



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, DECEMBER 10, 2002, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

December 3, 2002

COUNCIL BUSINESS AGENDA

December 10, 2002

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Jeff Larsson and Graham Meineke re DA02/668 – Transitional Group Home, Borton Road	7
Peadher Sheach and Damian Chapelle re DA02/668 – Transitional Group Home, Borton Road	7
Steve Atkinson on behalf of Adam Gilchrist re Adam Gilchrist Park - Caniaba	22
Paul Recher re DA02/399 – Lismore Shoppingworld Pty Ltd, 2 McKenzie Street	28
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PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary meeting 10/12/02

CONDOLENCES

DISCLOSURE OF INTEREST

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SUSPENSION OF STANDING ORDERS

(Consideration of the Suspension of Standing Orders to debate matters raised during Public Access).

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CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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MAYORAL MINUTE

Subject/File No: CBD CUSTOMER SERVICE
(S4)

Background:

In discussions with the General Manager he has explained to me how the now vacant Gundurimba Shire office in the Magellan Street mall presents an excellent opportunity to create a Council presence suited to handling routine customer service matters. He envisages an information counter supporting the rangers, security patrols and CBD maintenance staff who would all be based at that location. When an incident requiring urgent attention in the CBD arises, people will have somewhere to go to report the matter and obtain assistance. In addition, the building has a space suitable for outfitting as a meeting room – a facility not currently available to the Council downtown.

As a further justification, the General Manager informs me that he has established that there is a need to undertake improvement and refurbishment works to the offices of the Economic Development Unit in order to present a more businesslike environment to EDU clients. The Gundurimba site could accommodate their needs as well. I believe this initiative of the General Manager, although essentially a management matter, is worthy of Council's recognition and support.

Recommendation (MM02)

That Council encourage the General Manager in his endeavour to improve customer service facilities in the CBD.

MAYORAL MINUTE

Subject/File No: URGENT NEED FOR ESTABLISHMENT OF A RADIATION ONCOLOGY SERVICE IN LISMORE (S149)

Background:

On 19th November a deputation, led by the Member for Lismore, Thomas George and including the General Manager, met the NSW Minister for Health the Honourable Craig Knowles MP. The purpose of the representations was to impress on the Minister the urgent need for establishment of a Radiation Oncology Service in Lismore.

Earlier this month, the Minister announced that radiotherapy machines would be placed in Port Macquarie and Coffs Harbour to meet the needs of the Mid-North Coast Area Health Service – a region with similar demographics to this area but arguably longer patient travel times for regular treatment. The MNCAHS has previously been identified as having highest priority by both State and Federal Government evaluations.

Based on that outcome, the strategy must be to ensure that the NRAHS is the next priority. I am informed the Minister was attentive to the arguments put forward by the deputation noting that there was a strong, unified voice from local government under the NOROC banner. This is significant because it demonstrated to the Minister that any suggestion that providing radiotherapy services at Coffs Harbour will satisfy demand in the Clarence Valley is a falsehood. The reality is that referral medical care for residents of Grafton, Maclean, Copmanhurst, Pristine Waters, Richmond Valley, Tenterfield, Kyogle, Ballina and Byron is delivered predominantly in Lismore due to the wide range of services and expertise available. These same residents are currently required to travel to Brisbane (public) or the Gold Coast (private) for radiation oncology therapy. The unsatisfactory practical implications of this situation have been well documented but an added concern is the very low rate of radiotherapy utilisation for NRAHS residents. The cost of travelling significant distances, as well as the distress and social disruption to patients and their carers seem to be key factors in patients choosing not to access this effective treatment.

Both Commonwealth and State studies have separately identified NRAHS as deficient in oncology services, given the population profile. These objective assessments reinforce the strength of the local campaign which was endorsed by a petition of more than 16000 respondents addressed to the Commonwealth Government. Minister Knowles agreed to take the case up with his Federal counterpart at a special meeting in Brisbane on 29th November. A supplementary submission has been provided to the Minister to lend further weight.

The General Manager advises me that feedback from the Minister on 19th was quite positive, and that in addition to seeking support from the Federal Government to service NRAHS he would consider whether the decision to resource MNCAHS might free up radiotherapy equipment planned for the Hunter region. He did say that the preferred configuration is to locate the machines in pairs.

Recommendation (MM01)

- 1 That Council publicly reiterate its support for the NRAHS to establish two radiotherapy machines in Lismore to treat our 185,000 regional population not serviced by the Sydney, Mid-North Coast or Queensland facilities.
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Mayoral Minute

- 2 That each of the Councils in the NRAHS catchment be encouraged to formally endorse this campaign for radiation oncology services in Lismore.
- 3 That NOROC be requested to reinforce the call for establishment of this essential service in Lismore.
- 4 That each Council supporting the initiative be asked to make appropriate representations to State Minister Knowles and Federal Minister Patterson.

NOTICE OF MOTION

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

That Lismore City Council call on NOROC and its constituent councils to urge the State and Federal Governments to provide urgent and immediate assistance to hard pressed rural producers affected by drought. In particular, assistance to be provided to the dairy and beef producers in this area who are currently culling herds because the cost of feed is so high.

Reason:

This region was only recently declared drought affected which means that it will be six months from that declaration and well into next year before any assistance will be provided. Reports from farmers indicate that many are culling their herds drastically already because they have no feed and it is too expensive to buy in. Once the herds are depleted it will take between three and five years after the drought has broken for herds to be rebuilt. This will have a huge negative influence on the local economy.

COUNCILLOR D R Tomlinson

DATE **November 26, 2002**

STAFF COMMENT BY GENERAL MANAGER:

Norco, on behalf of its members, has provided the following justification for urgent action.

Norco Co-operative Ltd is a dairy processing business based on the far north coast of NSW and servicing 230 dairy farmers in the areas from south-east Qld in the north, the far north coast area of NSW and south to Macksville on the mid north coast of NSW. Currently these farmers are facing a natural disaster of major proportions and one for which no farmer could have reasonably been prepared.

The entire region is now very short of feed. New water policies have meant that farmers have had to cease pumping for irrigation much earlier than in previous droughts. The water policies have also prevented farmers from accessing low flow streams. Hay and grain supplies are difficult to obtain and very expensive. Many of the farmers are operating at a loss with feed costs exceeding the value of the milk produced. Availability of stock and domestic water is now becoming a real problem on many farms.

Because of the nature of the dairy industry it is not possible to remove cattle to another property. For many farmers the only option is severe culling of stock or quitting the industry totally. These options have already commenced and will have an enormous impact on the future of the industry in this region.

Norco is the main milk processor in this region and one of the largest employers in the Northern Rivers region. A loss of milk supply would be disastrous to this company which has just staged a remarkable recovery following deregulation. The loss of farmers will also have a devastating effect on other parts of this community that depend on the provision of services to the dairy industry. The dairy industry has one of the highest multiplier effects of any of the rural industries.

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Notice of Motion – Drought Relief

Since deregulation there is an inability within the industry to pass on higher production costs to consumers. Established contracts with the major retail outlets prevent across the board price increases. In the past these price increases would have helped support the farmers through difficult times.

Suggestions for immediate assistance:

- 1 Dairy farmers need a cash injection to enable them to continue in the industry. Initially this could be achieved through a cash grant to those affected. Availability of cash to continue to buy fodder and water is now a significant issue. Longer-term assistance in the form of loans would also be valuable but would not provide the immediate help that these farmers require now.
- 2 Waive the 6-month delay before subsidies for water and fodder freight are available. The changes to the drought declaration criteria have meant that many Pasture Land Protection Boards (PLPB) areas were not declared until the drought was severe. The inability to obtain assistance for a further 6 months beyond this date is significantly increasing the hardship for many farmers.

