



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, OCTOBER 8, 2002, at 6.00pm and members of Council are requested to attend.

(Paul G. O'Sullivan)
General Manager

October 1, 2002

COUNCIL BUSINESS AGENDA

OCTOBER 8, 2002

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APOLOGIES AND LEAVE OF ABSENCE	
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1 METHOD OF ELECTION OF DEPUTY MAYOR

The method of election is to be found in schedule 3 of the Local Government (Elections) Regulation 1993. Relevant extracts of this schedule are detailed below:-

Returning Officer

- 1) The General Manager (or a person appointed by the General Manager) is the Returning Officer.

Nomination

- 2)
 - a) A councillor may be nominated without notice for election as mayor or deputy mayor.
 - b) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
 - c) The nomination is to be delivered or sent to the returning officer.
 - d) The returning officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.

Election

- 3)
 - a) If only one councillor is nominated, that councillor is elected.
 - b) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
 - c) The election is to be held at the Council meeting at which the Council resolves the method of voting.
 - d) In this clause:
“ballot” has its normal meaning of secret ballot;
“open voting” means voting by a show of hands or similar means.

2 ELECTION OF DEPUTY MAYOR

Policy No. 1.2.10

Prior to any election, each candidate for the position of Deputy Mayor will give a short presentation outlining her/his reasons for standing, how s/he would operate as Deputy Mayor, what time commitment would be given and the skills s/he would have to offer; and each will answer questions from the floor on their candidacy.

MAYORAL MINUTE

Subject/File No: GENERAL MANAGER'S CONTRACT - CONFIRMATION AND SIGNING
J2002-01, E/OSU-100

Prepared By: Manager Human Resources – Isabel Perdriau

Reason: Finalisation of Recruitment and Appointment Process

Objective: Council to receive and note the report

Management Plan Activity: Human Resources Management

Background:

As a result of discussions between the General Manager and the Manager Human Resources, follow up discussions with the Acting Mayor, and subsequent legal advice, the contract containing suggested deletions as well as proposed alternative and additional wording was forwarded to Councillors on 16 September 2002.

On 23 September 2002, the Performance Review Committee met to draft the 2002/03 performance agreement which reflects the contractual obligations and the position description requirements.

Manager - Finance & Administration Comments

N/A

Public Consultations

N/A

Other Group Comments

N/A

Author's Response to Comments from Other Staff

N/A

Conclusion

All issues relating to completion and signing of the General Manager's contract are now resolved.

Recommendation

- 1 That Council receive and note this report.
- 2 That the common seal be affixed to the Contract of Employment.

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's decision to defer installation of signs at Lismore Lake until the Management Plan is completed, be rescinded.

227/02 **RESOLVED** *that the matter be deferred pending the provision of such things in the new Plan of Management.*

COUNCILLOR R M Irwin

COUNCILLOR F F Swientek

COUNCILLOR D R Tomlinson

DATE September 10, 2002

(02-10394: P27012)

NOTICE OF MOTION

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

- 1 That the surplus of the amount collected each year in car parking fines be dedicated to the construction and maintenance of footpaths and cycleways.**
- 2 That this amount be in addition to that provided in the budget each year.**
- 3 That the funds of \$152,000 provided for footpaths in the 2002/03 budget be maintained and increased in line with the increase in rates for a period of five years commencing with the 2003/04 budget.**
- 4 That these funds initially be allocated to the older areas of the Lismore urban area as well as to the villages, and that an appropriate formula be developed for that allocation.**
- 5 That processes be set in place to consult with the community on priorities, perhaps through a footpath and cycleways management plan.**

COUNCILLOR R M Irwin

DATE September 8, 2002

STAFF COMMENT BY: General Manager

The thrust of this Notice of Motion is to put in place a mechanism to apply additional resources specifically to footpaths and cycleways.

In the absence of a detailed report canvassing the issues proposed, I would RECOMMEND Council carefully consider its position, bearing in mind the following points:

- 1 The amount of surplus which will be derived from car parking fines in the future is unknown.
- 2 There is a logical nexus between the proceeds of parking fines and parking facilities. Council has a parking strategy (1995) which anticipates the use of fines for off-street parking.
- 3 The Notice of Motion highlights a range of competing issues which warrant full consideration. These include hazard identification, risk management, long-term budget commitments, priority determination, pedestrian safety and traffic management.

(02-10464: S342)

NOTICE OF MOTION

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

- 1 That Council approve the park bench recently installed in Elizabeth Gardens, constructed from recycled milk bottles, as the model for use in all future locations in the Council area, and that these benches progressively replace the timber benches in the CBD and other locations.
- 2 That the staff in our Parks and Gardens section be congratulated for locating and installing this bench.

COUNCILLOR R M Irwin

DATE September 8, 2002

STAFF COMMENT BY: Group Manager – City Works

The street furniture constructed from recycled plastic certainly appears to have many of the features required for use in public areas; *ie, low maintenance, graffiti resistant, cool in summer, etc*, while still looking smart.

A small number (two or three) can be purchased and installed in the Lismore CBD as soon as possible to assess their durability and public acceptance of the product.

It is premature to tie all future applications to a single product.

(02-10465: P21409)

NOTICE OF MOTION

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

That Council request Richmond River County Council to include restoration of the Queen Victoria fountain in Spinks Park as part of the flood levee implementation plan.

COUNCILLOR R M Irwin

DATE September 8, 2002

STAFF COMMENT BY: Manager-Client Services

The Queen Victoria fountain has significant cultural significance to Lismore and was originally located at the intersection of Molesworth and Magellan Streets.

As originally constructed, the fountain had the benefit of a large base on which it stood and was topped by four marble columns with a canopy.

It is no longer appropriate to place the fountain in the street intersection and a site in Spinks Park would seem to preserve the fountain's linkage with the past.

It is considered that it is currently very poorly presented and that the fountain should be relocated. This relocation should include the construction of a base for the fountain which replicates the original structure.

(02-10466: S106)

Subject/File No: FINANCIAL REPORTS - 2001/02
(S779)
Prepared By: Principal Accountant, Gary Boyd
Reason: Statutory Requirement
Objective: Adoption of the 2001/02 Financial Reports
Management Plan Activity: Financial Services

Background:

Council's 2001/02 Financial Reports have now been completed and audited, with the draft auditor's report received. In accordance with the provisions of the Local Government Act, 1993, (LGA) the following actions must be implemented by Council to allow the financial reports to be finalised:

- a) Adopt the Financial Reports and 'Council Statement' for both the General Purpose Financial Reports and Special Purpose Financial Reports;
- b) Confirm a meeting date to present the financial reports to the public; and
- c) Advertise, for a minimum period of seven days prior to the meeting, that the financial reports and the auditor's report are available for public inspection.

In order to comply with these guidelines, Council will need to advertise that the financial reports are to be 'presented' to the public at the next meeting; i.e. November 12, 2002 and that they are available for public inspection up to the day after that meeting.

As Council will have to resolve to adopt the financial reports, a detailed report is presented now and Council's Auditor, Darran Singh, from Thomas Noble and Russell will speak during public access on these reports. This means that the report to the November 12, 2002 meeting will be basically a repeat of this report, but somewhat reduced. This is an anomaly within the reporting requirements of the LGA.

Information:

A draft copy of the 2001/02 financial reports has been included with the business paper. In respect to the actual content of the financial reports, it is normal practice for staff to provide a detailed analysis of the year's results, as part of the financial reports document. This analysis is included in the section of the reports titled "Financial Statements Review". The section titled "Auditor's Report" also provides a guide from the auditor's perspective to the actual results.

1. Performance Indicators

The key financial performance indicators, as shown in Note 13 of the General Purpose Financial Reports and listed in the following table, remain at satisfactory levels and are relatively consistent compared to the past four financial years.

To clarify the meaning and implication, a simple definition of each indicator is listed below.

- a) Current Ratio - The total cash or cash convertible assets available to meet liabilities within the next twelve months, or current period, expressed on a dollar for dollar basis. So, for 2001/02 we have \$4.14 available for every \$1.00 owing.
- b) Unrestricted Current Ratio - This is the same as the current ratio except it excludes assets and liabilities, which relate to activities that are restricted to specific purposes by legislation. They include Water, Sewerage and Domestic Waste.

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2001/02 Financial Reports

- c) Debt Service Ratio - The amount used to repay borrowings as a percentage of total operating revenues.
- d) Rate Coverage Ratio Percentage - This percentage is based on rates and annual charges revenues as a percentage of total operating revenues.
- e) Rates and Annual Charges Outstanding Percentage - This percentage is based on the amount outstanding as a percentage of the amount to be collected for rates and annual charges.

Performance Indicator	2001/02	2000/01	1999/00	1998/99
Current Ratio	4.14	3.78	3.18	3.33
Unrestricted Current Ratio	2.97	2.75	2.52	2.64
Debt Service Ratio Percentage	5.04	6.21	7.89	7.05
Rate Coverage Ratio Percentage	47.52	43.27	47.44	48.53
Rates & Annual Charges Outstanding Percentage	8.81	9.06	9.86	9.03

The Debt Service Ratio Percentage, after several years of improvement is at a very satisfactory level. This trend will be reversed however, with the proposed borrowing program in place for the Memorial baths redevelopment and the flood levee construction. An increase in costs required to repay debt will impact on Council's ability to deliver services in future years.

The level of outstanding rates and charges has been identified as a manageable problem for a number of years. This can result in cash flow difficulties if demand for cash is greater than collections. It is pleasing to see the ratio trending in the right direction again in 2001/02.

In terms of liquidity, it should be pointed out that Council's cash funded internal reserves for General Fund is a respectable \$12.8 million, an increase from 2000/01 of approximately \$1.9 million. The majority of this increase relates to the Plant fund (\$1.7 million) due to increased hire rates reflecting an improved operating result which is planned to be used on upgrading the average life of Council's plant system. The reserve increase is also due to budgeted plant replacements not occurring during the financial year, which was also the case in 2000/01. Steps are being taken to address the issue of an adequate level of plant reserves including the updating of the ten-year plant replacement plans and review of hire rates.

Councillors and members of the public may express concern as to why reserves are so high, when the infrastructure in the local government area is being run down. This is a reasonable question, however a review of the reserves (Financial Reports Note 6) demonstrates that the majority of the reserves held relate to "big ticket" items such as property, quarries, transport infrastructure/plant, waste, community facilities, information services and flood mitigation. Reserves are typically held in these areas for two reasons;

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

As such, Council's liquidity position is strong as we have access to these funds should circumstances deteriorate.

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2001/02 Financial Reports

2) Statement of Financial Performance

The "Surplus/(Deficit) from All Activities" for 2001/02 is a \$4,680,000 increase or surplus. This is distinct from the Working Funds surplus of \$50,000, which is detailed below in the section titled '3) General Fund Result'. It does not reflect in any way the Council's cash or liquidity position.

While the overall result indicates that we are almost spending sufficient funds in accounting terms to maintain the existing asset base, the reality of the situation is that infrastructure has deteriorated significantly faster than anticipated and, therefore, there is a gap between what is required to be spent and what is actually spent. This is a significant problem and not easily resolved.

One of the primary objectives for any council should be to try and maximise the surplus generated from ordinary activities. This surplus can then be applied to capital works and to pay off debt. The following table shows the Surplus/(Deficit) from Ordinary Activities Before Capital Amounts and excluding depreciation and net gains/(losses) on the disposal of assets for the last four years. This adjusted operating surplus gives an indication as to the level and trend of funds being used for capital purposes.

	2001/02	2000/01	1999/00	1998/99
Item	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Expenses from Ordinary Activities (excluding depreciation)	33,019	29,521	29,085	31,849
Revenues from Ordinary Activities	41,102	41,483	37,578	37,198
Less any Net Gain/(Loss) on Asset Disposals	(489)	254	(24)	(3,180)
Surplus/(Deficit) from Ordinary Activities	8,572	11,708*	8,517	8,529

* The larger than usual figure of \$11.7 million in 2000/01 is due to a number of factors. There was profit made on the Roads and Traffic Authority (RTA) single invitation contract jobs during the inaugural year. This was reserved to fund future roadworks projects and potential overruns on contracts. There was a surplus made on the net employee entitlements and oncost accounts charged throughout the year due to decreased workers compensation costs occurring late in the financial year and a general surplus generated that has been used to increase the ELE reserve to a satisfactory level. The Sewerage Fund operating surplus was greater than usual due to savings in operational chemical costs resulting from changes in processing and Council received monies owed by the Department of Land and Water Conservation for operating expenses previously spent.

For 2001/02 this figure is reasonable and generally trending in the right direction. It is worth noting that the figure of \$8,572,000 includes a \$440,000 operating expense for the gasworks remediation that has been funded from capital revenues. Had this non-routine event not occurred, the bottom line surplus would have been in excess of \$9 million.

Council has been very diligent in reducing its loan debt, as principal repayments on loans have decreased steadily, as shown in the table below.

	2001/02	2000/01	1999/00	1998/99
Item	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Loan principal repayment from revenues	1,412	1,774	1,955	1,744

This benefit will not be realised in future years as repayments are at more consistent levels. This position can be managed if future borrowings are for a mixture of self (water and sewer) and ratepayer (library, art gallery, swimming pool) funded purposes. The ideal result would be to not increase Council's unfunded commitment to loan repayments, as the trade-off is a real decrease in funds available for other services.

3) General Fund Result

The result for General Fund in 2001/02 will be a surplus of \$50,000. This increases Council's working fund surplus to \$1,705,000.

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2001/02 Financial Reports

It should be noted that Council adopted a budget deficit for 2001/02 of \$14,000 when considering the June Quarterly Budget Review Statement. It was identified at that time that this information was 'indicative only'.

Based on a final review of operations, a further \$64,000 in additional income, cost savings and balance sheet movements were recognised.

The pleasing aspect of this result is that there was not a reduction in the working funds balance due to all budget managers responsibly controlling the scarce resources made available to them.

I would like to add that this level of working funds represents approximately 3% of the annual budget of this Council. While this level is commendable, it should be maintained and improved to allow greater flexibility when required for emergency. It is important to note that these working funds are not cash, but are assets readily converted to cash such as debtors, land and trading stocks, etc.

4) Water and Sewer Fund Results

Both the water and sewer funds continue to remain relatively sound with each showing a working funds balance of \$700,000. As distinct from General Fund, these funds are both cash funds.

Also, the level of 'net unrestricted funds' continues to grow so that capacity exists for significant capital works and debt redemption to occur. To highlight this situation, the water and sewer have cash reserve balances of \$3.6 & \$2.7 million respectively.

From an overall perspective, both funds are well resourced and these results and a continuation of the same are expected. It should be noted however, that there is a backlog of capital works, which are scheduled over future years.

Manager - Finance & Administration Comments

Incorporated in the body of the report.

