipient

- 21/02 **RESOLVED** that the report be received and –
- 1 Council endorse the action taken by Management to pursue the Deductible Gift Recipient registration.
 - 2 To meet the Australian Taxation Offices requirements for Deductible Gift Recipient registration, if the Lismore Regional Art Gallery's registration is revoked or Council resolves not to operate the Gallery, then the balance of any gifts received be transferred to the Lismore Regional Art Gallery Foundation Pty Ltd.
(Councillors Hampton/Irwin) (P20696,S210)

Replacement of Council Plant V309 – Grader

- 22/02 **RESOLVED** that the report be received and –
That Council purchase one (1) only Caterpillar 12H Motor Grader as tendered (T22009) by Gough & Gilmour, Grafton, for the cost of **\$320,988.30 (No trade-in offer)**.
(Includes GST \$29,771.66 – Blade extension from 12' to 14' \$250 and additional 'Sandvik 2000' cutting edges \$950 **and** deduction of \$1,000 for payment on delivery.)

and

Accept the 'Private Offer to Purchase V309' from **Bruce Trees Earthmoving of Ballina** for the amount of **\$74,800.00 (Includes GST component)**.

Change-over cost to Council is **\$246,188.30**

Anticipated delivery of this grader being within February 2002, after placement of purchase order.
(Councillors Crowther/Chant) (T22009)

December 2001 – Quarterly Budget Review Statement

- 23/02 **RESOLVED** that the report be received and –
- 1 Council adopt the December 2001 Budget Review Statement for General, Water and Sewerage Funds.
 - 2 This information be submitted to Council's Auditor.
(Councillors Roberts/Irwin) (S779)

Management Plan – Quarter ended 31/12/01

24/02 **RESOLVED** that the report be received and content noted.
(Councillors Crowther/Roberts) (S4)

Citizen Membership – Roads Management Committee

25/02 **RESOLVED** that the report be received and Mr B Garland be appointed to the Roads Management Committee.
(Councillors Roberts/Baxter) (S36)

Proposal to Reduce the Number of Elected Representatives

A MOTION WAS MOVED that the report be received and -

- 1 That the Council determine that eleven (11) be the number of councillors (including a popularly elected Mayor) for the following term of office, subject to approval at a constitutional referendum.
- 2 That the Council request the Electoral Commission to conduct a constitutional referendum on the question prior to the 13th September, 2002.
- 3 That the estimated cost of conducting the referendum/polls be funded from the working funds surplus.

(Councillors Irwin/Roberts)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That the Council determine that nine (9) be the number of councillors (including a popularly elected Mayor) for the following term of office, subject to approval at a constitutional referendum.
- 2 That a constitutional referendum be held in conjunction with the next general election or any by-election in the meantime.
- 3 That the estimated cost of conducting the referendum be funded from general election funding.

(Councillor Swientek)

The amendment LAPSED for want of a seconder.

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That the Council determine that eleven (11) be the number of councillors (including a popularly elected Mayor) for the following term of office, subject to approval at a constitutional referendum.
- 2 That a constitutional referendum be held in conjunction with the next general election or any by-election in the meantime.
- 3 That the estimated cost of conducting the referendum be funded from general election funding.

(Councillor Crowther)

The amendment LAPSED for want of a seconder.

A FORESHADOWED AMENDMENT WAS MOVED that the report be received and –

- 1 That the Council determine that nine (9) be the number of councillors (including a popularly elected Mayor) for the following term of office, subject to approval at a constitutional referendum.
- 2 That the Council request the Electoral Commission to conduct a constitutional referendum on the question prior to the 13th September, 2002.
- 3 That the Council hold a poll of electors on issue/s to be determined in conjunction with the constitutional referendum.
- 4 That the estimated cost of conducting the referendum/polls be funded from the working funds surplus.