(02-13445: S381)

NOTICE OF MOTION

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

- 1 Lismore City Council congratulate Jyllie Jackson for winning the inaugural Family and Community Services Stronger Families and Communities Strategy Inaugural “*CanDo Award*” for NSW. The Council looks forward to receiving and installing the signs to be provided for installation at our city gateways.**
- 2 Council recognise the significant contribution the Lantern Parade makes to our community by bringing people together and by providing skills and training for unemployed citizens through its *Work for the Dole* project.**
- 3 Council will display the award in the Council’s foyer for a period of time negotiated with Jyllie Jackson in recognition of the whole community who have embraced the activities of the *Light n Up* workshop, supporting and participating in the many workshops.**

COUNCILLOR R M Irwin

DATE November 14, 2002

STAFF COMMENT BY: Manager Community Services

The work and achievements of Jyllie Jackson and the Light n Up workshop are to be commended. This award is recognition of these efforts, continuously working with the community for the community. It should be noted that the Light N Up project was the only arts based project nominated across the state, and was deemed to be most worthy of the award. The Lismore community is fortunate to have such dedicated and talented people working for the betterment of the community.

02-12972: S823)

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Subject/File No: DEVELOPMENT APPLICATION NO. 2002/668 - Proposed Transitional Group Home – 229 Borton Road, Tullera (CS:MG:DA02/668)

Prepared By: Development Assessment Planner Chris Soulsby

Reason: Councillors Tomlinson and Crowther have requested that the matter be determined by Council

Objective: To enable the determination of the development application for a transitional group home.

Management Plan Activity: Development Assessment

PRECIS

Applicant: Newton Denny Chapelle Consulting Surveyors and Planners on behalf of Sheach Consultancy

Zoning: 1(a) General Rural Zone

Location: 229 Borton Road Tullera Lot 41 DP 603527. A locality plan is provided as map 1.

Proposal: Transitional Group Home (Alterations and additions to an existing dairy bails).

Key Issues: Resident objection, crime prevention, access to facilities, management of the group home

Manager - Finance & Administration Comments

Not required.

Public Consultations

The proposal was notified and exhibited in accordance with the provisions of DCP 41. The lodgement date for submissions was extended to enable all interested persons time to lodge a submission. A detailed analysis of the submissions is provided in the S79C(1) (d) assessment. There has been a committee formed by the Tullera residents to oppose the development. This committee has been well organised and having a committee to facilitate the flow of information to the community has certainly been of assistance in dealing with the community.

DESCRIPTION OF THE PROPOSAL

The applicant proposes to make alterations to an existing dairy bails to make them into habitable rooms as part of the existing dwelling. The provisions of Council's policy on expanded dwellings apply and are discussed below. This habitable area will be utilised for a transitional group home. The transitional group home will house up to two minors and their personal mentors at any one time. The remainder of the dwelling will be utilised by the owner of the premises, Mr Peadhar Sheach, who will reside in the premises and run the consultancy as a home occupation in conjunction with an administration co-ordinator. . (Councillors should be aware that the use is currently taking place at 296 Molesworth Street). The home occupation component does not require development consent.

The current application is for the short-term crisis care of individuals and under SEPP No. 9 is defined as a **transitional** group home and hence requires development consent.

DEVELOPMENT APPLICATION NO. 2002/668 - Proposed Transitional Group Home

Had the proposal been to use the premises for **permanent** care of the individuals, development consent would not have been required in accordance with the requirements of State Environmental Planning Policy No. 9 – Group Homes, as it would have been specifically defined as a “permanent group home”.

Up to two children aged between 12 to 15 years of age and a mentor for each child will be housed in the bails. The children in the care of the group home are provided with 24 hour supervision by their mentors working in shifts. The Department of Community Services refers children in crisis to the consultancy. This transitional group home forms part of a network for integrating crisis care with longer term accommodation at other sites within the community. There are other houses at Lennox Head, Goonellabah and Ballina that the children are transferred to after their situation has been stabilised. Whilst living at these other houses in the community the children may return to the subject property on the weekends for visits with the mentors. Such visits do not require consent. From the houses in the community they then may be placed into foster care on a permanent basis or returned to their families dependent on the circumstances of each case.

The guidelines to SEPP 9 indicate that the proposed use specifically meets the definition of a transitional group home. A copy of the guidelines is provided in the attachments.

The proposal is also integrated development under the terms of the Rural Fires Act 1997. An authority from the commissioner is required under section 100B of that Act. The Rural Fire Service have indicated that an authority will be issued and have provided their general terms of consent. This is not an issue of significance.

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

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

The environmental planning instruments of relevance to this application are:

1. State Environmental Planning Policy No 9 Group Homes (SEPP 9);
2. Lismore City Local Environmental Plan 2000;
3. State Environmental Planning Policy No 55 Contaminated Lands.

SEPP 9 and Lismore City Local Environmental Plan 2000

The relevant aim of SEPP 9 with respect to this application is to facilitate the establishment of:
"transitional group homes which provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of in an institutional environment for purposes such as alcohol or drug rehabilitation, "half-way" rehabilitation for persons formerly living in institutions and refuges for men, women or young people."

The way in which the SEPP achieves this is to incorporate group homes into any other planning instrument that allows dwelling houses to be erected. Specifically clause 6 of SEPP 9 states:

- 6 (1) *In any environmental planning instrument (whether made before or after this Policy), any reference, whether express or implied, to—*
- (a) *a dwelling-house shall be deemed to include a reference to a dwelling-house that is a group home;*

Clause 37 of the Lismore City Local Environmental Plan 2000 allows for dwellings within the Rural 1(a) zone. The SEPP effectively inserts the definitions of the SEPP into clause 37 of the Lismore City Local Environmental Plan 2000. Clause 37 permits the development for dwellings in the rural zones with the consent of Council. The relevant definitions from the SEPP are set out as follows:

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“dwelling” means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used as a separate domicile;

“dwelling-house” means a building containing 1 but not more than 1 dwelling;

“group home” means a dwelling that is a permanent group home or a transitional group home;

“transitional group home” means a dwelling—

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not; and*
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care either with or without payment for board and lodging being required, but does not include a building to which State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons applies.*

Put simply, wherever you can have a dwelling house you may have a group home. Under the terms of the SEPP all transitional group homes require the consent of Council.

The applicant's original proposal involved the creation of a new dwelling on the site by conversion of the dairy bails. Clause 37 of the L.E.P does not permit the erection of a second dwelling on rural allotments. SEPP 9 does not override this provision. The developer was requested to remove the kitchen from the plans so that the converted bails was not capable of separate habitation. This was not done but the developer verbally agreed to this proposal. It is proposed to impose a condition of consent to implement this requirement. Referring to the definition of "dwelling" above it can be seen that it is a room or a suite of rooms capable of separate habitation. If the converted bails is not capable of separate habitation due to the removal of the kitchen and the occupants rely on the kitchen in the existing house then the concept of an expanded dwelling may be applied. An expanded dwelling is where the components of the dwelling are broken into modules that may be separate but are reasonably proximate to allow their use as a dwelling.

Council has adopted Policy 9.1.3 on expanded dwellings (provided as an attachment). This proposal meets all the requirements of the policy except for item 1 of the policy. This item requires that all habitable structures exist within a circle of 60m diameter. The distance between the two structures has been calculated from an aerial photograph on the geographic information system at 56m. Parts of the structures are within a 60m diameter circle and parts are outside of such a circle. The maximum extremity of both structures is located 86.5m apart. Councillors should be aware that this is a Council policy and as such has less weight than a provision of a DCP and much less weight than a development standard in an LEP or a SEPP. However this is not to say that it should be varied lightly or ignored.