Public Consultations

In accordance with the LGA, the financial reports are to be advertised for public comment.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Noted.

Conclusion

As mentioned earlier, Council remains in a relatively sound financial position, however this can change quickly and it is imperative that Council ensures its operating costs are maintained within acceptable levels. This will allow the impact of uncontrolled costs or fluctuations to be mitigated.

It needs to be reinforced that if Council wants to increase service levels and expenditure in certain programs, then either additional revenues have to be generated, or unfortunately existing services have to be reduced, delivered more efficiently, or not provided at all.

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2001/02 Financial Reports

Recommendation (COR27)

That Council,

- a) adopt the 2001/02 Financial Reports and 'Councils Statement' for both the General Purpose Financial Reports and Special Purpose Financial Reports,
- b) present the Financial Reports to the public at the November 12, 2002 Council meeting, and
- c) advertise the presentation of the Financial Reports to the public from November 2, 2002 and invite inspection of the reports.

Subject/File No: ORAL COMMUNICATION IMPROVEMENT STRATEGIES
(02-5765 & 02-10767: S43)

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

Reason: Request to address Council

Objective: Seek endorsement of a strategy

Management Plan Activity: N/A

Background:

Earlier this year, Mr Richard Kidby wrote to Council advising of the launch of a National Speech/Communication Day which aims to progressively over a twenty-year period encourage the youth of Australia, from kindergarten to high school, to elevate speech standards to the highest in the English speaking world.

National Speech Day was officially launched on August 31, 2002 with the aim of encouraging students to recognise the importance of speaking clearly, distinctly and fluently. Whilst this day has now passed, the importance of recognising oral communication at all times should not be under-estimated. By this Council and others, recognising and publicly acknowledging the importance of such strategies to elevate communication standards, it will assist in achieving the overall aims of the exercise. Council has been requested to award certificates to participating students/schools as part of our overall commitment to the strategy. This can be accommodated at very little cost to Council, as they could be printed in-house.

Manager - Finance & Administration Comments

Not Required

Public Consultations

Not Required

Other Group Comments

Not Required

Author's Response to Comments from Other Staff

N/A

Conclusion

Both Byron and Tweed Councils, along with the Southern Cross University have provided endorsement and support to this strategy. Assistance can be provided at very little cost to Council and it is suggested that such support as requested, be made available.

Recommendation (COR30)

That Council:

1. Publicly acknowledge and support the overall aims of the strategy of raising the importance of oral communication within the youth of the Council area.
2. Encourage local schools to participate in an activity during November and award certificates to participating students/schools.

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

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

Reason: Close of re-exhibition period.

Objective: Council's adoption of the Lismore Floodplain Management Plan

Management Plan Activity: Flood Plain Management/Strategic Planning

Background:

At its meeting of June 11, 2002, Council considered a report on the draft Lismore Floodplain Management Plan outlining the Lismore Floodplain Management Committee's response to a number of issues that were referred to that Committee for further consideration. Those issues related to the flood hazard designation of land in Ostrom Street, the proposed development concept for land on the western side of the Bruxner Highway between the airport and Krauss Ave and the potential purchase of vacant land within designated Floodway and High Flood Risk Areas under the Voluntary Purchase Scheme.

Council resolved:

1. *To re-exhibit the Floodplain Management Plan incorporating such amendments as were recommended in the report to Council of December 11, 2001, together with the following amendments as per the recommendations of the Lismore Floodplain Management Committee:*
 - a) *Inclusion of a provision in the Plan to allow for the development of land on the western side of the Bruxner Highway in accordance with the plans modelled by Patterson Britton and subject to future developments being required to submit an evacuation plan for Council's approval, and*
 - b) *Inclusion of a provision in the Plan to allow owners of vacant land in the designated Floodway and High Flood Risk Area whose land has no development potential to be eligible for purchase under the Voluntary Purchase Scheme.*
2. *That the Plan be referred to the SES for comment during the exhibition period.*

Manager - Finance & Administration Comments

In regards to the inclusion of 1b) above, it is important to note the following:

- It is estimated that there are between 8-14 properties that will seek acquisition by Council. At a purchase price of say \$35,000, this will cost Council between \$280,000-\$490,000.
- We will create an expectation with the owners of these lots that Council will purchase them. There is no funding for this in the current or future budgets.
- As the land is vacant, it is unlikely that we will be eligible for the current 2:1 DLWC subsidy applicable to the Voluntary Purchase Scheme.
- Council accelerated the purchase of houses under the Voluntary Purchase Scheme during 2001/02 resulting in the current level of funding for acquisitions being committed to 2009/10. This will not purchase all houses eligible under this scheme.
- If Council is to allocate additional funding for acquisitions, is the purchase of flood prone housing or vacant lots the priority?

Draft Lismore Floodplain Management Plan

At a minimum, to provide us with some flexibility when dealing with owners, I would suggest that the wording, "subject to available funding", or words to that effect, be added to the relevant clause.

Public Consultations

The draft Floodplain Management Plan was re-exhibited for a period of twenty eight (28) days. A copy of the draft Plan was also forwarded to the SES Richmond Tweed Division. The re-exhibition period was further extended to enable the Plan to be exhibited at the Local Government Week displays on July 30 and August 1, 2002. Three (3) submissions were received in response to the re-exhibition. Copies of the submissions are included as attachments.

Submission No.1

The first submission was lodged by the owner of the Lakeside Lodge Motel at South Lismore and objects to the High Flood Risk Area designation on the land given that the site has been filled to above the 1 in 100 year flood level. The owner has requested that the land be given a Flood Fringe designation consistent with that of existing industrial land on the opposite side of the Bruxner Highway.

Comment:

The site is surrounded on all sides by land that meets the criteria of Floodway (depth of greater than 0.5m and with a velocity equal to or greater than 0.85 m/s). Although the site has been filled to above the 1 in 100 year flood level, it would still be affected by the Probable Maximum Flood (PMF) which is the flood level that must be considered under the State Government's Floodplain Management Manual (2001). However because the land has been filled, the flooding characteristics of the site would not fall within the velocity and depth criteria for the High Flood Risk Area as defined in the Plan. Consequently it is considered that a Flood Fringe designation for the site would be appropriate given that Flood Fringe Area is defined in the Plan by the PMF water level contour, but excluding areas within the Floodway and High Flood Risk Areas.

Submission No.2

The second submission was lodged by the owner of 23 & 25 Junction Street (Lots 9 & 10 in DP12970). The submission states that with the construction of the levee wall, the two lots would be no more vulnerable than existing residences in Junction Street and requests that Lot 9 be granted an entitlement to construct a dwelling.

Comment:

There is an existing dwelling house on Lot 10 while Lot 9 is vacant. Both lots are designated High Flood Risk Area in the draft Lismore Floodplain Management Plan as are surrounding allotments in Junction Street. The original route for the levee wall along Junction Street has been moved to the west of Lots 9 & 10, however this will provide protection to the 1 in 10 year flood event only and will not affect the flood hazard category which is based upon the 1 in 100 year event. The draft Floodplain Management Plan recommends that new residential development not be permitted in Floodway or High Flood Risk Areas. Under the existing planning provisions Lots 9 & 10 are identified as being within a Floodway and consequently the erection of a new dwelling house on Lot 9 is prohibited under clause 22 of the Lismore Local Environmental Plan 2000. Introduction of the new plan will not change the situation regarding dwelling entitlements for these lots and it is recommended that no change be made with respect to the draft Plan.

Submission No. 3 (SES Richmond Tweed Division):

The SES has advised as follows:

The SES are primarily concerned with the safety of people who are living and working in the flood plain. Their first objective is to evacuate these people out of the area before the flood cuts off available evacuation routes. Unfortunately this will not always be possible. Some people may be caught in the flood while others will choose to stay.

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Draft Lismore Floodplain Management Plan

Most of the industrial area has floor levels above the 1 in 100 year flood level which when combined with the new requirement to establish a safe place for staff to wait out a flood should minimise the need for SES involvement particularly in the rising phase of the flood. The move towards relocating houses out of the high risk flood areas is commended and certainly better than having people living in houses that have the potential to float away in the larger floods. SES believe the proposed plan strikes a reasonable balance between the everyday community needs of people living and working in the flood plain while making sound long term plans that are compatible with the high likelihood of severe flooding.

Issues

The proposal to include vacant land under the Voluntary Purchase Scheme (VPS) that is within the designated Floodway or High Flood Risk Area and has no development potential was referred to the Department of Land and Water Conservation for comment. DLWC has responded that while the acquisition of vacant land is eligible for financial assistance under the VPS, it does not rank highly on a State-wide priority basis. It is not envisaged that funds would be made available in the short to medium term to purchase these properties.

Another issue concerns a minor inconsistency that has been found in the draft Plan relating to the proposed planning controls within the High Flood Risk Area. Because of the potential danger to personal safety and likely damage to light residential structures, the Plan recommends that new residential development (including caravan parks) within this area be prohibited. Subject to certain conditions, new motels are permissible in the High Flood Risk Area because they are used for short term accommodation only and in times of flood the occupants could be readily evacuated. It is considered that other forms of development providing short term accommodation (such as hostels) would also be acceptable in this area providing they are subject to similar conditions as motels and providing they are permissible in the zone. It is recommended that the draft Plan be amended accordingly.

Other Group Comments

City Works

The Group Manager-City Works has had input into the Floodplain Management Plan throughout its preparation.

Client Services

The Manager - Client Services has worked closely with Council's Strategic Planner in the development of the Floodplain Management Plan and asks that Council adopt this plan as soon as possible. The adoption of the plan will lead to the removal of anomalies that exist in the Voluntary House Purchase Scheme which is currently forced to rely on flood mapping which was adopted in March 1983.

Author's Response to Comments from Other Staff

The comments and recommendation from the Manager Finance and Administration are supported and it is recommended that the draft Plan be amended to reflect this.

Conclusion

Following re-exhibition of the draft Lismore Floodplain Management Plan, the following further amendments are recommended. These are:

1. Change the flood hazard designation of Lot 1 DP 609846 (Lakeside Lodge Motel site) from High Flood Risk Area to Flood Fringe Area, and

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Draft Lismore Floodplain Management Plan

2. Include other forms of development providing short term accommodation (as well as motels) as a permissible use in appropriately zoned areas within the High Flood Risk Area.

3. Amend the clause that enables owners of vacant land in the designated Floodway and High Flood Risk Area (where the land has no development potential) to be eligible for purchase under an acquisition policy that is voluntary on the part of both the landowner and Council and that will only be considered by Council subject to sufficient Council funds being available.

A copy of the draft Lismore Floodplain Management Plan including such amendments as are recommended in this report, as well as those amendments that were recommended in the June 11 report to Council, is provided as an attachment to this report.

Recommendation (PLA38)

That Council adopt the Lismore Floodplain Management Plan with such amendments as are recommended in this report.

Subject/File No: DRAFT DEVELOPMENT CONTROL PLAN NO. 44 – RURAL LANDSHARING COMMUNITIES (BB:S798)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Close of exhibition period for draft DCP No. 44.

Objective: Adoption of draft DCP No. 44.

Management Plan Activity: Strategic Planning

Background:

At its meeting of June 11, 2002 Council resolved:

1. *To place draft Development Control Plan No. 44 for Rural Landsharing Communities on public exhibition for a period of 28 days; and*
2. *To review the current LEP amendment with regard to the reference to building and the related requirement in the draft DCP to provide house plans at the development application stage.*

Draft DCP No 44 brings together relevant requirements from the Lismore Rural Housing Strategy, SEPP No.15 and Planning for Bushfire Protection (2001) prepared by the Rural Fire Service and Planning NSW. It provides detailed guidelines for new rural landsharing community (RLC) development relating to such matters as access requirements, siting of dwellings, wastewater disposal, water supply and management, bushfire requirements, environmental repair etc.

LEP Amendment No.8 will permit the approval of new RLC under Lismore's Local Environmental Plan, and will repeal SEPP 15 insofar as it applies to Lismore. Amendment No.8 has been amended in accordance with Council's resolution of June 11 to enable the approval of 'dwelling sites' rather than 'dwellings'. This will allow sites to be approved without the need to submit floor plans of dwellings at the initial DA stage. The Amendment has been resubmitted to Planning NSW's legal branch and is awaiting Parliamentary Counsel's opinion. Draft DCP No.44 has also been amended by deleting the requirement for the submission of floor plans at the initial DA stage where the application is made for dwelling sites only. Some changes have also been made to the format of DCP No.44 to make it easier to use.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The draft DCP was exhibited from June 20 to July 19, 2002. Two submissions were received in response to the public exhibition. Copies of the submissions are included in the attachments. They are summarised as follows:

Submission No.1 (on behalf of Pan Community Council)

1. It is the view of Pan Community Council that SEPP 15 should be retained as the appropriate planning instrument.

Comment:

Council resolved back in August 1998 to prepare its own policy for RLC and to seek an exemption from SEPP 15. Since then the Lismore Rural Housing Strategy, LEP Amendment No.8 and draft DCP No.44 have all been prepared on that basis.

2. Class 2 and 3 agricultural lands are not classified by NSW Agriculture as 'prime' agricultural land and the scale of the Department's mapping is too coarse to identify variations in classes at the local property scale.

Comment:

NSW Agriculture's 'Protection of Agricultural Land Policy' defines prime crop and pasture land as including Classes 1,2 and 3 agricultural land. Prime crop and pasture land is also defined in the North Coast Regional Environmental Plan, the Rural Lands Evaluation Manual and SEPP 15 as including Classes 1,2 and 3 agricultural land. NSW Agriculture's land class mapping is not accurate to the individual property scale but is of sufficient accuracy for strategic planning purposes such as the preparation of the Lismore Rural Housing Strategy. More accurate mapping at the property scale would be required at the DA stage if the property is found to contain prime crop or pasture land.

3. A further criterion for identifying lands suitable for RLC should be the NSW Affordable Housing Policy.

Comment:

State Government policy on affordable housing is expressed in SEPP No.70 – Affordable Housing. This policy applies to specific areas of metropolitan Sydney only. There is a 'Community Housing Strategy for Rural and Remote New South Wales' that was produced by the NSW Department of Housing (2001). This document does not make specific reference to rural landsharing communities and in any case contains no criteria for identifying land suitable for affordable housing.

4. Council has no legal right to determine social and economic sustainability of RLC.

Comment:

The social and economic impacts of development are matters for consideration by Council under section 79C of the Environmental Planning and Assessment Act 1979.

5. Excluding land that predominantly comprises prime crop or pasture land unnecessarily restricts lands available for RLC and the term 'predominantly' is not quantified.

Comment:

SEPP 15 excludes lands from RLC development where more than 25% of the land consists of prime crop and pasture land. This provision was carried over into LEP Amendment No.8 and is reiterated in draft DCP No.44 under the heading 'Development Application Requirements'. This approach is also supported by NSW Agriculture. It is therefore recommended that the word 'predominantly' be replaced by 'more than 25%'.