(Councillors Tomlinson/Roberts)

On submission to the meeting the FORESHADOWED AMENDMENT was DEFEATED.
Voting Against: Councillors Gallen, Swientek, King, Chant, Baxter, Hampton, Suffolk, Gates and Crowther.

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

- 1 That the Council determine that eleven (11) be the number of councillors (including a popularly elected Mayor) for the following term of office, subject to approval at a constitutional referendum.
- 2 That a constitutional referendum be held in conjunction with the next general election or any by-election in the meantime.
- 3 That the estimated cost of conducting the referendum be funded from general election funding.

(Councillors Crowther/Suffolk)

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

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

26/02 **RESOLVED** that the report be received and -

- 1 That the Council determine that eleven (11) be the number of councillors (including a popularly elected Mayor) for the following term of office, subject to approval at a constitutional referendum.
- 2 That a constitutional referendum be held in conjunction with the next general election or any by-election in the meantime.
- 3 That the estimated cost of conducting the referendum be funded from general election funding.

(Councillors Crowther/Suffolk)

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

(S44)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 19/12/01

27/02 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Items 13 and 14.

(Councillors Irwin/Suffolk)

Item 13 (TAC195/01) – Exit from Lismore Central – Keen Street, Lismore

28/02 **RESOLVED** that a letter be issued to Lismore Central advising of the concerns received and submitting the suggestion of a speed bump for its consideration as a possible solution.

(Councillors Irwin/Gallen)

Voting Against: (Councillor Suffolk)

(P1819,R7313)

Item 14 (TAC196/01) – Intersection of Union Street/Three Chain Road, South Lismore

29/02 **RESOLVED** that this matter be referred back to the Traffic Advisory Committee requesting the intersection remain as is.

(Councillors Irwin/Suffolk) (R6938,R6937)

(S352)

DOCUMENTS FOR SIGNING AND SEALING:

30/02 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Sale of Lot 23 Bristol Circuit, Goonellabah

Council has received an offer of \$52,500.00 for the purchase of Lot 23 in DP 855155, being vacant land at Bristol Circuit. This price compares favourably with the independent valuation for this lot of "between \$43,000 and \$49,000" (at June 30, 2000) and the last sale of \$47,000 at July 2001 for Lot 20.

This resolution to execute the contract of sale and transfer documents follows Council's previous resolution of July 2001 Council meeting to sell Lot 23.
(02-01: P25537)

Application for StateCover Workers Compensation Policy & Application for Allotment of a Council Share

Council changed its Workers Compensation insurer to StateCover Mutual Limited from January 1, 2002. StateCover is a solely local government workers compensation insurance provider with its key shareholders being the Local Government Association, Shires Association and Jardine Lloyd Thompson Pty Ltd as fund manager.

The reasons for Management's decision to change insurer were mainly financial. A net cost saving of approximately \$90,000 will be achieved on the 2002 base premium. Also, the fact that there are another 124 NSW councils as shareholders reinforces this decision.

The StateCover constitution requires a council to be a shareholder to partake in the insurance scheme. A review of this document does not identify any clauses which are inappropriate. Consequently, the signing under seal of the abovementioned applications are recommended.
(S184:02-19 & S188:02-789)
(Councillors Hampton/Roberts)

RESCISSION MOTION:

The Group Manager-Corporate & Community Services advised Council that he had been handed a Notice of Rescission Motion signed by Councillors Irwin, Roberts and Swientek with respect to the resolution **Proposal to Reduce the Number of Elected Representatives** (Min. No. 26/01).

The Group Manager-Corporate & Community Services advised Council that this Rescission Motion would be considered at the next ordinary meeting of Council and that in the interim the Council resolution referred to in the rescission motion could not be carried into effect until the rescission motion had been dealt with.
(S44)

This concluded the business and the meeting terminated at 10.15 pm.

CONFIRMED this 12TH day of FEBRUARY 2002 at which meeting the signature herein was subscribed.

MAYOR