It is considered that, as the structures are in existence, strict application of the standard is unreasonable. Hypothetically, if the application was for the erection of a new structure outside of the 60m circle and no good reason was presented as to why compliance could not be achieved then application of the standard is not unreasonable, however that is not the case in this circumstance. It is considered that the reason or objective for the standard is one of practical usage. If the structures are located too far apart they cannot reasonably operate as a dwelling. To refuse such a variation Councillors will need to form the opinion that the additional 5-7m walking distance between the structures is sufficient to prevent the two structures operating as a dwelling. That is that it is too far to walk from the bails to the house for meals. It is the opinion of the Development Assessment planner that this is not the case and that this minor variation of the Council policy is acceptable.

The SEPP provides that Council must not refuse an application for a group home unless it has considered an assessment of the community's need for the subject group home. It is not the

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needs of the immediate locality, Tullera, for such a facility that should be considered rather Council cannot refuse this DA unless it has considered the greater community's need for this facility. If Council was of a mind to refuse the application then the matter would have to be deferred until the February meeting to enable a comprehensive assessment of the needs for such a facility to be considered. It was considered that such an assessment was unnecessary as the application should be approved. Further, the Department of Juvenile Justice and DOC's support the need for the facility.

The guidelines associated with the SEPP as regards the location of group homes indicates that this proposal does not comply with the location criteria in the section on questions about group homes. This section recommends that group homes be located in areas with good access to facilities, shops, schools and employment. This part of the guidelines is not a statutory component. It should not however be disregarded without good reason. In the circumstances of this application, the unique clientele of the group home, children and teenagers, 12 to 15 years of age and the fact that they require 24hour supervision and the short-term of stay, 2 weeks to 3 months, indicates that access to these facilities is not required. The other group homes attached to this service at Lennox Head, Ballina and Goonellabah are located in areas that have adequate access to the facilities described in the guidelines. Once the children have been stabilised at the crisis centre at Tullera they can be relocated to these other group homes that meet the location criteria. On this basis the non-compliance with this part of the guidelines is not seen as determinative of the application.

The objectors raise clause 20 of the LEP as a reason to demonstrate that the proposal is not compatible with the surrounding development. This clause relates to specifically listed land uses. A dwelling house on a rural property where the only impacts to affect that house emanate from that property is not incompatible with the surrounding development, as there are no external impacts on the bails or house.

SEPP 55 Contaminated Land

Whilst SEPP 55 applies to the development site as existing structures are being used it has little relevance. The SEPP requires that where a change of use of the land is involved the Council must be satisfied that the level of contamination, if any, is appropriate for the new use. By definition the proposal is for the continued use of a dwelling house. It is the transitional nature of the occupants that requires development consent for this purpose. Thus the SEPP has no application.

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

Currently there are no Draft Planning Instruments of relevance to this application that have been placed on exhibition

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

Development Control Plan 27 - Buffer Areas. Although there is a macadamia plantation on the subject land, this intensive horticulture is on the same land as the group home and the provisions of the DCP therefore do not apply.

Development Control Plan 18 - Carparking applies. As the use is considered to be for a dwelling house technically no additional parking is required. However due to the nature of transitional group home and the shift work of the mentors involved at least one additional car space would be required. Given the nature of the site this is not an issue of significance and adequate space is available for provisions of car parking.

Development Control Plan 43 - Crime Prevention through Environmental Design. This DCP focuses primarily on urban design and the design of buildings. It is not the design of the dwelling on this site that is likely to cause a problem in this locality. This DCP has little further relevance.

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That is not to say that the impacts on the community and crime are not an issue, these are addressed under the section on social impact.

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

The Area Building Surveyor has considered the provisions of the Building Code of Australia with respect to the works required for the bails. These issues can be dealt with by way of conditions of consent.

The regulations allow that with the agreement of the consent authority a developer may amend or make alterations to a development application prior to the determination of the application. There have been several minor modifications to the proposal as a result of staff concerns or because of issues raised by the objectors. It was considered by the Development Assessment Planner that these modifications were not of such significance to warrant re-exhibition of the DA. The objectors have made much of these changes but even with the changes their fundamental objection to the proposal would not alter. These changes do not adversely impact on the main thrust of their objections. Many of the changes were matters that could have been dealt with by conditions of consent if a consent is to be granted. The objectors have not been denied procedural fairness and have been kept informed of the changes via the committee chairman.

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

The impact on the physical environment is negligible as the impacts are virtually identical to a standard dwelling. The impacts on the social environment are much more important with respect to this development. In accordance with the guidelines issued by Planning NSW this matter was discussed and formally referred to the NSW Police Service for their comment. A comprehensive design assessment on CPTED principles was not undertaken as that system only works where a buildings design is likely to attract crime or be impacted upon by criminal activity. That is not the case in this situation. It is this development that may introduce an impact into the community due to anti social behaviour or criminal activity.

A copy of the Police referral is provided in the attachments. The Crime Prevention Officer was specifically asked to consider the impacts of crime in the locality where the centre is currently operating. The referral letter identifies 12 events that involved 14 incidents reported to police relating to 296 Molesworth Street where the current facility operates. (That is, some events had more than one incident). The Police provided no specific details as to the types of incidents that occurred. The developer however provided a response to the Police report. A copy of that letter of October 30, 2002 is provided as an attachment.

The developer's comment is that the staff at the centre initiated the majority of the incidents involving Police. The developer has stated that two thirds of these incidents are as a result of a client threatening or actioning self harm and the Police being contacted under the terms of the Mental Health Act 1990. Other incidents relate to the children in care assaulting a mentor or damage to property within the premises. There is also anecdotal evidence from the objectors that there have been incidents relating to this premises that have occurred off site. The Police report does not break down the proportion of incidents that occurred on site or off site; it merely provides the total number of incidents.

It is acknowledged that there may have been some off site incidents that have caused impacts on surrounding residences. This is however relating to anecdotal, hearsay evidence of the objectors. The question is essentially - will this development have a significant adverse impact on the surrounding residences due to criminal or mental health affected incidents caused by the children housed in the transitional group home?

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To answer this question Councillors should consider the facts contained in the Police referral, the Developer's comments on that referral and the submission letters. The submission letters are discussed in detail below. Councillors are advised that fears and perceptions have been determined by the Court not to be justifiable planning reasons to refuse a development application.

The objectors may have fears that crimes will be committed against their property or their persons and it is acknowledged that these fears are genuinely held. However, the Police report concludes by stating that the incidents relate to the type of client and not the location of the facility. This type of facility because of its nature will cause the Police to be called regardless of where it is located. That does not mean that it creates a specific crime risk for the surrounding properties.

The Police do not recommend that the application be refused. The developer has a management structure in place to manage incidents and is licensed by the NSW Department of Community Services. Whilst it is considered that the social impact is an important consideration there is not adequate evidence of an adverse social impact to warrant refusal of the application on social impact due to crime incidents.

Traffic: A question raised in the submissions about the suitability of Borton Road to accept additional traffic movements. The Development Engineer and Development Assessment Planner carefully considered this issue. By definition this is a dwelling house and should not generate any additional traffic movements. The guidelines to SEPP 9 indicate that the persons residing in a group home operate as a single household and thus have identical traffic generation characteristics to a single house. Thus there should not be any change from the current traffic generation. However this group home has individual mentors for each child that work in shifts. These mentors will create additional movements above and beyond the normal household generation. Staff estimate these at 4 additional movements per day. It is intended to levy contributions on these additional movements for road upgrading.

The use of a farm manager does not require consent nor does the use of the dwelling as a home occupation to manage the other group homes require consent. Traffic movements for these components cannot be considered by Council. Similarly the visiting of the property by children from the other group homes on the weekends does not require the consent of Council and traffic generation from this component is not considered.

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

There is an argument presented by the objectors that the rural location is not appropriate for the location of the transitional group home. SEPP 9 envisages that this use is acceptable in any location that a dwelling house is permissible. It should be noted that if this were a permanent group home no consent would be required. The guidelines to the SEPP provide recommended location criteria; these have already been discussed above. The rural location is not ideal but is not going to have such an adverse impact so as to warrant refusal of the DA.