6. Land with a 33% slope is not excessively steep and its exclusion would restrict lands available for RLC. These slope restrictions are not applied to other forms of development.

Comment:

A gradient of 33% (or 18°) is considered too steep for most forms of development and where disturbance occurs on such slopes there is a significant risk of erosion and/or landslip. Protected lands are those mapped by DLWC with a slope of 18° or more and any works (such as roads) in these areas require DLWC approval. Slopes of 20% (11°) are generally considered the upper limit for development such as dwellings and other structures. Such restrictions apply to all forms of development not just RLC. It is recommended that 33% remain in the DCP as the upper limit for all works and that for dwellings and other structures the preferred maximum slope be 20%.

7. The requirement that new RLC development be located within 4km of an existing community facility is discriminatory and unnecessarily restricts land available for RLC.

Comment:

Prior to Council preparing its Rural Housing Strategy, Planning NSW advised Council that any strategy for rural residential development and RLC must have regard for the Department's "Guidelines on Rural Settlement on the North Coast of NSW". The guidelines seek to reinforce existing rural settlement hierarchies and to ensure that new rural settlement is located close to existing services and facilities.

8. Why should services such as school bus, postal service and telephone be required to be available if they are not wanted?

Comment:

No evidence has been submitted suggesting that occupants of RLC do not use basic facilities such as the school bus or postal service. In a recent Land and Environment Court case (Jonathan and Ors v Lismore City Council, NSWLEC 134), Justice Pearlman said "...I do not accept that the demands for services and facilities of the occupants [of RLC] will be universally modest. The demands will change from time to time and from person to person."

9. The requirement of a primary sealed road is discriminatory as it is not a requirement for other forms of rural development. The DCP contradicts itself as it says that arterial, sub-arterial or collector roads are acceptable as primary access yet many of these roads are not sealed.

Comment:

Road access standards for rural residential development are generally more onerous than for RLC. DCP 44 defines a 'primary road' as any arterial, sub-arterial or collector road. It is true that some of these roads are currently not sealed although they are likely to have a high priority for future sealing work. It was not intended that all roads be sealed but rather that road standards be based on traffic volumes and Austroads standards. The DCP is not clear about this and needs to be reworded accordingly. Where a proposed RLC development is located on a primary road that is unsealed, the proposal may proceed however the applicant will be required to seal the road for the full frontage of the property.

10. Objects to requirements that RLC should complement existing settlement patterns and to the requirement that proposals should have regard to development costs as this is discriminatory.

Comment:

Planning NSW has required all forms of new rural settlement to be consistent with its Guidelines on Rural Settlement on the North Coast of NSW. In relation to the issue regarding development costs, one of the aims of SEPP 15 is to facilitate development that does not create a demand for the unreasonable or uneconomic provision of services by Council or other public authorities. This principle has been carried through into the draft DCP.

11. Objects to statement in DCP that RLC contribute to the community development of the locality.

Comment:

This simply a statement in the DCP listing potential benefits that RLC may bring to rural communities.

12. Map 1 (showing areas potentially suitable for new RLC) excludes many existing RLC that have proved to be viable.

Comment:

It is likely that there are existing RLC outside the potentially suitable areas on the map that have been operating successfully for many years. The intent of the Rural Housing Strategy is to exclude future development (both rural residential subdivision and RLC) from areas that are subject to the greatest environmental hazards and constraints and that are remote from existing services and facilities.

13. Objects to aspect of density provisions that restricts the number of people that may reside on a RLC as this is adequately covered in SEPP 15.

Comment:

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The density provisions in draft DCP are identical to that in SEPP 15. The author seems to have missed the point that Council's draft LEP and DCP will replace SEPP 15.

14. NPWS does not recognise any incompatibility between RLC and wildlife refuges, wildlife corridors or wildlife management areas.

Comment:

The requirement that no structure or work be situated on land that is a wildlife refuge, wildlife corridor or wildlife management area is identical to existing requirements in SEPP 15. Wildlife refuges and wildlife management areas are areas that are dedicated under the National Parks and Wildlife Act 1974 for the purposes of conserving natural environments and wildlife. Residential development would therefore appear to be inconsistent with the rationale behind the creation of such areas. Wildlife corridors are areas that have been identified by NPWS on a regional basis. In its submission to the Lismore Rural Housing Strategy (October 2001), NPWS raised regional and sub-regional wildlife corridors as an essential issue for consideration by Council when identifying land with potential for rural housing.

15. Requirement that not more than 25% of the land consist of prime crop or pasture land contradicts previous requirement that land should be excluded where it comprises 'predominantly' prime crop or pasture land.

Comment:

See previous comments on this issue.

16. Requirement that structures not be located on land in excess of 18° contradicts previous requirement that excludes lands over 20%.

Comment:

See previous comments on this issue.

17. Information required in relation to the Statement of Environmental Effects is "of a very localised and temporally – mediated nature and thus not able to be provided by applicants who would normally not be familiar with the land over an extended period of time...."

Comment:

The information requirements listed in the draft DCP are typical of the level of information that would be required in a Statement of Environmental Effects for any rural development of a comparable nature or scale and are similar to that required under SEPP 15.

18. Reference to bushfires should include mention of the relevant Council bushfire policy.

Comment:

Planning NSW has advised that 'Planning for Bushfire Protection 2001' is the relevant document that Council must consider with respect to all development on bushfire prone land. This is the document referred to in the draft DCP.

19. The submission of floor plans for dwellings should not be a requirement at the initial DA stage.

Comment:

Council has resolved to amend LEP Amendment No.8 in such a manner that the submission of floor plans for proposed dwelling sites will not be mandatory at the initial DA stage. The draft DCP has been amended accordingly.

20. Communal plans for social organisation addressing matters such as conflict resolution etc are "not within the purview of council's powers under the Local Government Act 1993 and are otherwise provided for in SEPP 15."

Comment:

Arrangements for community management are matters listed in SEPP 15 that Council must consider when assessing a DA. As stated previously LEP No.8 and DCP No.44 will replace SEPP 15 for new RLC development in Lismore.

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21. The requirement that 'all owners' of the property sign the DA form should be replaced with 'owner'.
Comment:
Clause 49(1) of the EP&A Regulation requires that a development application must include the consent of the owner. 'Owner' is defined in the EP&A Act as including 'every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession...' The term 'all owners' is used in the draft DCP to avoid potential confusion about this issue.
22. It is unnecessarily arbitrary to restrict the distance of the 'secondary' road to the 'primary' road.
Comment:
The road length was restricted to 2km, as this was considered appropriate to ensure that developments were serviceable and not located in isolated localities requiring maintenance costs disproportionate to the rate base generated. Also the cost of road upgrading works normally required for secondary roads tends to become cost prohibitive in excess of this length.
23. Standards for internal access roads should be deleted and left to the discretion of the owners.
Comment:
It is appropriate that some minimum standard of access is required. Access for emergency services such as ambulance and bushfire vehicles is considered a necessity. These minimum standards have been taken from Austroads and bushfire protection guidelines.
24. Council's requirement that applicants provide house plans for every dwelling on a RLC is unworkable.
Comment:
See previous comments on this issue.
25. Licences for temporary accommodation should be extended from one year to two years.
Comment:
Council's policy on temporary residential occupation already allows for a permit for temporary occupation to be issued for two years. However Development Consent and a Construction Certificate for a permanent dwelling must be applied for and obtained within one year of the date of issue of the permit.
26. The requirement that developments not be reliant on creek or river supply for domestic use should be deleted.
Comment:
The requirement that RLC (and rural residential development) must demonstrate that household water supplies will not involve extraction from streams or watercourses was an outcome of submissions to the Lismore Rural Housing Strategy from both the Far North Coast Water Management Committee and the Dept of Land and water Conservation. Both the FNCWMC and DLWC expressed concerns at the proliferation of riparian rights that can occur through the approval of new residential development in rural areas. Council's approach has been supported by the Healthy Rivers Commission Inquiry into Development and River Health on the NSW North Coast which is currently investigating ways to make this a requirement across all North Coast LGAs.
27. It is unreasonable for Council to require dwellings to have a secure and adequate source of water for household purposes.
Comment:
An adequate source of water is considered a reasonable requirement both for household purposes as well as for fire fighting purposes.
28. The requirement that applicants be required to take into consideration adjoining land uses is discriminatory and is not imposed on developers of rural residential subdivisions.
-

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Comment:

Such a requirement is imposed on developers of rural residential subdivisions and is also a requirement of SEPP 15 and Council's DCP No.27 (Buffer Areas).

29. Home occupations should be included within the list of additional uses on RLC that are permitted with Council consent.

Comment:

Home occupations do not require consent under the Lismore LEP.

30. Suggests that the criteria for accepting 'in kind' works in partial or full satisfaction of a contribution be amended to state that Council is prepared to amend the Plan to enable such works.

Comment:

This matter is adequately covered in Council's Section 94 Contributions Plan and applies equally to all development including RLC.

31. Any subsequent dwellings - in addition to those approved in the original DA – should have the option of being approved through an amendment to the original DA.

Comment:

Section 96 of the EP&A Act is the mechanism that allows for the modification of development consents. S96 only permits modification of an existing consent where the development (as modified) will be substantially the same as the development for which the consent was originally granted. It would be difficult to argue that the addition of extra dwellings would result in substantially the same development and therefore this is not considered to be a legally valid option.

Submission No.2

1. The 4km requirement for RLC to be located from an existing facility is too restrictive. Suggests 8-10 km.

Comment:

See comments for previous submission.

2. The cost of upgrading a road to a bitumen seal where post development traffic volumes are in excess of 300 traffic movements per day is an unacceptable impost given the objective of RLC to provide low cost housing for people on low incomes.

Comment:

The requirements for road standards are taken out of national standards 'Austroads'. The intent of this requirement is to ensure that RLC are developed on roads that are suitable for the traffic volumes upon them. It allows some flexibility by allowing the development to upgrade roads to these standards if they choose to. The alternative would be to simply prohibit development on roads below the recognised standard.

3. The maximum 2km length of secondary road to the primary road is too restrictive.

Comment:

See comments for previous submission.

4. RLC should not be subject to the same 'the developer bears the cost' philosophy that applies to rural subdivision.

Comment:

If the occupants of RLC do not bear reasonable costs associated with their development, these costs will inevitably be borne by the wider community.

5. Bonds to ensure establishment of treed buffers should not be placed on RLC.
Comment:
The charging of a bond to ensure the establishment of treed buffers - where these are required – is common practice for most forms of development. It is generally the only means that Council has of ensuring that plantings are properly maintained until established.

 6. The requirement that effluent disposal areas be sited a minimum 250 metres from any potable ground water supply is too restrictive.
Comment:
This is a requirement of Council's adopted On-Site Sewage and Wastewater Management Strategy. The Strategy draws upon a number of sources including the 'Environment and Health Protection Guidelines – On-site Sewage Management for Single Households' jointly prepared by five State Government agencies. This document recommends a minimum 250metre buffer to domestic groundwater supplies for all land application systems.

 7. Objects to the requirement that RLC complement existing settlement patterns.
Comment:
See previous comments regarding Planning NSW's requirement to comply with the Guidelines on Rural Settlement on the North Coast of NSW.

 8. Suggestions in the DCP that applicants seek professional assistance in preparing Development Applications ignores economic reality for RLC applicants.
Comment:
The varied and complex issues that must necessarily be addressed in any development of this nature (effluent disposal, flora and fauna assessment, bushfire assessment, engineering matters etc) means that some technical assistance in preparing an application will be both desirable and necessary.

 9. It is impractical and unnecessary for applicants to submit full plans of proposed dwellings.
Comment:
See comments for previous submission.

 10. The requirement for all owners to sign the DA form may not have a clear basis in law and is often impractical.
Comment:
The requirement has a clear basis in law as stated in comments to the previous submission.

 11. A 3 metre wide gravel pavement on a 5.5 metre wide formation is sufficient for internal access roads.
Comment:
Planning NSW's publication 'Planning for Bushfire Protection' recommends a 4m wide access whilst Austroads 'Guide to Rural Roads' recommends a 3.5m lane width. The proposed 3.5m width was adopted as a compromise between the two standards.

 12. Why is the maximum height limit for buildings set at 7.2 metres in the DCP whereas 8 metres is allowable under SEPP 15?
Comment:
The 7.2 metre maximum height requirement is in line with maximum height requirements for all residential buildings throughout Lismore as per DCP No. 14 (Residential Development).

 13. Objects to restrictions on access to water from streams and watercourses for household purposes.
Comment:
See comments for previous submission.
-

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14. Assumptions used in Council's Section 94 Plan fail to account for the fact that RLC can provide their own community and recreational facilities.

Comment:

An argument for reducing contributions on this basis was rejected by Justice Pearlman in Jonathan and Ors v LCC. In her judgement the chief judge of the LEC said "...it is erroneous, in my opinion, to apply a contributions plan according to the characteristics of the persons who might occupy a proposed development, rather than according to the nature of the proposed development itself." She went on to say "The occupants [of a RLC] may wish to use open space and other community facilities in the local government area from time to time, even though there may be community facilities on the site itself."

20. The levying of Section 94 contributions prior to occupation is unreasonable and provision should be made for payment over a number of years after occupation.

Comment:

Council has no mechanism for recouping Section 94 contributions once a construction certificate or occupation certificate has been issued.

21. Council has failed to recognise the unique nature of RLC particularly with respect to the levying of contributions. Council may find it faces frequent and vigorous challenges to its S94 assumptions.

Comment:

Council's 1999 Section 94 Contributions Plan was supported by the Land and Environment Court in the recent case previously referred to.

Other Group Comments

City Works, Environmental Health and Building and Regulation were consulted during the preparation of draft DCP No.44 and their comments/suggestions have been incorporated into the document. City Works has also responded to the issues concerning road standards raised in the two submissions and those responses have been incorporated into this report and related amendments to the DCP.

Author's Response to Comments from Other Staff

N/A

Conclusion

Arising from issues raised in the submissions it is recommended that several amendments be made to the draft DCP as follows:

1. Change the description of constrained land under section 2.1.2 (Land suitability) from 'land that predominantly comprises prime crop and pasture land' to 'land that comprises more than 25% prime crop and pasture land.'
2. Remove the duplication of road standards in sections 2.1.6 and 4.2.1 and reword section 4.2.1 (Primary road access) to state that new development may access from a primary road that is unsealed but will be required to seal the road for the full frontage of the property where the proposal has frontage to such a road.
3. Retain the requirement that no development should occur on land with a slope greater than 33% but include a provision that dwelling houses and other structures should preferably avoid slopes of 20 % or more.

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The DCP has also been amended to be consistent with Council's resolution to provide for the approval of 'dwelling sites' on RLC in LEP Amendment No.8. This has led to changes relating to the level of information for house plans required at the initial DA stage. A copy of draft DCP No.44 incorporating the above amendments is included as an attachment.

Recommendation (PLA36)

That Council:

- 1 Adopt Development Control Plan No. 44 for Rural Landsharing Communities with such amendments as are recommended in this report; and
- 2 Notify its adoption in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000 with the DCP to come into effect as of the date of gazettal of LEP Amendment No. 8.

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Subject/File No: DRAFT AMENDMENT NO 5 TO DCP NO. 26 – INDUSTRIAL DEVELOPMENT STANDARDS (BB:S545)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Close of public exhibition period.

Objective: Council's adoption of draft amendment No. 5 to DCP No. 26.

Management Plan Activity: Strategic Planning

Background:

At its meeting of August 13, 2002 Council resolved to exhibit a draft amendment to DCP No. 26 (Industrial Development Standards) that would facilitate an agreement between Council and two landowners in Snow Street, South Lismore involving the relocation of East Street.

The relocation of East Street will provide a better road configuration in terms of providing a road link from Three Chain Road through the Wyrain industrial estate to Wilson Street. The draft DCP amendment proposes a reduced building line setback of three (3) metres for land that will be located immediately to the east of the new location for East Street, together with a restriction on direct vehicular access from this land to East Street.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The draft amendment to DCP No. 26 was placed on public exhibition for a period of twenty eight (28) days from September 2, 2002. No submissions were received.

City Works Comments

City Works Group was involved in the negotiation of the abovementioned agreement and supports the proposed amendment.

Author's Response to Comments from Other Staff

Not necessary.

Conclusion

The proposed amendment to DCP No.26 reflects the outcome of negotiations with affected landowners with respect to the proposed relocation of East Street, South Lismore. No submissions were received in response to the public exhibition and it is therefore recommended that Council adopt the amendment in the form that it was exhibited.

Recommendation (PLA35)

That Council adopt Amendment No.5 to DCP No. 26 and notify its decision in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000.

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Subject/File No: PROVISION OF SECURITY SERVICES AT VARIOUS COUNCIL ASSETS – T22024

Prepared By: CONTRACTS OFFICER - Chris Allison

Reason: Council consideration of the security contract

Objective: To obtain Council approval to award contract for provision of security services

Management Plan Activity: Client Services

Background:

A report was presented to the July 9, 2002 Council meeting to award the contract for the provision of security services for a three (3) year period. Council resolved to defer the awarding of the contract pending further discussions between the General Manager and Lismore Unlimited on the nature of the Lismore City Safe Program.

The subsequent meeting identified several areas regarding the general amenity of the CBD, which Lismore Unlimited indicated should be addressed to improve said amenity with elements like cleaning, litter control and anti-social behaviour in the area. It was agreed that there were possible improvements to the delivery of services in the CBD, however the most critical issue was to improve the level of communications between Council, the retailers, the police and the contractors delivering the services and the need to be able to target problem areas and vary the provision of services. Therefore it was agreed to form a committee to review the areas of concern and provide more detail in regard to the provision of services, which can be negotiated with the contractor.

In order to move the process forward, in particular the contract for the provision of security services in general and offer a degree of certainty to the preferred tenderer it was decided to temporarily remove the City Safe Program from the new contract and award the contract for the balance of the assets. The City Safe Program would be continued on a month to month basis under the terms of the existing contract. With regard to the City Safe Program, the committee will review the provision of services for the CBD and investigate and report on possible improvements. A further report will be provided to Council in regard to the awarding of the contract for the provision of security services for the City Safe Program.

Tender Evaluation:

The following information in this report excludes the Lismore City Safe Program in the evaluation of tenders.

The current contract for the provision of security services for all of Councils assets/locations expired July 31, 2002. Client Services unit, on behalf of the various asset managers, prepared the tender documents for the next three year period with an option to extend the contract for a further two (2) years.

Tenders were advertised in the Sydney Morning Herald and Northern Star. Tender documents were issued to fifteen (15) companies, with five (5) tenders being received by the close of tender on 2:00 pm Wednesday June 12, 2002.

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Provision of Security Services at various Council Assets (T22024)

The assets included in the tender are as follows:

Administration Offices Goonellabah
Crozier Oval
Old Municipal Offices
Blakebrook Quarry
Koala Child Care Centre

Laurie Allen Community Centre
Dog Pound
Molesworth House
Crematorium/Lawn Cemetery
Lismore After School Care

Neighbourhood Centre
Oakes Oval Precinct
Waste Facility Offices
Works Depot - Brunswick St
Goonellabah Library
Heritage Park
Goonellabah Community Centre
Tourist Information Centre
Hepburn & Clifford Parks
Lismore Lake Pool
Parks & Gardens Office
Robinson Lookout
Ross Street Pumping Station
Wade Park

Oakes Oval
East Lismore Treatment Works
Gingerbread House Day Care
Lismore City Library
Public Toilets Lismore - CBD
Works Depot - Block B
Lismore Art Gallery
South Lismore Treatment Works
Lismore Memorial Baths
Old High School Site
Riley Lookout
Rowing Club Carpark
Transit Centre
Nimbin Water Treatment Plant

Tender Examination:

The tenders received are summarised below:

Tenderer	Tender Price
Summerland Security	\$ 77,829.90
Security Hardware Pty Ltd	\$ 103,890.00
Meridian Protective Services	\$ 125,380.00
Group 4 Securitas	\$ 92,223.20*
First Direct Private Security	\$ 140,495.85

Prices include GST

Prices exclude the City Safe Program

* Excluded after hours telephone service & two-way radio monitoring

The tender documentation (Clause B7) defined six (6) areas by which each tender would be assessed: Price, Capability & Relevant Experience, Service Delivery, Staffing, Compliance with Quality & Safety Plans and Management & Financial. The tenderers were required to address each of these criteria in their tender. Attachment A shows the weighted result for each criteria.

The weighted assessment shows that the tender by Summerland Security has provided good value for this contract and Summerland Security are the current provider of security services for Lismore City Council. It is noted that Summerland Security has provided Council with an excellent level of service over the past three (3) years.

Principal Accountant's Comments

Security is an important service that provides an indirect saving to Council's assets and staff through the deterring of crime and the potential issues/costs that are related to crime. The cost increases from the previous tender are manageable and are allocated across many departments of Council. The tendering process shows that Council is receiving a competitive market price for its security related services.

Public Consultations

N/A

Other Group Comments

N/A

Author's Response to Comments from Other Staff

Not required

Conclusion

Summerland Security has provided the lowest conforming tender and has ranked first in the evaluation criteria. Summerland Security has undertaken the provision of security services for Council for the past three years.

Recommendation

1. The contract for the provision of security services for the period to June 30, 2005 be awarded to Summerland Security for the amount of \$77,829.90 per annum excluding the City Safe Program.
2. The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

Subject/File No: SUBDIVISION AND SALE OF COUNCIL LAND IN CENTENARY DRIVE, GOONELLABAH (P26674)

Prepared By: Manager Client Services - Lindsay Walker

Reason: To inform Council of proposed re-subdivision

Objective: To obtain Council's endorsement of recommendation

Management Plan Activity: N/a

Background:

Some time ago Council purchased the land for the Centenary Industrial subdivision and since 1987 has been pursuing the orderly development of the site.

The area, the subject of this report, is Lot 70 in DP 876840. This lot has an area of 8000m², however it was always intended that it be further subdivided to more saleable lot sizes.

To this end, several levelled areas were created some years ago and the batter between these areas forms a natural lot boundary for future subdivision. Although this site work was previously undertaken, the legal subdivision of the lot was not pursued to ensure that flexibility was retained for future sales.

Council has now received an offer of \$82,5 00 for Lot 2 in the enclosed proposal.

This equates to a sale price of \$34.24 per square metre which is consistent with offers Council has previously negotiated, but not secured, of \$35.00 per square metre.

Group Manager – Corporate and Community Services – Financial Comments

This amount is consistent with the last sale from this subdivision in 1989. Whilst it is disappointing that the land has not increased in value, the lack of sales over this period clearly indicates a market resistance. The sale of Lot 2 is supported at the price offered and a concerted effort should be made to dispose of the remaining lots as soon as possible.

Public Consultations

Not required.

Other Group Comments

Manager – Business and Enterprise

The remaining lots in the Centenary Estate are valuable industrial property and the renewed interest in the land of late is a positive sign for Lismore. The remnant lots do not however represent the most attractive land within that estate and this has delayed Council's exit from this development. Council has actively sought purchasers for these lots and this activity will continue until all are sold.

I concur with the recommendations of the Manager Client Services.

Author's Response to Comments from Other Staff

Noted.

Conclusion

Council has experienced some difficulty attracting purchasers to the Goonellabah Industrial Estate over the past few years. It is considered that the offer represents an opportunity to introduce a new industry into the estate and should be pursued.

Recommendation (GM61)

That Council:

1. Subdivide Lot 70 in DP 876840 as shown in the accompanying sketch.
2. Sell each of the three lots.
3. Accept the offer of \$82,500 for the subdivided Lot 2.
4. The General Manager be authorised to execute and apply the Common Seal of the Council to the Contract of Sale, Memorandum of Transfer for the subdivided Lot 2, Plan of Survey, Section 88B or other instrument necessary for the transfer of the property.

Subject/File No: REVIEW OF DCP 41 – NOTIFICATION AND ADVERTISING OF DEVELOPMENT APPLICATIONS (S739)

Prepared By: Manager Planning Services – Helen Manning

Reason: To improve the operation of Council's notification and advertising procedures.

Objective: To facilitate the development assessment process and appropriate community consultation.

Management Plan Activity: Strategic Planning

Background:

At its meeting of August 13, 2002 Council considered a report recommending exhibition of the reviewed Development Control Plan No. 41 – Notification and Advertising of Development Applications. Council endorsed this recommendation and the amended DCP has been publicly exhibited for one month.

Contents of DCP 41

The DCP lists the majority of uses defined within the LEP and specifies whether they require notification or advertising.

'Notification' is defined as written advice of lodgement of a development application, including a copy of the DA, sent to 'affected persons', being those who own or occupy land adjoining the site of the DA, or who own or occupy 'neighbouring land'. This last is defined as any land which in the opinion of Council may be detrimentally affected by a proposed development.

'Advertising' is where Council, in addition to writing to those persons required to be notified, places an advertisement in a local newspaper advising of the lodging of a development application and specifying a time period in which a person can make a submission regarding the application.

Alterations to DCP 41

The DCP has been reviewed to ensure that it accords with the Local Environmental Plan, which includes a category of 'Advertised Development'. The current DCP 41 did not require advertising of some uses which the LEP specifies must be advertised, and it required notification or advertising of some uses which are prohibited, and for which a DA could not be accepted.

The necessity for advertising boundary adjustments has been deleted, following concerns from landowners and consultants that advertising these minor applications unnecessarily increases the assessment time. Other forms of subdivision having potential impacts will still require advertising.

'Markets', the definition of which is to be introduced to the LEP, have been included in the DCP.

Uses which can be expected in a zone, such as commercial premises in the Business Zone, have been removed from the requirement for advertising, but may still require notification of nearby owners.

Unnecessary definitions, which are not required by the text of the DCP, have been deleted.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The amended DCP was exhibited for public comment for one month between August 22 and September 19, 2002. One submission was received, and a copy is included in the Attachments.

The points raised in the submission are:

- A request that owners of adjoining and neighbouring land be notified of all development applications that occur for a said piece of land regardless of its zoning, without exemption; and
- Objection to S.4.2 of the DCP, 'Exemptions from the Notification Policy'

(Note S.4.2 Exemptions from the Notification Policy states:

- *If Council is of the opinion that persons, property or the environment will **not** be detrimentally affected by the proposed development, then notification will **not occur**. The circumstances that may give rise to an exemption to the notification procedure include:*
- *Building works for single storey dwellings, additions, swimming pools, outbuildings and the like, which are:*
 - a) *considered to be in keeping with acceptable community standards, the Building Code of Australia and the existing local environment; and*
 - b) *Development which involve internal works, where there is no change to the external configuration of the building in shape or height.*
- *Changes in use of an existing approved development (with the exception of 'non-conforming' uses).*
- *Tree clearance permit applications.*
- *Building works that have been previously notified at the development application stage and there have been no significant changes in the plans.*
- *Adjustment of common boundaries between lots.*
- *The matters that Council will take into consideration in forming an opinion as to whether the enjoyment of land may be detrimentally affected shall include:*
 - (a) *the views to and the view from the land;*
 - (b) *overshadowing and loss of solar access to adjoining and neighbouring land;*
 - (c) *privacy of adjoining and neighbouring land;*
 - (d) *drainage, noise, dust, odours and similar emissions;*
 - (e) *the visual quality of the building in relation to the streetscape and adjoining locality;*
 - (f) *the effect of the proposed development on property and persons whose amenity is likely to be affected by the development;*
 - (g) *compatibility with adjacent landuse;*
 - (h) *bulk and scale;*
 - (i) *effect on the natural environment;*
 - (j) *any matter which Council deems relevant.*

Comment:

Every land use which is defined in the Lismore LEP is required to be notified to owners and occupiers of adjoining and neighbouring land. The purpose of the exemptions provision is to ensure that development applications for very minor works with no effect on neighbours are not delayed by the notification process. It is understood that the practice for applications for single storey dwellings and additions are all assessed for likely impacts and all but a very small number with no immediate neighbours are notified to adjoining landholders. It is considered that the exemptions provision ensures efficient assessment of minor applications while containing sufficient safeguards to ensure that notifications are carried out where appropriate.

Other issues requiring alteration to exhibited draft DCP

Other issues arising from the reviewed DCP are:

1. The current DCP 41 and the exhibited draft both require that residential flat buildings be notified in the Village Zone, but not advertised. Such development is required to be advertised in all other zones where the use is permissible and it is considered that, as the impact of such development could conceivably be greater in villages than in urban residential areas, such applications should be advertised for public comment. An alteration has been made to the exhibited DCP to require the advertisement of 'residential buildings' (being those containing three or more dwellings) in the 2(v) Village Zone.
2. The restructuring of two sections within the Planning and Development Group has recently been finalised, with the result that applications for building works are considered within the Environmental Health and Building Section. The Manager-Environmental Health and Building, should therefore have the same responsibilities as the Manager, Planning Services, and it is recommended that both titles be included in relevant parts of the DCP.
3. The definition of 'Integrated Development' in Section 3 Definitions should be updated by inclusion of the Rural Fires Act 1997.
4. In the interests of clarity the section 'Exemptions from the Notification Policy' should be moved closer to the Table specifying notification/advertisement.

Other Group Comments

Manager Environmental Health & Building

The Environmental Health and Building Section concurs with this report. It is important that notification protocol procedures are undertaken in a uniform approach. It is also important, however, that the Exemption from Notification Policy is implemented as Council is under increasing pressure to issue Development consents without delay for applications which have no effect on adjoining properties.