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

There were a significant number of submissions received as a result of the notification and exhibition of this application. There were twenty two (22) letters in support of the DA. Many of these appear to have been solicited by the developer, there were however some spontaneous submissions of support. Submissions in support were received from the following government agencies and businesses:

- NSW Juvenile Justice;
- Northern Rivers Area Health;
- Department of Community Services;
- NSW Sport and Recreation;
- Lismore Real Estate;
- Eagle Boys Pizza

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- Advanced Computer Support;
- McKenzie Cox Solicitors;
- Out and About Hire;
- Ian Whips Real Estate;
- AK Hire;
- Sarina Russo Job Access.

As some of these businesses support the entire business and not the DA specifically, little weight should be given to them. These letters do provide some corroborative evidence that the consultancy is well run but will aid Councillors little beyond that. The letters from the government departments are to be given greater weight particularly those in the area of child welfare, DOC's, Area Health and Juvenile Justice. The estate agent letters are interesting as they relate to the occupation of the other premises in the area that children are placed into after they have been in the crisis centre. All of these letters indicate that there is a need for this facility and that the facility is well managed.

There are a number of other general submissions in support by psychologists and child welfare workers whom have been involved in the consultancy. The unsolicited submissions of support from the general public are an unusual feature of this application. They do not however provide Councillors with any significant planning input into the decision making process.

There were at total of 131 submissions by way of objection. 95 of these were form letters that were circulated around the community with instructions on how to fill them out. Some of these have individual comments on the bottom of them. A précis of the points of objection is as follows:

- Proposal does not comply with the objectives of the 1(a) General Rural Zone;
- The proposal does not include a social impact statement;
- The potential for assault, theft, danger to property and livestock has not been assessed;
- Juveniles cannot be legally confined or restrained;
- The development cannot be compared to similar developments in an urban situation;
- Drug cultivation on the property;
- Drug use;
- Non compliance with the SEPP 9 Guidelines;
- Landcare issues;
- Impact on Koalas;
- No EIS submitted with the DA;
- Flood isolation;
- Delays in essential services;
- Difficulties in conducting search and rescue operations in the locality;
- Construction of a second dwelling on the land;
- Traffic impacts on Borton and Bentley Roads;
- Problems with power supply in the area;
- Impacts on children utilising the bus service;
- References to subdivision;
- Lack of public transport;
- Impact on critical habitat;

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- Use of children for cheap labour;
 - Deterioration in sense of community;
 - Danger to children from stock;
 - Bushfire risk;
 - Bringing crime to a crime free area;
 - Adverse impact on families;
 - DA is for a multiple occupancy and a business;
 - Lack of an adequate water supply;
 - Noise impacts;
 - Fall in land values;
 - Impact on the Birdwing Butterfly;
 - Lack of community consultation;
 - Proposal is simplistic;
 - Occupational health and safety;
 - Bureau of Crime Statistics publications on the causes of crime;
 - Children can drown in farm dams;
 - Danger to children from farm chemicals;
 - Crime risk;
 - Complete destruction of the whole community;
 - Public liability insurance problems;
 - The developer won't comply with the conditions of the consent;
 - The development will increase in home and contents insurance premiums;
 - Steep escarpments are a danger to children;
 - Want compensation for falling land values;
 - Mentors will fall asleep and the children will abscond;
 - Denial of personal freedoms;
 - Telephone exchange is at capacity;
 - Danger to children from farm machinery;
 - Impact on the wallaby and bird population;
 - Proposal will create a conflicting use;
 - Reduction in viable agricultural land;
 - The development will result in creek bank degradation in contravention of the Catchment Management Act ,1989
 - Use of the herb plantation;
 - Lighting of fires;
 - Theft to support drug habits;
 - Would you like it next to your house;
-

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- No waste management;
- Proposal does not fit the locality;
- Objecting to the amount of time given to object;
- Fear of vandalism of stone fruit netting.

Given the volume of submissions it is not proposed to attach them to the business paper. However, the two volumes of the DA file containing the submissions are available for Councillors to review if they require more detail.

Many of the issues raised by objectors are spurious and some of the views raised, are not considered to be valid planning reasons. For example, farm machinery or dams are a danger to children.

Many objectors have picked up the reference to subdivision in the statement of environmental effects. This typographical error has been corrected by the consultant, Mr Chapelle, in writing. Minor typographical errors or omissions in a DA are not necessarily fatal in the assessment. Major deficiencies may be a reason to refuse the DA. The application prepared by the consultant is not perfect nor comprehensive in its assessment of the proposal, however the deficiencies in the application are not of such magnitude to warrant refusal of the application.

The objectors do raise concerns about their safety and crime problems and social impact. It is accepted that these fears and perceptions are genuinely held. As has been discussed above the Land and Environment Court has held that fears or perceptions are not adequate reasons to refuse an application. The objector's fears about the crime risk are addressed by the Police report. It is considered that whilst there may be a risk it is not of such significance to warrant refusal.

A recent development in the interpretation of social impact in planning law was the adoption of the "Broad" principle, in the case, *Broad v City of Brisbane*. This case has been accepted and adopted into NSW Planning Law. The principle is that subjective consideration of intangibles such as the concept of amenity can be utilised in determination of a planning matter. Specifically "*Injury to the amenity must be determined according to the standards of comfort and enjoyment which are to be expected by ordinary people of plain, sober and simple notions not affected by some special sensitivity or eccentricity*".

This means that Council can consider the impacts on residential or rural amenity that goes beyond the traditional physical impacts of a development such as overshadowing, loss of views etcetera. Council must be careful in application of this principle. It does not mean that simply because residents express an opinion that their enjoyment of the social environment will be diminished that this can be accepted as a fact. It does however give Council the ability to consider the feel of the neighbourhood when assessing an application. In this case Council would need to form the opinion that two children living in a dairy bails with their mentors will adversely alter the amenity, social interaction and alter the "feel" of the rural environment in this locality. This development may cause an alteration in the way in which people behave in this locality. Some residents have verbally expressed the view that they will have to lock their houses and farm sheds when they now do not do so. This is based on an assumption that criminal activity will emanate from the group home. It is not accepted that locking of doors will adversely alter the "feel" of the environment. Similarly it cannot be accepted that two children will alter the way rural people interact and visit one another.

The objectors raise various assertions about the traffic impacts on Borton Road. Estimates on traffic generation range from 34 to 50 vehicle movements per day. This issue is considered above but it is contended that these are excessive estimations and are not accepted.

There is no issue raised in the submissions that is of such significance to warrant refusal of the application.

79C(1)(e) The Public Interest

Despite the number of objections the development is not considered to be contrary to the public interest.

CONCLUSION

The above assessment has demonstrated that whilst there are issues to be considered concerning this application but they are not of such significance or weight as to warrant refusal of the development application. An option available to Councillors is to time limit the consent (for example, for two years) to determine if the development has an adverse impact on social environment. This course of action is not recommended. If Councillors have sufficient doubt that the development will cause an adverse social impact then it is open for them to refuse the application. It is the opinion of the Development Assessment Planner that the application will not have impacts that warrant refusal thus the application could be approved without a time limit.

RECOMMENDATION (PLA45)

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

- B That Council, as the consent authority, approve Development Application 2002/668 for the conversion of an existing dairy bails to a habitable area for the purpose of establishing a transitional group home subject to the conditions listed below:

General

- 1 In granting this development consent, Council requires:
 - All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
 - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
 - Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) No. 02-180 and 02/534 dated 9/9/02 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

- 2 The transitional group home is to meet the requirements of the department of community services at all times.

Reason: *To ensure all statutory requirements are met.*

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Stormwater

- 3 All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.