Author's Response to Comments from Other Staff

Not required

Conclusion

The review of DCP 41 will assist in streamlining the development assessment process by ensuring that only significant applications are advertised while maintaining notification procedures for all other applications. The DCP, altered as outlined above, is contained within the Attachment to this Business Paper.

Recommendation (PLA34)

It is recommended that Council endorse the alterations made to the DCP following exhibition and adopt the reviewed DCP 41 Notification and Advertising of Development Applications.

LISMORE CITY COUNCIL - Meeting held October 8, 2002

Subject/File No: LISMORE MASTERS GAMES 2003 – SPONSORSHIP/FINANCIAL UPDATE AND OTHER MATTERS
JB:LC:S805

Prepared By: Events Co-Ordinator – John Bancroft

Reason: Follow on from Council Report May 14, 2002

Objective: Determine Committee Membership and obtain approval to proceed with the 2003 Lismore Rainbow Masters Games Region.

Management Plan Activity:

Background:

The Lismore Masters Games concept was founded in 1996 after discussion involving Lismore City Council, Lismore Unlimited (then Lismore City Wide) and Southern Cross University. After much research into feasibility etc two such events have been held with the following outcomes.

Year	Sports	Attendance
1999	16	1596
2001	20	2393

As is evident in the statistics the event has, in a short period of time, established a positive reputation amongst participants particularly from Northern NSW and South-Eastern Queensland. The event provides substantial economic input (approximately \$850,000 in 2001) into the community over an intense three-day period.

At the conclusion of the highly successful 2001 event Council received many recommendations from the Games Committee and resolved as follows on May 14, 2002.

RESOLVED that the report be received and -

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

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

- 4 Council appoint Councillor Chant and Councillor Hampton to the 2003 Games Committee.
- 5 Vacant Committee positions be pursued and nominations be reported to Council in October 2002.

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Lismore Masters Games 2003 – Sponsors Update and Other matters.

- 6 *The dates for the 2003 Games be September 26th, 27th and 28th (Friday to Sunday).*
- 7 *2001 Games Sponsors and Sports be given first option to be involved with the 2003 Event.*
- 8 *Council signal its “in principle” endorsement of recommendations contained within the Games Strategic Review and Lismore Rainbow Region Masters Games Vision, Mission and Goals documents.
(Councillors Gallen/King) (S805)*

Detailed below are items pursuant to the resolution above.

Games Committee – Recent Achievements to Date

The Committee and its various sub groups commenced meeting in June with particular focus on the following three areas:-

- Sponsorship Recruitment and Marketing
- Function Planning and
- Sports Recruitment.

Sponsorship and Marketing Update

As per Council's request all 2001 sponsors have been approached re sponsorship renewal.

All responses have been extremely favourable with five of the seven contributors already documenting their commitment to the same level as 2001.

The other 2 proposed sponsors have been requested to forward responses by the end of October.

All sponsorship matters will be announced at the Games launch scheduled for

LISMORE WORKERS GOLF CLUB AT 10.00AM ON TUESDAY NOVEMBER 12, 2002

All Councillors and Senior Management will be invited.

In addition major marketing exercises have been conducted at Coffs Harbour and ASPAC Masters Games with good success.

Function Planning

The functions sub-group is working to make the launch an interesting and informative event. The theme of “Love the Legend” will permeate all promotion and functions.

Sports Recruitment

The response from local sports group has been very positive. At this point in time 23 sports have offered to be involved in some way.

They are

Athletics	Lismore Athletics Club
Badminton	Southern Cross Badminton Club
Baseball	Far North Coast Baseball Association
Basketball	Lismore Basketball Association
Clay Target Shooting	Richmond River Clay Target Shooting
Cricket	Lismore District Cricket Association

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Lismore Masters Games 2003 – Sponsors Update and Other matters.

Dressage – Equestrian	TBA
Golf	Lismore Workers Golf Club
Hockey	Far North Coast Hockey Association
Indoor Volleyball	McKenzie Street Sports Centre
Karate	Success Martial Arts
Netball	Lismore District Netball Association
Oztag	Lismore OZTAG
Pool comp. – 8 ball	TBA
Rugby	TBA
Running	TBA
Soccer	Goonellabah Soccer Club
Softball	Far North Coast Softball Association
Squash	McKenzie Street Sports Centre
Swimming	Duck Creek Mountain Swimming Club
Table Tennis	Far North Coast Table Tennis Association
Ten Pin Bowling	Lismore Bowl
Touch	Lismore Touch Association

As per previous events the final sports list may not be ultimately determined until mid 2003. Nonetheless we can confidently state that approximately 20 sports will proceed into the event.

Vacant Committee Positions

At the time of the May report there were four vacant positions on Committee – they were, and still are:-

- Lismore Economic Development Advisory Board x 1
- Lismore Unlimited x 1
- NSW Sport & Recreation x1
- Community / Sport x1

I advise as follows:

- Lismore Economic Development Advisory Board are pursuing a delegate.
- Lismore Unlimited is pursuing a delegate.
- Community/Sport – Committee will pursue this position further and focus on sports executives and volunteers.
- NSW Sports & Recreation – have declined to take up the position, though has offered to assist where possible.

Budgetary Considerations for the 2003 Event

The Committee will maintain its philosophy of budgeting for a “break even” scenario with further motivation to, once again, seed fund the next Games (probably 2005).

Overall Event costs will be similar to 2001 and income projections will be based on conservative attendance estimates (approximately 1800).

Most of the expenditure will be incurred this financial year (2002/03) and most of the income will be acquired in the next financial year (2003/04). As Council “underwrites” the event there is a risk, should attendance targets not be reached. I refer to the Finance Managers comments of May 14, which are noted below.

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Lismore Masters Games 2003 – Sponsors Update and Other matters.

The 1999 & 2001 Masters Games both operated at a 'profit' and this has or will be reinvested back into the next event.

While there will always be financial risk associated with the event, given the conservative attendance estimate, the business approach to its management and operations, and the large local supporter base, I believe the 2003 Masters Games will be financially successful.

From a cash flow perspective, experience suggests that there will be a 'timing' issue with expenses exceeding revenues in 2002/03 and revenues exceeding expenses in 2003/04. As such, Council may need to provide an overdraft facility for the event, but it is expected that it will not be significant. It is suggested that the Committee explore options to receive sponsorship and attendance fees earlier to offset this impact.

A Draft Games budget is as follows:

Revenue	Budget
Participant Fees (1800 @ \$40)	72,000
Sponsorships	50,000
Non-Participants Fees	6,000
Total	128,000
Expenditure	
Administrators	18,000
Office Expenses	11,000
Awards	12,500
Facility/Venue Hire	3,500
Volunteers Costs	5,000
Marketing Promotion	16,000
Hospitality/Sponsors	3,000
Ceremonies/Functions	42,000
Games Bags	4,000
Participants ID	1,500
Insurance	10,000
Other expenses	1,500
Total	128,000

Points of note:

- A considerable increase in insurance costs (as advised by Council's Insurer - Jardine Lloyd Thomson) is anticipated and a realistic budget for this item is provided.
- 1800 competitors will be "break even" - 2000 will provide a surplus of approximately \$8,000.
- Other income can be generated via late fees and merchandise sales.

Acting Manager - Finance & Administration Comments

The Lismore Masters Games continues to exceed expectations and the financial risk to Council is minimal with such a well organised and proven committee organising the event.

Public Consultations

N/a

LISMORE CITY COUNCIL - Meeting held October 8, 2002

Lismore Masters Games 2003 – Sponsors Update and Other matters.

Other Group Comments

Manager Economic Development & Tourism

A prudent financial strategy is being pursued for the 2003 Masters Games. The event has strong benefits to the town. I support the recommendations.

Author's Response to Comments from Other Staff

Other staff comments are noted.

Conclusion

The Committee can freely state there is a substantial level of support for the 2003 Games from sponsors, participants and local sport groups. It is now time to proceed towards organising the 2003 Masters Games.

Recommendation

That

1. Council authorise the General Manager to proceed with the organisation of the 2003 Masters Games.
2. The vacant NSW Sport and Recreation Committee position not be pursued and be removed from the 2003 Masters Games Committee structure.

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Subject/File No:	LISMORE FLOOD LEVEE SCHEME S801
Prepared By:	General Manager
Reason:	To establish Council's policy on issues interrelated with the Lismore Flood Levee Scheme.
Objective:	To optimise the application of financial resources available for floodplain management, city enhancement and recreational facilities.
Management Plan Activity:	General Manager and City Works

Background:

Councillors will be well aware that there is a clear distinction between the respective roles of Lismore City Council (LCC) and Richmond River County Council (RRCC) when it comes to the local flood levee project. As the body responsible for flood mitigation works the County Council is implementing all aspects of the approved scheme.

That scheme is detailed in a comprehensive Environmental Impact Statement which was adopted by RRCC as the determining authority in 1999. The key components of the scheme are:-

- A constructed wall along the eastern bank of the Wilson's River from Keen Street in the south to Molesworth Street, at the Police Station, in the north which will exclude 1-in-10 year flood events from Central Lismore.
- Relocation of a section of the existing South Lismore levee bank in an easterly direction to enhance the overland flow of Leycester Creek floodwaters in a major flood, thus reducing the volume of water joining the Wilson's River.
- A scheme which gives urban householders not protected by the Central and South Lismore levee financial assistance to raise their dwellings above the 1-in-10 year flood height.

These components of the project are proceeding on a staged basis and expenditure to date is \$3.1 million. It is anticipated that the works will be complete by the end of 2004. Full funding of the \$13.2 million project is in place with cost sharing being:-

Commonwealth Government	\$5.07 million
State Government	\$5.07 million
Lismore City Council	\$3.07 million

North Lismore

That part of the scheme most relevant to North Lismore is house raising because there will be no levee wall in that area. Upon completion of a detailed survey, 25 houses have been identified with floor levels below the predicted 1-in-10 year flood height, allowing for a minor water level increase brought about by the new Central levee. The Project Manager is conducting ongoing negotiations with these owners. In some instances, it has been mutually agreed that it is both cost effective and desirable for the subject house to be relocated rather than raised.

Once this activity and dialogue commenced in North Lismore early last year, RRCC was approached by representatives of the local business community seeking recognition that they too were disadvantaged in comparison to their competitors/colleagues in Central and South Lismore and asked for commensurate assistance. The approved scheme did not anticipate this aspect because Government subsidy for structural urban flood mitigation works targets risk and hazard reduction for people, rather than assets. Thus residences receive highest priority.

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Lismore Flood Levee Scheme

Notwithstanding, the business representatives have lobbied extensively since first drawing attention to their case. In response, RRCC has facilitated three meetings with the North Lismore Business Liaison Committee (10/5, 28/6 and 1/11/2001). I personally attended those meetings as well as one on 5th December 2001 convened by the North Lismore Progress Association. LCC was represented on different occasions by Councillors Gates and Swientek.

As discussions continued RRCC agreed to undertake a survey of businesses in North Lismore to establish whether there was scope for developing a proposal which might be submitted to Government seeking special financial assistance. Information obtained revealed that there are approximately 100 businesses in North Lismore and that of these, 45 premises have all or part of their floor levels below the predicted 1-in-10 year flood level. It was always envisaged that any assistance would be restricted to premises fitting this criteria – consistent with houses outside the levee perimeter.

These 45 businesses were then asked to put forward their preferred option for flood impact assistance –

26	-	construct high-level storage on-site
5	-	storage racks/shelving
2	-	flood proof buildings/doors
7	-	mechanical hoist
3	-	provide off-site storage
2	-	nothing required

The estimated cost of these measures was \$1.93 million.

RRCC had earlier identified a sum of \$600,000 from the contingency account as being the maximum affordable by the scheme. On this basis, a further survey was conducted and 38 respondents supported a proposal which offered up to \$13600 towards approved works, subject to the business contributing at least 10% of the total cost.

The time has now come for some certainty to be afforded this matter given the progress of the main scheme. Seven houses have now been raised, another three are imminent but nothing has been determined in respect of North Lismore businesses.

RRCC has endorsed the principle of adding measures into the Lismore Levee Scheme which address issues of community equity and safety and to that end has recently completed construction of a new pumping station on Hollingsworth Creek in Riverview Park. This will ensure that a key evacuation route (Union Street) remains open during heavy rain rather than be cut by internal stormwater. It is a desirable adjunct to performance of the whole scheme although it was not part of the original concept. It has been established that there is a need to exercise some flexibility as the project develops, allowing of course that any variation provides a positive outcome.

Taking all matters into account, RRCC has negotiated with the Government an approval to apply up to \$400,000 of scheme subsidy funds to a structured assistance package for North Lismore Businesses. The criteria for participation in this \$600,000 program will be:-

PROPERTIES ELIGIBLE FOR ASSISTANCE

- The business property must be zoned commercial/industrial and be located in North Lismore.
- The business property must have all or part of their floor level below the predicted 1-in-10 year flood level.
- Financial assistance is limited to \$13,600 per property title.

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Lismore Flood Levee Scheme

FINANCIAL ASSISTANCE CRITERIA

- Only work considered to satisfy the aims of the assistance scheme will be approved.
- The property owner will be responsible for obtaining any necessary building approvals from Lismore City Council and undertaking the works.
- No work is to be commenced until the work and financial assistance is approved by Richmond River County Council.
- To receive financial assistance the business owner must contribute a minimum of 10% of the cost of approved works.
- The contribution to be paid by Council will be exclusive of GST. For works less than \$16,622 (GST inclusive) Council's contribution will be the cost of the works, less GST, less 10% owner contribution. (see sample calculations)
- Council's contribution will be paid to the business property owner after the works have been completed and a Construction Certificate provided by Lismore City Council.
- Applications for assistance are to be lodged with at least two (2) bona fide quotations for the work.

TIME FRAME

- Professional advice will be available to owners wishing to participate. This advice will include examples of endorsed works and assist in addressing the statutory planning and approval processes. Arrangements are being made to organise a workshop format for November 2002.
- The property owner must register an Expression of Interest by 31st March 2003 as to their intention to undertake flood management works.
- The property owner must lodge a Development Application with Lismore City Council and have the works completed by March 2004.
- Payment of Council's contribution to the property owner will be made at completion of work and within twenty one (21) days of receipt of claim.

Lismore Flood Levee Scheme – North Lismore Business Assistance SAMPLE CALCULATION

	Example 1	Example 2	Example 3	Example 4
Capital cost of Works including GST	\$50,000	\$16,622	\$15,000	\$8,000
Cost less GST reclaimable by Business	\$45,454	\$15,111	\$13,636	\$7,272
Owners Contribution (10% if less than \$13,600)	\$31,854	\$ 1,511	\$ 1,364	\$ 727
Council's contribution capped at \$13,600	\$13,600	\$13,600	\$12,272	\$6,545

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Lismore Flood Levee Scheme

This matter is reported to LCC to ensure that there is a clear understanding between the agency stakeholders as to the basis for and scope of this added aspect of the Lismore Levee Scheme which was not initially provided with funding. I am aware that a petition was circulated earlier this year calling on Lismore Council to support the call for extra funds to be allocated so that the businesses of North Lismore would be afforded reasonable assistance towards flood protection works on individual premises.

Following extensive consultation in North Lismore, the foregoing proposal is judged to be fair and equitable. Once concurrence among agencies is reached, the proposal will be explained to all eligible businesses. Even though it is an extra to the original budget, adequate funds are available this financial year to enable immediate implementation.

RIVERBANK DEVELOPMENT

Construction of the levee bank obviously has a short-term disruptive impact on some very public areas but this is unavoidable and was always expected. RRCC has always been very conscious of the need to ensure that the aesthetics of the finished works are sensitive to the visual amenity of the Lismorescape and all contracts provide for appropriate restoration, rehabilitation and landscaping along the route.

Quite independently, LCC has been working on a plan to enhance the appearance and usability of, the Riverbank Precinct and has developed an overall plan which is compatible with the levee bank's siting and scale. Funding for these works is however limited and there has been an acceptance that the time frame for completion would need to extend for, perhaps up to ten years. There are good reasons to accelerate that works schedule so as to mirror the progress of the levee works and the most compelling is the opportunity to incorporate a higher standard of landscaping into the levee project than was originally planned. Any such works, which can reasonably be attributed to the levee project, could be funded under the subsidised scheme. The end result will undeniably be a better presented, more complete project in the very heart of the City.

Examples of acceptable works in the area of Ballina Street Bridge are earthworks, vegetation planting, street furniture, pathways, lighting and refurbishment of existing structures. The same could apply in Spinks Park where there may be a need to resite and refurbish the Queen Victoria Fountain, the band rotunda and other public structures. Further along, parts of the Riviera site might also be incorporated into the levee scheme and in so doing achieve an earlier than planned re-incarnation.

This approach has the obvious benefit of delivering a spin off gain to Lismore by leveraging the funds approved for the riverbank development against subsidies for the levee scheme and in so doing deliver an all round enhanced result. Having been involved in the levee project since its inception in 1990, I can report that there is a sentiment at both the Federal and State Government level that the finished works should be delivered both expeditiously and to a standard which meets community expectations. Having been very close to the funding mechanisms, extra subsidy from these sources can be accessed, should that be needed to achieve the desired result that will not be an issue until the 2004/05 round of subsidy bids.

Manager - Finance & Administration Comments

The concept of North Lismore businesses receiving financial assistance, up to the limit of \$600,000, is to be funded from the contingency contained in the existing budget for the flood levee.

The initiative to further leverage any Council, State or Federal funding dedicated to the Riverbank Development against flood levee funding is supported.

Public Consultations

- North Lismore Business Community 10/5/01,28/6/01, 1/11/01
- North Lismore Progress Association 5/12/01
- Direct survey of all eligible North Lismore business.

Other Group Comments

Other groups consulted in formulation of this report.

Author's Response to Comments from Other Staff

Not required.

Conclusion

This report has outlined that as the Lismore Flood Levee Scheme develops, issues arise which must be addressed. These issues have impacts which go to questions of safety, equity, practicality, economics, finance, aesthetics, enhancement and opportunity.

The report specifically identifies linkages between the Lismore Flood Levee Scheme and:-

- Flood Prone Land Voluntary Acquisition Scheme
- North Lismore Business Assistance program
- Wilson's River Redevelopment Plan

It explains how beneficial outcomes can be achieved by adopting an umbrella strategy towards the delivery of these and similar projects.

Recommendation (GM62)

1. That to address issues of community equity in the context of the Lismore Flood Levee Scheme, Council endorse the concept of providing financial assistance to businesses located in North Lismore which have all or part of their floor levels below the predicted 1-in-10 year flood level.
2. That based on reports of the investigation and consultation undertaken in North Lismore, Council concur with the eligibility criteria and \$13,600 per property title limit of assistance recommended by RRCC.
3. That, to ensure sustainable floodplain management outcomes are achieved in North Lismore, Council support the option of negotiating for subsidised voluntary acquisition in lieu of house raising, where appropriate.
4. That Council support the initiative to accelerate those aspects of the Wilson's River Development which can be incorporated into the landscaping, restoration and remediation program for the Lismore Flood Levee Scheme.

- Subject/File No:** UPGRADING/REFURBISHMENT OF COLEMAN'S BRIDGE, LISMORE – S96 MODIFICATION APPLICATION (DA01/223)
- Prepared By:** Special Projects Planner – Warren Rackham
- Reason:**
1. Urgent works required to bridge;
 2. Current reconstruction requires alteration to previously notified closure times.
- Objective:** To obtain Delegation of Authority to General Manager to determine the application.

Management Plan Activity: Development Assessment

Background:

1. Council approved the (heritage) development application for the refurbishment of Coleman's Bridge in September 2001, subject to conditions.
2. The approval included notified closure/partial closure times of the bridge during the reconstruction programme, these being 8 weeks partial closure and a further 4 weekends total closure (non-contiguous).

Current Application:

1. Since approval of the original DA the RTA has advised "*It has become apparent from a more detailed assessment of the bridge condition that the original construction methodology was not suitable*".

Because of safety factors with bridge load capabilities in conjunction with crane loadings, the RTA have developed a lightweight gantry system to erect the bridge decking, which in turn requires total closure of the bridge for a single period of 8 days from Sunday October 20 to 27, inclusive. The bridge will then be fully open to two-way traffic, with no further closures required.

This change in methodology will enable the completion of the bridge in early November 2002, approximately 9 weeks ahead of schedule.

2. An important consideration in the original DA assessment was the effects that partial and full closure might have on various businesses in the locality; however there were no submissions received following advertising at the time. The RTA has been independently undertaking a survey with adjacent and nearby businesses regarding the proposed modified closure timings, with (as at date of report) no major objections being raised.
3. As the original DA was determined by Council, the modification similarly requires Council determination. Due to the timing of the proposed 8 day full closure and notification requirements of the modification application, it will not be possible for Council to determine the application prior to the scheduled works commencing and hence the modified bridge closure occurring. It is therefore requested that Delegation of Authority be granted to the General Manager to determine the modified application following completion of the public notification period.

Manager - Finance & Administration Comments

Comment not required.

Public Consultations

Any submissions received to be addressed following completion of notification period.

Other Group Comments

Group Manager - City Works

Councillors will be aware that Council's preferred option was to construct a new bridge and use Coleman Bridge as a single lane, light traffic bridge. Unfortunately the RTA did not agree with this option.

It is my understanding that while the RTA has tried hard to meet the time-frame set by the Development Application, this is not proving to be practical which is disappointing.

The City Works Group believes the recommendation gives the General Manager sufficient scope to negotiate an acceptable solution to both parties.

Recommendation (PLA33)

That the General Manager be granted Delegated Authority to determine the modification application for adjusted times of closure of the Coleman's Bridge Development Application No. 2001/223, following completion of the required notification period.

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Subject/File No: 2001/2002 FINANCIAL RESERVES
(GB:S779)

Prepared By: Principal Accountant, Gary Boyd

Reason: In accordance with Council Policy 1.5.10

Objective: To inform Council of 2001/2002 Financial Reserves balances

Management Plan Activity: All

Background:

Council, at its meeting on February 13, 2001 adopted a Reserves Policy. It also resolved the following:

“That a separate report on reserves, including their need and appropriate level be brought to Council on an annual basis.”

This report has been written to inform Council of the level and intended use of reserves as at June 30, 2002. It should be read in-conjunction with the policy, which states the objective and funding level for each reserve.

All reserves held at June 30, 2002 are deemed to be at an appropriate level given that they are either within a suitable range of the policy funding level or are for a specific purpose, given the available cash at June 30, 2002.

The following commentary should be read in-conjunction with the one page reserve summary, which is attached to this report. This summary shows the opening balance at July 1, 2001, the movements for the year and the closing balance at June 30, 2002.

General Manager’s Group

Staff Development Reserve – Balance \$111,000

There are several items included under this reserve heading, as detailed below.

A joint initiative with the Lismore Skills Centre has resulted in \$31,700 being carried over in revenue received but not spent from previous years for an up-skilling program for parks and recreation staff. This program has been running for several years and is now complete. The funds will be used on further up-skilling programs in other areas of Council.

Council has allocated in its budget funds that are to be used to gain financial leverage for external grants for projects. In the past two years these funds have been allocated towards the Riverbank Project. Due to the nature and size of this project, funds have not been required as yet but are set aside for planned use and matching of grants in the future, \$79,300.

Economic Development – Balance \$110,600

The Economic Incentives Fund had a balance at June 30, 2002 of \$97,800. At present approximately \$50,000 is transferred to this reserve annually. Policy 11.1.1 “Lismore Incentives for Investment” sets a maximum level for this fund at \$300,000.

There are several small amounts reserved and carried over to the new financial year in the economic development and tourism departments for various projects not completed at June 30, 2002.

Corporate and Community Services Group

Administrative Purposes – Balance \$119,500

This heading contains several reserves, which are separately detailed in the reserves policy. Major items include the following.

There is \$40,500 in the Records Management Systems reserve used to file/store records that must be archived. There is \$46,900 in the election expenses reserve.

Budgeted insurance expenses not incurred in 2000/01 had been set-aside in what has been termed the Risk Management Reserve. These funds are in the process of being used to minimise potential trip points on our footpath/cycleway network. All funds will be spent in 2002/03. This should reduce insurance costs in the future.

Information Services – Balance \$617,400

As per the Reserves Policy, funds are to be used to allow for the future development and replacement of the central computer system, software and hardware. Reference should also be made to the IT Strategic Plan, which touches on future IT reserves and their expected level.

Employee Leave Entitlements – Balance \$694,900

This reserve is down from the \$1,317,000 balance of the previous year. There are two reasons for the decrease in funds. The first was a budgeted/planned use of these funds through the 2001/02 quarterly reviews to fund payments made as part of Council complying with the award in relation to skills assessments and related back pay, \$272,000.

The second was due to a number of staff redundancies including severance payments and the full payment of employees available leave liabilities. Most of these former staff members had worked for Council for a considerable time and consequently had a significant amount of leave built up. The ELE reserve is in existence for these types of situations. The number and nature of staff leaving this year was more than average and as such the reserve has been reduced.

Council's policy on the ELE reserve is to fund 30% of the current leave entitlements. For June 30, 2002, the ELE reserve stands at 22% of the liabilities. I discussed this issue with Darran Singh, a partner with our auditors, Thomas Noble and Russell. He made the comment that for a Council of this size it is reasonable to have a reserve in the 20%-30% range. While Council's ELE reserve is on the low side, I believe it is within acceptable parameters and efforts will be made this year to increase the reserve through the quarterly review process when appropriate.

Community Services – Balance \$54,500

There have been requests to carry over funds unspent from 2001/02. These primarily relate to youth activities, \$26,700, including funds received from an external source for use on youth week and \$10,000 held over for further research on the Art in the Heart development.

Child Care – Balance \$44,200

The balance includes \$25,000 for Koala and \$19,500 for Gingerbread House. Funds are as a result of surpluses made against budget, to be used in future years if the opposite result occurs or for replacement of equipment. Gingerbread House also includes an amount where their budgeted operating expenses have been reduced and replaced by an annual transfer to reserves. This is to fund the future repainting / building maintenance of the centre.

Library Services – Balance \$6,500

These funds are to assist in the provision of library services. There has been no movement in the reserve in the 2001/02 financial year. These funds will go towards the costs of the library relocation in 2002/03.

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Financial Reserves 2002

Regional Art Gallery – Balance \$114,100

These funds are to assist in the provision of a regional art gallery. This reserve is used for several separate purposes within the Art Gallery's operations and is actively and well managed throughout the course of the year.

Community Facilities – Balance \$982,700

Funds held are for the Memorial Baths Redevelopment, \$684,500 and there is \$298,200 in the Community Facilities Reserve. This reserve is used to assist in the development of community facilities. Priority is given to major facilities included in the Section 94 Community Facilities Plan.

Planning and Development Group

Planning Studies – Balance \$166,100

Included under this reserve heading is \$75,000 for Section 94 Administration Charges. Funds have been accumulated through reserving 2.5% of all levies collected. These may be used to fund the administration of the Plan, for example reviews and modifications.

In addition, there are a number of reserved amounts held over predominantly from 2001/02 for projects or studies that were unable to be completed due to a number of internal and external factors. Some of these include \$6,400 for the Stormwater Management Plan and \$15,000 for office renovations in the planning section, which was part of the adopted 2002/03 budget. Finally there is \$22,000 and \$8,200 Council holds as part of the Local and Regional Phosphorous Reduction campaigns respectively.

Remediation Programs – Balance \$114,000

The remediation of the former gasworks site should be finalised this financial year. The balance reflects previously committed funds unspent at June 30, 2002.

Waste Minimisation – Balance \$144,700

This reserve is for funds contributed from the Environmental Protection Authority and other Councils in the region as part of the North East Waste Forum. This is an ongoing program that Lismore is administering. It should be noted that there are no reserves remaining for any surplus funds raised from the Environmental Levy Council charges annually at June 30, 2002.

City Works Group

Plant Operations – Balance \$451,300

The balance reflects the net operating surplus generated on only the workshop and motor vehicles section of the plant system. All other plant reserves are included under the respective headings of the department, which has control over these funds. These balances are contained in the relevant reserve categories contained in this report. The table below summarises all plant reserves, totalling \$2,991,000. Initially this figure appears excessive, however it should be noted that a decision to split up the plant fund with individual program managers now being responsible for the full management of their fleet has been effected from July 1, 2001. In addition the staffing structure of the workshop and fleet management has been uncertain for most of 2001/02. This resulted in a number of programmed replacements not occurring in 2001/02. Hence funds were held over at the end of the year. The increased level of plant reserves can also be attributable to a conscious choice being made to increase hire charges in most areas with a view to being able to replace older machinery in a shorter timeframe. The plant reserve is distributed between the following programs.

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Financial Reserves 2002

Program	Amount
Bridges	108,000
Crematorium and Lawn Cemetery	48,000
Motor Vehicles	230,000
Parks and Recreation	230,000
Quarry	264,000
Roadworks	1,320,000
Waste	569,000
Workshop	222,000

Budget/Plant Managers are now expected to effectively manage their fleet including all future replacement decisions. Funding for these replacements will come from the reserves shown above and annual operating surpluses.

Flood Mitigation – Balance \$683,800

This reserve is to provide funds that will assist in the construction of a flood levee for Lismore and appropriate flood prone property acquisitions.