Reason: To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b)).

Vehicle Access

- 4 An all weather vehicular access shall be constructed and maintained from the road pavement to the **existing** dwelling site in accordance with Council's Design and Construction Specification for Vehicular Access.

Reason: To ensure adequate access to and from the development. (EPA Act Sec 79C(c))

Contributions

- 5 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Construction Certificate. The rates and amounts applying at the date of this notice, totalling **\$2,014.00**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the Construction Certificate being granted.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI) on an annual basis.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1999 as required by the increased population or activity. (EPA Act Sec 94)

Amenity

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

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

Effluent Disposal

- 7 An assessment and report, by a suitably competent person, on the existing sewage management facility must be undertaken. The report must address the proposed effluent loadings and the adequacy of the existing system to cater for those loadings. The report

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must include accurate plans and details relating to any upgrading required to meet current public health and environmental standards.

Reason: *To ensure the protection of public health and the environment.*

- 8 An application for approval to alter a sewage management facility must be submitted to and approved of by Council prior to release of the construction certificate.

Reason: *To comply with the statutory requirements*

- 9 No more than two children and two mentors shall occupy the dairy bails at any one time and sleeping rooms must provide a floor area of 5.5m² per person for long-term accommodation or 2m² per person for short-term accommodation pursuant to the Public Health Regulation 1991.

Bush Fire Approval

- 10 Property access roads are to be constructed in accordance with the details set out on page 12 of the Statement of Environmental Effects by Newton Denny Chapelle.

- 11 An asset protection zone is to be provided in accordance with the details set out on pages 11 and 12 of the Statement of Environmental Effects by Newton Denny Chapelle.

Building

- 12 The following building works are to be certified by Council or by an Accredited Certifier in the form of a Compliance Certificate.

- (a) Footings - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.
- (b) External drainage - the drainage lines have been laid externally by the plumber and or drainer, so that a water test may be carried out, prior to the pipes being covered. The internal drainage is to be certified by the plumber and or drainer and a layout plan to be submitted to Council prior to pouring of the concrete slab.
- (c) Slab - the slab reinforcement is in position, prior to concrete being placed.
- (d) Framework - the framework is completed, wet area flashing in place, external brickwork erected (where applicable) and the roof covering in position, prior to fixing the internal linings.
- (e) Occupation - the building is completed or an Occupation Certificate is required.

In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

Reason: *To assess compliance with this approval.*

NOTE: Please note that rural areas and villages will only be serviced for building inspections on Tuesdays and Thursdays. Council seeks your co-operation in organising your works program to suit these times.

- 13 The building is not to be occupied until an Occupation Certificate is issued by the Principal Certifying Authority.

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

- 14 A certificate of Builders' Indemnity Insurance registered with an approved insurer under the Home Building Act 1997, is required to be submitted and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

Reason: *To ensure the requirements of the Home Building Act 1997 have been satisfied.*

- 15 The construction is to comply with the building Code of Australia Housing Provisions for a Class 1b building.

Reason: *Required by Clause 98(1) of the Environmental Planning and Assessment Regulation.*

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- 16 Glazing to doors, windows, shower screens and bath enclosures must comply with AS 1288-1994 "Glass in Buildings". For external glazing the design wind speed must be provided to the glazier.
- Reason:** *To ensure compliance with glazing and wind loading standards.*
- 17 The design wind speed for the building is W41N and the glazier must provide a certificate to Council prior to occupation of the building, that the glazing complies with AS 1288-1994 "Glass in Buildings".
- Reason:** *To ensure compliance with glazing and wind loading standards and this approval.*
- 18 All timber framing must be in accordance with AS 1684-1999 Residential Timber Framed Construction and full specifications shall be provided prior to issue of the Construction Certificate, and the existing roof frame shall be certified by a structural engineer.
- Reason:** *To ensure the timber framing meets and complies with acceptable standards.*
- 19 Drainage measures to prevent erosion and siltation must be installed before site clearing, removal of topsoil and commencement of major earthworks.
- Reason:** *To ensure stability of the site.*
- 20 Ceiling height for all habitable rooms must be a minimum of 2400 mm and the mezzanine floor is to be removed.
- Reason:** *Required by Clause 3.8.2.2 of the Building Code of Australia Housing Provisions.*
- 21 The external walls of the existing and extensions are to be made weatherproof to Council's satisfaction.
- Reason:** *To ensure the healthiness of the building.*
- 22 Roof cladding must be fixed and supported in accordance with the manufacturer's recommendations and Part 3.5.1 of the Building Code of Australia Housing Provisions.
- Reason:** *To ensure an adequate standard of construction.*
- 23 The existing slab and footing shall be certified by a structural engineer as being structurally adequate for the foundation and if the footing and slab are not structurally adequate an engineer's design for rectification work shall be submitted to Council for approval prior to issue of the Construction Certificate.
- Reason:** *To ensure the structural integrity and healthiness of the building.*
- 24 Structural Engineering details for extension footings, slab, wind-bracing and tie downs are to be submitted to and approved by the Principal Certifying Authority prior to commencement of the work.
- Reason:** *To ensure the adequate structural design of the building components.*
- 25 Full details of the tie-down and bracing requirements for the existing and additions for a wind classification of N3 being submitted to the Principal Certifying Authority prior to commencement of construction. Such details being in accordance with AS 1684-1999 "Residential Timber Framed Construction".
- Reason:** *To ensure the structural adequacy of the building.*
- 26 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-1995 "Protection of Buildings from Subterranean Termites".
- Reason:** *Required by Clause 3.1.3.0 of the Building Code of Australia Housing Provisions.*
-

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- 27 On completion of the termite treatment, other than ant-capping, a certificate from a qualified operator, must be supplied to Council.
Reason: *Required by Clause 3.1.3.0 of the Building Code of Australia Housing Provisions.*
- 28 Provide a plan detailing the required laundry and the facilities for clothes drying.
Reasons: *Required by Clause 3.8.3.2. (a) (iii) of the Building Code of Australia Housing Provisions.*
- 29 Roofwater must be directed clear of the building in a manner not to cause erosion or adversely impact on any effluent area.
Reason: *Required by Clause 3.1.2.5 of the Building Code of Australia Housing Provisions.*
- 30 Temperature and pressure relief lines from hot water systems must: (1) Discharge in the open not more than 300 mm. above a paved surface or (2) Not more than 450 mm and not less than 300 mm above an unpaved surface.
Reason: *Required by NSW Code of Practice "Plumbing and Drainage".*
- 31 A tempering valve shall be installed so as to deliver hot water at the outlet of all sanitary fixtures, such as baths, basins and showers, at a temperature not exceeding 50°C.
Reason: *Required by Cl. NSW 1.10.2 of the NSW Code of Practice Plumbing and Drainage.*
- 32 Plumbing and drainage must be in accordance with the NSW Code of Practice "Plumbing and Drainage" and the work must be carried out by a licensed plumber or drainer.
Reason: *Required by Local Government (Water, Sewerage and Drainage) Regulations.*
- 33 Provide mechanical exhaust ventilation in accordance with AS1668.2 to the bathroom and a self-closing door shall be fitted to the bathroom. Note: Exhaust ventilation may only terminate in the roof space if adequate eave or other ventilation is provided.
Reason: *Required by Clause 3.8.5.0 of the Building Code of Australia Housing Provisions.*
- 34 Provide a water storage tank of a minimum capacity of 45,000 litres.
Reason: *To ensure an adequate water supply.*
- 35 All tanks used for the storage of water for human consumption must bear a sign, a minimum of 450 mm. wide by 250 mm. high, with the words "Warning Drinking Water - Do Not Add Chemicals" in letters a minimum of 25 mm. high and 3 mm. wide.
Reason: *Required by Clause 8.11 of AS 3500.1 'National Plumbing and Drainage Code - Water Supply'.*
- 36 Provide interconnected, automatic smoke alarms and evacuation lighting wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause 3.7.2.2 of the Building Code of Australia.
Reason: *To comply with Clause 3.7.2.2 of the Building Code of Australia Housing Provisions.*
- 37 A certificate from a licensed electrician must be provided upon completion of the installation of the smoke alarms, certifying that the smoke alarm installation complies with AS 3786 "Smoke Alarms".
Reason: *To ensure compliance with this building approval.*
- 38 Council to be advised of and approve of the proposed location of smoke alarms, prior to installation.
Reason: *To ensure compliance with this approval.*
-

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- 39 Provide Council with details of door locks to permit egress for Council approval prior to issue of the Construction Certificate.