Parks and Reserves– Balance \$440,500

The majority of this reserve balance consists of the following items. Plant reserves for the parks department, \$230,000 and \$86,900 held for matching developer levies in the Open space part of the Section 94 Plan. There is \$21,300 held over for works on Coronation Park and \$18,000 for shade provision works. Also, there was \$28,600 unspent from recurring capital expenses. Finally, a figure of \$49,800 remains in reserve for remediation of the Lismore Lake.

Sporting Grounds – Balance \$55,900

Significant amounts include \$29,400 for Nesbitt Park and \$24,900 for Oakes Oval Seating. Both of these reserves have a dedicated income source that is shown in annual budgets. Funds are for future developments at these respective grounds.

Transportation Infrastructure – Balance \$3,311,600

A list of the major items contained under this reserve heading is included in the following table.

Reserve Name and Description	Amount
DA Contributions to Works – Funds have been received from developers that are for Council to use on completing works associated with the development. These items fall outside the Section 94 legislation.	91,600
Financial Assistance Grants – The balance shown here is intended to match Council's 50% share of Urban Arterial Road works under the Section 94 Plan. Approximately \$350,000 was used from this reserve to fund half of the new Pineapple Road intersection in 2001/02.	37,300
Contractors Reserve – With the introduction of single invitation contracts by the RTA, Council bid for work in 2000/2001 and 2001/02 and performed the work to RTA accepted standards. The excess income received over expenses has been reserved for future jobs where there may be a deficit or margins are decreased markedly due to competition.	658,500
Bridge Construction – All planned construction and maintenance work was not undertaken due to the bridge crew working on various other projects. Funds have been reserved for use in 2002/03.	174,500

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Financial Reserves 2002

Reserve Name and Description	Amount
Road Construction – Similarly for the roads program, and as was the case in 2000/01 funds predominantly for capital works were not spent by June, primarily because of the RTA providing funds late in the year for state and regional roadwork. Management decided to take up this opportunity of undertaking RTA jobs first and reserving Council funds that were already secured. In addition the flood funding Council received for associated works tied up with fixing flood damage limited the available works crews time for completing other projects.	636,000
Safety Cameras – Funds raised by the CBD special rate and dedicated to the safety camera network were not spent at June 30, 2002.	19,000
Magellan Street – Funds have been set aside pending the outcome of legal proceedings between Council and the contractor who was engaged to complete works in Magellan Street several years ago. This issue is ongoing and costs are still being incurred.	83,000
Car Parking – Kerb Side Dining – Funds collected in relation to kerbside dining have been reserved for future capital improvements	45,500
Lismore Carboot Market – Funds collected from the Carboot markets have been reserved for future works.	35,100
Plant Reserves – As mentioned earlier in this report, plant reserves are now situated under the departments who have control of the plant and, in turn the plant reserves. The total shown here includes plant reserves for bridges and roads.	1,428,300

Business and Enterprise Group

Other Waste Management – Balance \$1,347,000

Funds reflect the surplus generated from the ongoing operation of the Wyrallah Road Waste Facility, including plant reserves. These funds will be used to ensure the long-term sustainability of a waste facility for Lismore.

Quarry Management – Balance \$2,891,600

The Quarry Reserve consists largely of operating surpluses, including plant operations made net of capital improvements for the Quarry. These funds are required to ensure that adequate funds are available to develop, enhance and restore Blakebrook Quarry and approved gravel quarries.

Lawn Cemetery / Crematorium – Balance \$158,600

Funds reflect the surplus generated from the ongoing operation, including plant operations of the Lismore Lawn Cemetery and Crematorium. These funds will be used to ensure the long-term sustainability of this type of facility for Lismore.

Airport – Balance \$50,100

Funds reflect the proceeds from the sale of land at the Airport facility net of any variance to the adjusted budgeted result for 2001/02 of the Lismore Regional Airport.

Property Management – Balance \$336,400

The major components combined under this heading include the following.

There has been \$24,500 in total reserved over the last three years for part funding of a lift in the building where the Richmond River Historical Society operate.

Funds held in reserve for the new Library development total \$59,500 at June 30, 2002.

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Financial Reserves 2002

There is a total of \$214,200 in residential real estate development and shops and offices property reserves at June 30, 2002. These funds provide assistance in the maintenance, enhancement and development of Council owned properties.

Water Supplies – Balance \$3,703,745

These funds reflect the net movement in the Water Fund to the end of June 2002. The reserve is used to ensure adequate funds are available to operate, manage and maintain a high quality water supply service.

Wastewater Services – Balance \$3,375,424

Similarly for the Wastewater Fund, funds reflect the net movement in the Fund to June 2002. The reserve is used to ensure adequate funds are available to operate, manage and maintain a high quality wastewater service.

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable.

Conclusion

This report is intended to inform Council of the level of reserves and how they have been composed at June 30, 2002. In a perfect world, Council would have adequate reserves to fund all of its many and varied functions. Obviously this is not the case, although Council is fortunate to have a significant level of reserves present.

These reserves have been made available through a number of prudent financial strategies that Council and management have adopted over a number of years. These strategies are usually reviewed or enhanced annually through the budget process. In addition, all of Council's designated businesses now have business plans in place. Other programs have forward plans in place, for example the IT Strategic Plan and the Child Care Centres Five Year Plans. These plans provide a useful tool for forecasting the expected level of reserves required and highlight the ongoing need to plan for the future.

Recommendation (COR28)

That the report be received and noted.

LISMORE CITY COUNCIL - Meeting held October 8, 2002

Subject/File No: DISCLOSURE OF PECUNIARY INTEREST RETURNS 2001/2002

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Request by Department of Local Government.

Objective: To meet the guideline requirements.

Management Plan Activity: Administrative Services

Background:

In 1997 the Department of Local Government issued a set of guidelines on the administrative processes associated with the completion of Pecuniary Interest Returns.

The new procedures did not change the intent of the Act but were designed to regulate uniformly throughout NSW how it was applied. The result was a minor increase in associated administration, including the need for completed Pecuniary Interest Returns to be tabled at a Council meeting.

In accordance with the procedure, tabled are Returns for Councillors and designated staff.

Manager - Finance & Administration Comments

Not required

Public Consultations

Not required

Other Group Comments

Not requested

Author's Response to Comments from Other Staff

Not applicable

Recommendation (COR29)

That the report be received and noted.

LISMORE CITY COUNCIL - Meeting held October 8, 2002

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD SEPTEMBER 18, 2002 AT 10.00 AM. (WMacD:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors John Crowther, Ken Gallen, John Hampton and Mervyn King, Ms Karen Wilson on Behalf of Thomas George, MP, Messrs Mike Baldwin (*Roads and Traffic Authority*), Snr Const Jodie Hamilton (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

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

Minutes of Traffic Advisory Committee Meeting – August 21, 2002

Members were advised that the Minutes of the meeting held on August 21, 2002 were adopted by Council at its meeting of September 10, 2002, excluding Item No. 6 (*Mrs WI Gibson - Pedestrian Refuge on Ballina Road, Goonellabah*).

Council resolved that representations be made to the Minister for Transport seeking an urgent upgrade of that section of the Highway to improve pedestrian and traffic safety.

The Committee noted Council's resolution. (02-8597:S342,R4807)

Disclosure of Interest: Nil

Business Arising:

1. **Skyline Road Upgrade** (*Refer Item 20 of Meeting of 21/8/02*)
Members were advised that National Parks & Wildlife Service representatives were unable to attend the meeting. A further meeting date would be arranged in the near future.
TAC142/02 **RECOMMENDED** that the above be noted. (S642,R5102)

Correspondence:

2. **L Cooper & Others;** requesting Council provide additional all-day parking for people working in the Lismore CBD, near the Molesworth and Woodlark Streets intersection.
There was general agreement that additional unrestricted parking in the location in question would be needed and the area behind Parry's former office supplies building, north of Fawcett Bridge, was worth further consideration as and when 'parking fund reserves' became available.
TAC143/02 **RECOMMENDED** that the above area be included in any future investigations for the supply of additional long-term parking in the area in question.
(02-9696/9909/9910/9911/9912/9913/9914/9915/10019:S353,R7322,R7329)
3. **Lismore South Public School P & C Association;** advising that pedestrian safety at Kyogle Street has deteriorated following the recent roadworks at Wilson Street and requesting this problem be resolved.
The Committee was advised that a design and estimate was currently being prepared by Council's Design Services Section. It was noted that on-site discussions had taken place with the School Principal who had agreed to support Council's intention to submit any proposal to the Department of Education for consideration of funding support.

3. **Lismore South Public School P & C Association** (Cont'd)
A pedestrian refuge already existed on Casino Street, at its intersection with Wilson Street, and given the part-time use of this facility, it was felt that this was the most appropriate device. However, further counts would be undertaken to determine exact usage with the results being reported back to the Committee.
- TAC144/02 **RECOMMENDED** that the writer be advised in accordance with the above.
(02-9698:R6925,R6907)
4. **Lismore Hydroponics;** drawing attention to the number of hire cars and cars for sale being parked by local business houses at the eastern end of Conway Street, resulting in lack of parking spaces for customers.
An on-site inspection and discussions with the tenants of the building west of Paupiett's Restaurant revealed that there was a lack of parking in the immediate vicinity; in part due to one of the tenants (Budget Rent-a-Car) parking hire cars on Conway Street for lengthy periods. The two other tenants of the building in question had each expressed concern that no parking was available for their customers.
After consultation with all three tenants, it was proposed that 1-hour parking be introduced on the northern side of Conway Street for the length of the building at Nos. 106-108 Conway Street.
- TAC145/02 **RECOMMENDED** in accordance with the above. (02-10023:S352,S353)
5. **BJ & Mrs NA Tarlinton;** requesting "*Slow Down, We Love our Children*" signs be installed on James Street, Dunoon.
Mr Baldwin advised that the RTA no longer supported the erection of these signs on Main Roads and could not agree to funding their installation.
- TAC146/02 **RECOMMENDED** that the writer be advised in accordance with the above.
(02-10176:S342,S346)
- General Business**
6. **Magellan Street – Re-Routing Buses**
Lismore Unlimited had requested the Committee investigate the possibility of re-routing buses out of Magellan Street.
Mr MacDonald advised that he had spoken with the Operations Manager of Kirklands Coaches regarding this proposal. Due to the need for the buses, upon leaving the Transit Centre Zone to access the Bus Zone on the eastern side of Keen Street opposite Lismore Central, it was not possible to remove buses from Magellan Street at this stage. However, it was agreed that other options would be further investigated and any proposed changes reported back for consideration.
- TAC147/02 **RECOMMENDED** that the above be noted. (R7319)
7. **Leycester Street – Parking Facilities**
Menin's Store had requested that consideration be given to introducing 1-hour parking along the northern side of Leycester Street, between Dawson and Hindmarsh Streets.
An on-site meeting had been held with Mr Menin and, as a result, it was proposed that the existing 1-hour parking zone in front of the store be changed to ½-hour parking. This would increase the turnover of available parking and make it easier to enforce the time restrictions. 'No Stopping' restrictions were also needed across both driveways to stop illegal parking.
- TAC148/02 **RECOMMENDED** that 'No Stopping' signs be installed on each side of both driveways.
- TAC149/02 **FURTHER RECOMMENDED** that ½-hour parking be introduced between the two driveways in front of Menin's Store to replace the existing 1-hour restrictions.
(R7319)
-

8. **Magellan Street – Disabled Parking**
The Disability & Aged Information Service Inc had requested consideration be given to the installation of a disabled parking bay on the northern side of Magellan Street, adjacent to the AMP Building.
It was noted that the area in question would be in the vicinity of the proposed levee works which would change current access arrangements along the section of Magellan Street, west of Molesworth Street. It was anticipated that these works would commence within the next 12 months. It may be possible to provide a drop-off bay as part of those works.
- TAC150/02 **RECOMMENDED** that the above option be further considered in conjunction with the levee works. (R7319)
9. **No. 159 Dunoon Road, Lismore – Concealed Driveway**
B Baldo had requested that a “Concealed Driveway” sign be erected approximately 70m past the driveway entrance to No. 159 Dunoon Road for traffic travelling towards Lismore.
Following an inspection of the section of road in question, it was felt that sight distance to the driveway was adequate and consequently did not warrant the erection of a warning sign.
- TAC151/02 **RECOMMENDED** that Mr Baldo be advised accordingly.
Note: Mr Baldo has since confirmed that he has not experienced any problems himself but from time to time motorists who choose to turn in his driveway created a potential hazard, although this was not a regular occurrence. (R3407)
10. **Wyrallah Road Public School, East Lismore – Bus Bay**
Council’s Occupational Health & Safety Committee had expressed concern for buses being parked too close to the double white centre lines in front of the Wyrallah Road Public School.
Several on-site inspections revealed that there was the potential for the through road width to be reduced, particularly if buses were not parked correctly in the Bus Zone. Mr MacDonald advised that he had spoken with Kirklands Operations Manager and, as a result, he had agreed to distribute a memo to his drivers requesting that the buses be parked close and parallel to the kerb.
It was also suggested that the Bus Zone be line-marked and the possibility of providing a broken white line immediately adjacent to the northern end of the Bus Zone be further investigated and implemented if feasible.
- TAC152/02 **RECOMMENDED** in accordance with the above. (R5201)
11. **Woodlark Street – Parking Facilities**
Mr K Parry had requested that consideration be given to replacing the existing ‘No Standing’ sign with ‘No Stopping’ on the northern side of Woodlark Street, between Glasgow Lane and Molesworth Street.
The Committee raised no objection to the proposed changes.
- TAC153/02 **RECOMMENDED** that the new signs be installed at the earliest opportunity. (R7329)
12. **Molesworth Street – Parking Facilities**
Mr K Parry had requested that the Committee consider converting the existing ½-hour parking zone to 1-hour on the western side of Molesworth Street, between Woodlark Street and the pump station.
The Committee raised no objection to the proposed changes.
- TAC154/02 **RECOMMENDED** that the existing ½-hour parking zone on the western side of Molesworth Street, between Woodlark Street and the pump station, be changed to 1-hour parking. (R7322)
-