Reason: *To ensure safe movement and access.*

- 40 Provide a fire blanket in the kitchen.

Reason: *For fire safety.*

- 41 The development shall meet Council's Energy Efficiency rating of 3.5 stars and the hot water system shall have a minimum of 3.5 stars, and full details shall be provided to Council prior to issue of the Construction Certificate.

Reason: *To meet Council's DCP 14 (Clause 2.3).*

Planning

- 42 No kitchen facilities are to be provided in the bails.

Reason: *To ensure the bails is not used as a second dwelling contrary to the Lismore City Local Environmental Plan 2000 (S79C (1) (a) (i)).*

- 43 The bails is not to be used for the purposes of separate a separate dwelling.

Reason: *To ensure the bails is not used as a second dwelling contrary to the Lismore City Local Environmental Plan 2000 (S79C (1) (a) (i)).*

- 44 No expansion of the use beyond a home occupation and a transitional group home for a maximum of two children is permissible without the consent of Council.

Reason: *To prevent the unauthorised expansion of the development without consent.*

Subject/File No: ADAM GILCHRIST PARK – CANIABA
(P27619)

Prepared By: General Manager

Reason: To inform Council about a unique opportunity to improve cricket facilities for Lismore.

Objective: To enable timely establishment of new turf cricket wickets.

Management Plan Activity: Parks & Recreation

Background:

Councillors will be aware that as part of the development of the Perradenya sustainable living housing estate at Caniaba, Adam Gilchrist, the Australian cricket team's vice-captain agreed to lend his name to the integrated recreation grounds and played a key role in the launch of the development in June 2000. The full cost of facilities now on the site was paid for by Rous Water as the developer.

Effective January 2001 Lismore City Council assumed ownership of the sporting grounds although Rous Water continues to be responsible for their upkeep and maintenance.

Rous Water has for some time maintained a close liaison with Adam Gilchrist and early this year his manager came forward with a proposal which offers to provide funding to develop the oval at Adam Gilchrist Park as a first-class turf wicket cricket venue and training facility. Proposed capital improvements include centre turf wicket (5 pitches), practice turf wicket (with 12 pitches), practice nets, sight screens and fencing. The proposal provides that through fundraising and promotional activity, capital improvements will be staged over time to develop a cricket facility to attract high grade cricket matches and training squads – facilities which Lismore currently does not have and which may be attracted by Adam Gilchrist or his representatives.

It needs to be made clear that this proposal will not compete for patronage with Oakes Oval – it will complement Oakes Oval.

In June a committee was formed incorporating representatives of Lismore City Council (LCC), Rous Water, Adam Gilchrist, Far North Coast Cricket Council (FNCCC) and Lismore Cricket to consider the feasibility of the proposal, and to discuss realistic options. The committee has met four times and on November 12, 2002 unanimously endorsed the proposal outlined in this report. At the Council meeting on December 10 it is planned for Adam Gilchrist to make a video presentation, supported in person by his Manager, Mr Steven Atkinson.

The need for Council to make a decision in this matter is one of timelines. If the concept is to proceed, earthworks must be commenced by February 2003, otherwise a full twelve months of establishment time will be lost – the urgency is about stabilisation of cricket wickets and growing grass.

THE PROPOSAL

Adam Gilchrist has made a commitment to supporting fundraising for upgrading the oval at Perradenya on the understanding that such funds are applied to capital improvements. Maintenance of the facilities will be a local responsibility – as for other public reserves in Lismore. On this basis, the committee has endorsed the following approach:

- 1 That the project be progressed by a Company Limited by Guarantee, which would be formed by Lismore City Council as owner of the Adam Gilchrist Park.

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Adam Gilchrist Park - Caniaba

- 2 That a Licence agreement be negotiated between Lismore City Council as owner and the proposed Company Limited by Guarantee, with a preferred term of 20 years.
- 3 Membership to comprise key stakeholders as follows:
 - Lismore City Council
 - Rous Water
 - Adam Gilchrist (and/or representative)
 - Far North Coast Cricket Council
 - Australian Cricket Board
 - Community (Caniaba/Perradenya)
- 4 Company to be responsible for implementation and management of turf wicket cricket facility development and associated fundraising activity.
- 5 Adam Gilchrist to confirm and detail commitment to fundraising and business plan as may be agreed with the company.
- 6 Maintenance of the grounds and new facility to be confirmed in a co-operative joint approach by the responsible Council, FNCCC and the company.

It is noted that a meeting (4/11/02) of Council's LDSA resolved:

"The proposal to develop Adam Gilchrist Oval as the region's premier cricket venue is not supported as the number one cricket ground in the Northern Rivers."

I was not at that meeting and the proposal now before Council had not been fully developed at that time. It appears that this concept is regarded by some as a threat to the status of Oakes Oval. All stakeholders should open their minds because they clearly have not considered how the two venues can complement each other. I refer particularly to the training facilities proposed for Adam Gilchrist Park.

A pragmatic mindset is called for in these circumstances. The only way a complementary high standard cricket facility at Perradenya/Caniaba, capable of attracting elite players and sought after events can be established is with the involvement of Adam Gilchrist. If the Council chooses to reject this proposal, nothing happens. Adam Gilchrist Park remains a suburban playing field and Oakes Oval remains as is. I suggest that this is not a progressive outcome when consideration is given to the future potential. This is not a case of a financial outlay with no prospect of return. It is a joint venture with parties who have the capability of bringing a new activity to Lismore which will have spin-off economic benefits.

BUSINESS PLAN

Expenditures and revenues anticipated for the project over the next 3 years are summarised as follows, assuming a commitment by Adam Gilchrist to fundraising for capital costs (\$80,000), and a commitment by Far North Coast Cricket Council for a contribution of \$16,000 with potential for this figure to be doubled.

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Adam Gilchrist Park - Caniaba

ADAM GILCHRIST PARK

DEVELOPMENT AS A YEAR ROUND TURF WICKET CRICKET VENUE AND TRAINING FACILITY

ESTIMATED EXPENDITURES

	TOTAL	2002/3	2003/4	2004/5
Centre Wicket (5pitches)	\$19,000	\$19,000		
Centre Wicket Irrigation	\$ 5,000	\$ 5,000		
Practice Wicket (12 Pitches)	\$26,000	\$26,000		
Nets	\$ 7,600		\$ 7,600	
Plant & Equipment	\$18,000	\$18,000		
Sight Screen	\$ 8,000		\$ 8,000	
Fencing	\$ 2,000		\$ 2,000	
Equipment Storage Facility	\$10,000			\$10,000
Company Set-up and Incorporation	\$ 1,000	\$ 1,000		
Wicket Establishment (initial watering and care)	\$ 3,400	\$ 3,400		
Total Estimated Capital costs	\$100,000	\$72,400	\$17,600	\$10,000
PLUS:				
Annual Maintenance (This estimate includes currently incurred maintenance costs borne by Rous Water.)		\$30,000	\$50,000	\$50,000

ESTIMATED REVENUES

2002/3	2003/4	2004/5
- FNCCC \$16,000	- Regional Events (est \$5,000)	- Regional Events (est \$5000)
	- Hire Proceeds (est \$5,000)	- Hire Proceeds (est \$5000+)
	- Junior Cricket Council (est \$10,000)	- Junior Cricket Council (est \$10,000)
	- Cricket NSW \$16000	- FNCCC (capital contribution)
- Maintenance by Council(s)	- Maintenance by Council(s)	- Maintenance by Council(s)
- Grants	- Grants	- Grants
Adam Gilchrist Fundraising \$40,000	Adam Gilchrist Fundraising \$20,000	Adam Gilchrist Fundraising \$20,000

During October, Mr Les Burdett, the curator of Adelaide Oval, inspected Adam Gilchrist Park and has enthusiastically lent his support to the proposal. He had identified the concept as one with great potential – particularly the training facility for off season use. It is common for elite players to train during the winter in Queensland and Darwin.