13. **Sibley Street, Nimbin – Parking Facilities**
A request had been received for the removal of vehicle parking on the western side of Sibley Street, north of Cullen Street, in conjunction with the proposed slow point.
Whilst the Committee raised no objection to the proposed removal of the parking zone along the western side of Sibley Street, adjacent to the park on the corner of Cullen and Sibley Streets, it was felt that it may be wise to wait until completion of the additional parking works on the western side of Cullen Street. In the meantime the proposed slow point on Sibley should be installed as soon as a funding source had been identified.
- TAC155/02 RECOMMENDED** in accordance with the above. (R1703)
14. **Workshop on Woodlark Street / CBD Traffic Flows**
The Committee was of the opinion that the works proposed for Woodlark Street and the CBD Bypass needed to be in place for a sufficient length of time to ensure accuracy of future surveys to determine the effect of the changes on traffic flows in general around the CBD. It was suggested that it may be best to review the need/timing of any proposed Workshop in the New Year.
- TAC156/02 RECOMMENDED** in accordance with the above. (R7329)
15. **Woodlark Street / CBD Bypass**
A plan was tabled at the meeting which showed strategies that had been agreed to at a meeting held at the office of Thomas George, MP, on August 29, 2002. The plan showed the following works -
- installation of a marked pedestrian crossing mid-block on Woodlark Street, between Molesworth and Keen Streets
 - installation of a marked pedestrian crossing mid-block on Woodlark Street, between Keen and Dawson Streets
 - introduction of parallel kerbside parking and centre parking on Woodlark Street, between Keen and Dawson Streets
 - reversal of the existing 'Give Way' signs at the intersection of Keen and Zadoc Streets, giving priority to Zadoc Street
 - signposting of a "CBD Bypass" via Dawson, Zadoc and Molesworth Streets.
- TAC157/02 RECOMMENDED** that the above actions be endorsed by Council. (R7329)
16. **Eggin Lane, Lismore – Parking Facilities**
Northern Star Office Supplies had requested the Committee investigate parking options for delivery vehicles at the rear of its building.
Mr MacDonald advised that he had held several on-site meetings with the owners of the business in order to find a solution to current parking problems being experienced with the existing Loading Zone at the rear of their premises. It was noted that there was a Rolla door off Eggin Lane that could provide access to parking on their own land. However, this option would mean re-organising the warehouse section at the rear of the shop which was cost-prohibitive at the moment. Preferential parking was not considered an option as the limited available parking needed to be maintained for normal deliveries to all the businesses in the vicinity.
It had been suggested to the owners that they investigate the possibility of leasing a parking space in the nearby Potters Church carpark area at the corner of Eggin and County Lanes. This would allow them quick access to their delivery van. They agreed to follow up this option. Meanwhile any other solutions would be considered as they came to hand.
- TAC158/02 RECOMMENDED** that the above be noted. (R7310)
-

17. Wyrallah Ferry Road – ‘Stop’ Sign

R Fisher of the RTA had suggested that a ‘Stop’ sign be erected on Wyrallah Ferry Road at its intersection with Coraki Road following a recent fuel tanker incident at this location.

Mr Baldwin advised that a ‘Stop’ sign was not appropriate at the location in question as there was good sight distance in both directions. He undertook to inspect the site and speak with Mr Fisher in order to identify a more suitable solution. The outcome would be reported to the next meeting.

TAC159/02 RECOMMENDED that the above be noted. (R4836,R5001)

18. Crowther Carpark

The Committee noted that demand for parking in the Crowther Carpark was increasing. This was in part due to Council's enforcement of existing on-street restrictions and general demand for long-stay parking close to the CBD. Much discussion took place about the untidy nature of the existing recycling facility and the conflict being caused by the users of this facility and carpark users. The recycling facility had outgrown its original site and needed to be relocated to a more suitable purpose-built site such as the facility off Brewster Street. The rubbish being blown around the carpark and into the adjacent Browns Creek was also unacceptable.

It was also considered that the bus parking area on the south-western corner of the carpark needed to be converted to all-day carparking. Bus operators had been previously advised that this would occur in the foreseeable future. It was suggested that a portion of the existing Trinity Interchange could be used for bus parking during the day.

It was suggested that if the section of Browns Creek adjacent to the carpark was piped, it would allow Council to extend the Crowther Carpark north to Zadoc Street, thereby providing a considerable number of additional carparks. The following strategies were suggested -

- advise the bus operators who currently park their buses in the Crowther Carpark that this area would be converted to all-day carparking and would not be available as from the start of the new School year in 2003
- relocate the recycling facility out of the carpark at the earliest opportunity
- Council write to Richmond River County Council requesting that the open section of Browns Creek adjacent to the carpark be piped at the earliest opportunity.

TAC160/02 RECOMMENDED that Council endorse the above proposed actions. (P9988)

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, SEPTEMBER 10, 2002 AT 6.00PM.

- Present:** His Worship the Acting Mayor, Councillor King; Councillors Baxter, Chant, Crowther, Irwin, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Communications & Community Relations, Manager-Environmental Health & Building, Development Assessment Planner (C Soulsby), Assets Manager-Water & Wastewater, Administrative Services Manager and Team Leader-Administrative Support.
- 224/02 **Apologies/ Leave of Absence:** Apologies for non-attendance on behalf of Councillors Gallen and Hampton were received and accepted and leave of absence granted.
Leave of absence was granted to Councillor Irwin from September 22-30 and Councillor Chant from September 11-23.
(Councillors Baxter/Tomlinson)
Leave of absence was granted to the Mayor, Councillor Gates on August 13, 2002.
- 225/02 **Minutes:** The Minutes of the Ordinary Meeting held on August 13, 2002, were confirmed.
(Councillors Irwin/Tomlinson)

PUBLIC ACCESS SESSION:

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

NIL

CONDOLENCES:

Family of the Late Vincent Mazzer

Vince Mazzer was born in Lismore in 1940, the grandson of Pietro Mazzer, one of the first to settle in the New Italy area. A motor mechanic by trade, Mr Mazzer owned a service station in South Lismore before taking on a cordial delivery run and later managing the basketball stadium in Keen Street.

Vince was a man of very positive attitude who was heavily involved in the community, being president of the Italo Australian Sports & Recreation Club, an active member of the Catholic Church in South Lismore and more recently a volunteer co-ordinator with Southern Cross Student Exchange, finding host families on the North Coast for overseas exchange students. He is survived by wife Audrey, a son and daughter.

Family of the Late Roydon Colin Hepburn

Roy Hepburn was the last of the three Hepburn brothers who founded the civil engineering firm of W B Hepburn & Sons in 1949 with their father.

Roy was born in 1922 and grew up on the family farm at Repentance Creek. In World War II he served with the Australian Army.

Roy was very involved with his church, being on the management committee of the North Coast Children's Home and contributing to the establishment of The Buttery at Binna Burra and half-way houses for the Richmond Clinic. He is survived by wife Norma and four daughters.

- 226/02 The Mayor moved that Council's expressions of sympathy be conveyed to the families of Vince Mazzer and Roy Hepburn and the motion was carried with members standing and observing the customary moment's silence. (S75)

NOTICE OF MOTION:

Signage at Lismore Lake

Formal notice having been given by Councillor Irwin it was MOVED that appropriate signs be placed at Lismore Lake preventing the presence of dogs, except on leashes and advising people not to approach the birds.
(Councillors Irwin/Roberts)

AN AMENDMENT WAS MOVED that the matter be deferred pending the provision of such things in the new Plan of Management.

(Councillors Crowther/Suffolk)

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

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

- 227/02 **RESOLVED** that the matter be deferred pending the provision of such things in the new Plan of Management.
(Councillors Crowther/Suffolk)
Voting Against: Councillors Irwin, Roberts, Tomlinson and Swientek.
(02-9829:S347,P27012)

REPORTS:

Clunes Wastewater Committee's Investigations

- 228/02 **RESOLVED** that the report be received and –
- 1 Council endorse the actions and preferences of the CWC (as given in Attachment A).
 - 2 Authorise the CWC to proceed with the preparation of a supplementary brief and investigate the preferred options further within the limits of the current approved funds
 - 3 On completion of this investigation, the CWC prepare another report to Council stating the community's preferred option(s) for Council's endorsement.
- (Councillors Tomlinson/Irwin) (S288)

Draft Contaminated Lands Policy

- 229/02 **RESOLVED** that the report be received and –
- 1 That Council exhibit the Contaminated Lands Policy for public comment for a 30 day period.
 - 2 That after the expiration of the exhibition period a further report be provided to Council indicating comment received and seeking adoption or otherwise of the policy.
- (Councillors Irwin/Chant) (S246)

Application for Closure of Council Public Road – Ridgewood Road, Rosebank

- 230/02 **RESOLVED** that the report be received and –
- 1 That the application to close part of Ridgewood Road and open an alternative road reserve (which follows the existing formation) through lot 102 in D.P. 755697 and lot 1 in D.P. 587788 be endorsed and the application sent to the Department of Land and Water Conservation for adoption and gazettal.

- 2 That survey costs be borne by Lismore City Council.
 - 3 That all legal and lodgement costs be borne by applicants.
 - 4 That Rous Water be consulted and the existing water supply pipeline be protected by suitable easements when the road reserve is relocated.
 - 5 That the General Manager be authorised to sign all documents necessary to bring about this resolution.
- (Councillors Irwin/Swientek) (P11977)

Amendment to DCP 18 - Off Street Car Parking

- 231/02 **RESOLVED** that the report be received and Council adopt Amendment No. 2 to Development Control Plan No. 18 Off Street Car Parking, the DCP to come into effect as required by the Environmental Planning and Assessment Regulation.
- (Councillors Swientek/Roberts) (S510)

Minor Amendment to Section 94 Plan 1999 and Clarification of Procedure Relating to Reduction in Contributions

- 232/02 **RESOLVED** that the report be received and –
- 1 Endorse the preparation and exhibition of the draft amending S94 Plan as included in the attachment to this Business Paper.
 - 2 Agree that applications for Subdivision Certificates for stages of a subdivision which received consent before the introduction of the 1999 Contributions Plan, may be charged reduced levies applicable under the 1999 Contributions Plan.
- (Councillors Crowther/Baxter) (S517)

Investigation of Complaints by Department of Local Government

A MOTION WAS MOVED that the report be received and Council note the correspondence as detailed in the report.

(Councillors Swientek/Baxter)

AN AMENDMENT WAS MOVED that the report be received and Council note the correspondence as detailed in the report and the documents be placed on Council's website.

(Councillors Tomlinson/Roberts)

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

Voting Against: Councillor Suffolk.

- 233/02 **RESOLVED** that the report be received and Council note the correspondence as detailed in the report and the documents be placed on Council's website.
- (Councillors Tomlinson/Roberts)
(02-7023,02-7220,02-9371,02-7516: S738)

Performance Review Committee

A MOTION WAS MOVED that the report be received and –

- 1 That Council appoint two councillors to join with the Acting Mayor in creation of the General Manager's Performance Review Committee and an additional councillor be appointed to the Committee by the General Manager.
 - 2 That Council engage Mr Garry Byrne from Lgov NSW to act as its facilitator in developing the General Manager's Performance Agreement and when conducting the performance monitoring and review sessions.
- (Councillors Roberts/Irwin)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That Council appoint three councillors to join with the Acting Mayor in creation of the General Manager's Performance Review Committee.

- 2 That Council engage Mr Garry Byrne from Lgov NSW to act as its facilitator in developing the General Manager's Performance Agreement and when conducting the performance monitoring and review sessions.
(Councillors Crowther/Baxter)

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

Voting Against: Councillors Irwin, Roberts and Tomlinson.

- 234/02 **RESOLVED** that the report be received and –
- 1 That Council appoint three councillors to join with the Acting Mayor in creation of the General Manager's Performance Review Committee.
 - 2 That Council engage Mr Garry Byrne from Lgov NSW to act as its facilitator in developing the General Manager's Performance Agreement and when conducting the performance monitoring and review sessions.
(Councillors Crowther/Baxter)

- 235/02 **RESOLVED** that Councillors Hampton, Roberts and Suffolk be appointed to the General Manager's Performance Review Committee.
(Councillors Irwin/Tomlinson)
(E/OSU-100)

Sale of Property – 13 Rous Road, Goonellabah

- 236/02 **RESOLVED** that the report be received and –
- 1 On advice from the Regional Library Manager, the General Manager proceed with the sale of 13 Rous Road, Goonellabah (Lot B DP 335804), with the Richmond Tweed Regional Library being responsible for any costs incurred in the sale.
 - 2 The General Manager be authorised to execute and apply the common seal of the Council to the Contract of Sale, Memorandum of Transfer or any other instrument necessary for the sale of the property.
 - 3 The net funds of the sale be forwarded to the Richmond Tweed Regional Library.
(Councillors Irwin/Baxter) (P8728)

Contribution to Richmond River County Council

- 237/02 **RESOLVED** that the report be received and –
- 1 That Council enter into a four year agreement with RRCC on the basis that the member Councils' contributions be based on the following ratios:
Lismore 40%
Ballina 40%
Richmond Valley 20%
 - 2 That the funding agreement be executed and the common seal of the Council affixed.
(Councillors Swientek/Baxter) (02-9159: S409)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 21/8/02

- 238/02 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Items 3, 6, 20, 22, 29 and 30.
(Councillors Irwin/Suffolk)

239/02 **Item 3 – Flynn Transport Pty Ltd.**
RESOLVED that the recommendation be adopted.
(Councillors Crowther/Chant)
Voting Against: Councillors Irwin,
(02-8469: S352)

240/02 **Item 6 – Mrs W I Gibson**
RESOLVED that the writer be advised in accordance with the Committee's recommendation and Council make representations to the Minister of Transport seeking an urgent upgrade of that section of the highway to improve pedestrian and traffic safety.
(Councillors Swientek/Irwin) (02-8597: S342,R4807)

241/02 **Item 20 – Skyline Road Upgrade**
RESOLVED that the recommendation be adopted.
(Councillors Crowther/Baxter)
Voting Against: Councillors Irwin, Roberts, Tomlinson,
(S642, R5102)

242/02 **Item 22 – Wyrallah Road - Linemarking**
RESOLVED that the recommendation be adopted.
(Councillors Roberts/Irwin) (R5201)

243/02 **Item 29 – Hollingsworth Creek Bridge, South Lismore**
RESOLVED that the recommendation be adopted.
(Councillors Irwin/Tomlinson) (S819)

244/02 **Item 30 – Kyogle Street Upgrade, South Lismore**
RESOLVED that the recommendation be adopted.
(Councillors Baxter/Chant) (R6925)

245/02 **DOCUMENTS FOR SIGNING AND SEALING:**
RESOLVED that the following documents be executed under the Common Seal of Council:-

Kerbside Dining Licence Agreement – Mecca Café, 80 Magellan Street, Lismore
Agreement for period 1/7/02 to 30/6/04.
(Councillors Irwin/Swientek) (02-9591: P6314)

RESCISSION MOTION:
The Group Manager-Corporate & Community Services advised Council that he had been handed a Notice of Rescission Motion signed by Councillors Irwin, Tomlinson and Swientek with respect to the resolution Signage at Lismore Lake. (Min. No. 227/02). The Group Manager-Corporate & Community Services advised Council that this Rescission Motion would be considered at the next ordinary meeting of Council.
(S352)

This concluded the business and the meeting terminated at 7.52 pm.

CONFIRMED this 8TH day of OCTOBER 2002 at which meeting the signature herein was subscribed.

MAYOR