Mr Burdett indicated that the establishment of the centre wicket and practice wickets could be staged separately.

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Adam Gilchrist Park - Caniaba

However, on the basis of achieving the practice wicket facility as a priority and feasible fundraising targets, a preferred approach would be to undertake the installation of both centre wickets and practice wickets at the one time. In addition, a cost-saving benefit could be gained if the works were completed together.

It is proposed to construct the wickets prior to the autumn of 2003 as recommended by Mr Burdett, to enable the use of the turf wickets next summer season and to ensure readiness for the first major fundraising event with Adam Gilchrist in winter 2003.

CRITICAL ISSUES

- 1 Support for the concept from the Councils of Lismore City and Rous Water.
- 2 Install centre turf wicket and practice turf wickets at estimated cost of \$50,000 in early 2003 in order to be ready for the next cricket season. Achieved by means of an advance funded equally by Lismore City Council and Rous Water, to be recouped by October 1, 2003 from Adam Gilchrist fundraising and agreed FNCCC contribution.
- 3 FNCCC have committed to a one-off contribution of \$16,000 toward capital improvements and propose to seek a matching grant from Cricket NSW to target a total \$32,000 contribution for 2003.
- 4 An annual fundraising commitment has been made by Adam Gilchrist as part of the ongoing commitment to contributing funds for capital improvements to the ground and acquisition of required plant and equipment.

Manager - Finance & Administration Comments

This proposal offers Council a unique opportunity to develop Adam Gilchrist Park into a first class cricket facility which would complement Oakes Oval.

The financial considerations relate to the initial \$25,000 contribution required now to commence works in advance of the fundraising, and the cost of ongoing maintenance.

From my perspective, the recommendations support a logical process that would ensure Council has sufficient 'security' to make an initial investment of \$25,000 required to commence capital works.

In regards to ongoing maintenance, it is acknowledged that this needs to be managed so that its net cost is minimised. Costs are planned to be offset by increased hire income and contributions from Rous Water. Also, the ability for Council to control this part of the formal agreement between stakeholders and the option to wind back activities to the current level if unviable, is essential to achieving this outcome.

Public Consultations

Nil

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Noted.

Conclusion

The support and involvement of Adam Gilchrist, a prominent national sporting identify, provides an opportunity for the local area to develop a community asset via a partnership arrangement which is unique. It's a simple equation – without Adam Gilchrist this concept has no future because the fundraising scope just is not there. In time, Adam Gilchrist's personal contacts will deliver the special events to establish the venue with its specialised training facilities. This city's economy will benefit from any new activity of this nature, thus the upside has considerable potential.

Among some Council representatives I detect an element of negativity regarding the impact on Oakes Oval – the best cricket/sporting venue in Lismore. The fact is Oakes Oval will not attract the target market for Adam Gilchrist Park – off-season training and specialist games. Oakes Oval with its lights, stands and other facilities will remain the No. 1 summer cricket venue. The two sites are compatible and can be managed to complement each other.

There is a dormant but related issue which this proposal may address, the resources needed for turf wicket maintenance. Council currently employs 1 person in this role but his time is stretched. This proposal will require additional resources which may address the current problem. At present Rous Water finances all the open space maintenance at Perradenya and those funds now applied to oval maintenance would be available for this proposal.

The formal relationship which should be developed between the parties to this proposal has been mooted as a company limited by guarantee. That is a matter about which I have not had the opportunity to fully assess. Another option would be a Section 355 Committee.

It will also be necessary to clarify the roles of the other parties:

- Rous Water
- Adam Gilchrist
- Far North Coast Cricket Council
- Australian Cricket Board

The vehicle for management of an upgraded facility at Perradenya needs more investigation.

The key issue comes down to two decisions. Firstly, does Lismore City Council support the proposal? If it does, will it underwrite 50% of the cost of establishing the centre and practice turf wickets at Adam Gilchrist Park early in 2003 on the understanding that such capital outlay will be recouped by October 2003? Inherent in the first decision is an understanding that maintenance of Adam Gilchrist Park will continue to be a community responsibility.

By Council agreeing to proceed I submit that its risk exposure is low. In the first instance there is an outgoing of \$25,000 eligible for recoupment within 8 months with prospects of success extremely high. On the maintenance front, significant resources are available via Rous Water, for at least the first year. Thereafter, the prospects for enhanced hire revenue are high. In the longer term, if the venture proves unviable, Council has the ability to control the level of funding and could wind activities back to the current level.

In summary, the proposal has excellent prospects for achieving its potential but should that not come to fruition, Council has the ability to exit without creating an ongoing liability.

Recommendation (GM70)

- 1 That Council support the concept of developing Adam Gilchrist Park as a high standard turf wicket cricket oval incorporating complementary practice wicket facilities.
- 2 That Council provide advance funding of up to \$25,000 to enable construction of the centre and practice wickets early in 2003, subject to these funds being recouped by October 2003 and subject also to Rous Water providing an equal cash advance.
- 3 That the Council's support for this proposal be dependent on a formal undertaking by Adam Gilchrist that he will commit to fundraising events as proposed in the business plan, such that the cost of capital improvements will not be the responsibility of Lismore City Council.
- 4 That the General Manager negotiate an agreement which will enunciate the rights and responsibilities of all stakeholders and in conjunction, report to Council in February 2003 on the most suitable mechanism for the future management of Adam Gilchrist Park, both in respect of this proposal and all other activities.

LISMORE CITY COUNCIL - Meeting held December 10, 2002

Subject/File No: DEVELOPMENT APPLICATION NO. 2002/399 – GeoLINK Pty Ltd, for Lismore Shoppingworld Pty Ltd, 2 McKenzie Street, Lismore

Prepared By: Special Projects Planner – Warren Rackham

Reason: Development Application requires Council Consent.

Objective: Council determination of the Application.

Management Plan Activity: Development Assessment

1 PRECIS

Applicant

GeoLINK Group Pty Ltd, Lennox Head, on behalf of Lismore Shoppingworld Pty Ltd.

Proposal

To carry out alterations and additions to the existing Lismore Square Shopping Centre, together with associated works both internal and external to the development site. A full description of the development proposal is included in the attached Consultant's Report.

Zoning

The land to be developed is zoned 3(a) Business Zone. The proposed use is permissible with the consent of Council.

Location

The Land to be developed is:

2 McKenzie Street, Lismore, 1 McKenzie Street, Lismore, 3 McKenzie Street, Lismore, 5 McKenzie Street, Lismore, 7 McKenzie Street, Lismore, 9 McKenzie Street, Lismore, 11 McKenzie Street, Lismore, 13 McKenzie Street, Lismore, 15 McKenzie Street, Lismore, 17 McKenzie Street, Lismore, 19 McKenzie Street, Lismore, 21 McKenzie Street, Lismore, 23 McKenzie Street, Lismore, 25 McKenzie Street, Lismore, 27 McKenzie Street, Lismore, 99 Diadem Street, Lismore, and Public Road known as 2a McKenzie Street, Lismore, being DP 600498 Lot 100, DP 8588 Lot 14, DP 8588 Lot 13, DP 8588 Lot 12, DP 8588 Lot 11, DP 779998 Lot 1, DP 780327 Lot 1, DP 780328 Lot 1, DP 780325 Lot 1, DP 780326 Lot 1, DP 779809 Lot 1, DP 8588 Lot 4, DP 8588 Lot 3, DP 575191 Lot 2, DP 575191 Lot 1, DP 575191 Lot 3, Public Road Being McKenzie Street, between Brewster And Diadem Streets, Lismore.

2 BACKGROUND

There have been a number of proposals over the last 7 years to make additions to the existing Lismore Square Centre, the most recent approval being DA97/293 which proposed approximately similar sized extensions to the current application, but with main differences now being building on closed McKenzie Street in lieu of the air space over it; the inclusion now of No. 15 McKenzie Street; and the exclusion of No. 48 Brewster Street. Traffic management aspects have been extensively revised as compared to the previous approval.

It is also advised that the alterations and extensions being currently carried out to the existing Coles supermarket in the Square is being effected under a separate consent (DA99/676). When the Lismore Square extensions are complete, there will still remain 3 former residential lots in Diadem Street (Nos. 101A, 103A and 105A) zoned Business 3(a) available for later commercial development.

3 ASSESSMENT OF DEVELOPMENT APPLICATION – CONSULTANT’S REPORT

As Council has a vested interest in part of the land involved in this application, an external Consultant was employed to carry out the assessment report, being Malcolm Scott, Consultant Planner. Mr Scott also undertook the assessment on the previous Lismore Square extensions proposal DA, and is thus entirely familiar with background and historical details of the application.

4 PUBLIC NOTIFICATION

As advised in the Consultant’s Report, there were a total of seven (7) submissions made on the proposed extensions. Three (3) of these were from transport groups and the soccer club (specific issues which have been incorporated into the proposed design/conditioning); the remaining four (4) submissions have also had most of the issues raised being addressed and accommodated in the final plan. All persons/groups who made a submission were re-notified when substituted plans were received, with no further issues raised aside from positional determination of the taxi and bus rank in Brewster Street.

5 ROAD CLOSURE – MCKENZIE STREET

The application and action to close the part of McKenzie Street between Brewster and Diadem Streets has now been completed. Formal gazettal of closure however WILL NOT be effected unless and until the section of Magellan Street between Brewster and Diadem Streets has been physically reopened and made trafficable. Commencement of shopping centre construction on McKenzie Street will not be permitted until after that road is formally closed.

Conditions covering these issues are included in the recommended conditions.

6 AGREEMENTS

Council will recall that certain ‘agreements’ tied to the conditions existed on previous consents given on this site. These related to costings, proportional cost sharing, and Section 94 offsets in respect of specific off-site construction conditions.

Legal advice has since been obtained strongly recommending that Council avoid such agreements; being agreements directly tied to works Conditions of Consent and scheduled and adopted by Council independent to the consent itself. In accordance with this advice, there are no agreements inherent in the recommendation, and conditions relate directly to the works required for and as generated by the proposed development itself.

A number of meetings have been held between Council staff, Consultants, and the Developer, wherein all issues have been fully discussed, and particularly the larger cost items such as roundabout at Ballina Street and Diadem Street; and reopening of Magellan Street between Brewster Street and Diadem Streets. There is a full understanding of the physical works expected and generated by the proposal between all parties.

REFERRAL OF DRAFT CONDITIONS

As per Council’s adopted procedure PD1.2 for developments exceeding \$1m. in value, the draft conditions (received from Council’s consultant) were referred to the applicant for comment. A total of 7 items (from the draft 118 conditions) were queried. Further clarification from relevant Council departments and discussion with the applicant has resulted in only 3 items remaining under query:

- **Condition 3** (Protection fencing, Richards Oval) – Applicant queries the need for a screen fence 40-50m long along the northern boundary of Richards Oval to prevent soccer and cricket balls from entering the shopping centre site. If Council considers the fence is still required, requesting that Council share the costs of erecting same.

Council’s Manager, Parks and Recreation advises that a fence will be needed in this location due to the fact that the new development is to be constructed right on the common boundary with the oval, which will in turn introduce traffic movement/trucks/parked cars and vehicles using the ramp right at the boundary. It is therefore necessary that protection be

provided to these users **by the developer** against the traditional uses occurring on the adjoining oval. Recommended that the condition should **not be altered.**

- **Condition 87** (Noise) – Querying the need to submit a noise assessment report, when the previous DA did not require it. Council’s Environmental Health Officer reports:

The Environmental Health Unit recommended that the condition be imposed as new loading docks are proposed which are in close proximity to a number of residential dwellings in Diadem Street and McKenzie Street. The loading docks will be accessed by heavy vehicles via graded access ramps and requiring the manoeuvring and reversing of trucks. Delivery hours are not limited and noise from truck engines, braking, reversing signals, refrigeration units, roller doors, voices and other loading related activities are likely to create offensive noise particularly between the hours 10.00pm to 7.00am to nearby residents.

A noise assessment report will determine whether noise attenuation works should be incorporated into a detailed final design for the proposal. In addition a number of submissions have been received by Council expressing concern about the potential impact of noise related to the loading docks and vehicle movements.

The Statement of Environmental Effects submitted for the proposal provides limited information in relation to noise from loading bays and the impact on neighbourhood amenity. Comments in Section 4.13.2 of the submission are not based on any assessment”.

Environmental Health recommend that the condition **not be altered.**

- **Condition 89** (Centre Management Strategies – Shopping Trolley Retrieval)
The current condition requires that a shopping trolley retrieval strategy be included in a wider centre management strategy. A trolley retrieval condition was included in the previous consent, and which was subjected to modifications after the original condition was imposed. It would be expected that a similar retrieval strategy should be incorporated into the conditioned centre management strategy, and hence the condition should **not be altered.**

Manager - Finance & Administration Comments

In regards to this development consent, other than issues already determined by Council when considering “Lismore Square Property Matters” at the May 14, 2002 meeting, two conditions require a direct Council contribution of 50% (Items 23 & 24). City Works have advised that an updated costing for these works is not available at this time.

I also understand that a separate agreement is to be negotiated between the developer and Council on other works. I’m not aware of the details and cost implications for Council but I expect that the funding for these works and the development consent contribution will come from the proceeds of land sales to the developer. This is to be the subject of separate report to Council in accordance with Council’s resolution.

While these works will be undertaken during the development of the site, works in Magellan Street will need to proceed prior to closure and occupation of McKenzie Street by the developer. This is I understand an agreed position. While not an ideal situation, it is critical for the overall development and supported on the basis that the funds will come from the proceeds of land sales to the developer. If this fails to occur, the current or future works programs will need to be curtailed or amended.

Other Group Comments

Comments from Council's different groups have all been incorporated into the Consultant's report, and recommended conditions of approval.

CONCLUSION

Council's Planning and Development Group has reviewed the attached Consultant's report, and endorses the recommendations made therein. The process of pre-determination referral of conditions has been completed, with the outcomes as discussed above.

The provisions of the Environmental Planning and Assessment Act, 1979 have been observed and upheld in the processing of this application.

RECOMMENDATION (PLA46)

- A That Council, as the consent authority, approve the development subject to the recommendation contained in the report from Consultant Planner, Malcolm Scott, appended to this report.

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

Subject/File No: LISMORE SWIMMING POOL
(S845,P6768)

Prepared By: General Manager

Reason: To provide a synopsis of pertinent information

Objective: To assist Council in identifying the optimum strategy for decision making on the provision of future public swimming facilities.

Management Plan Activity: General Manager's Office

Introduction:

The upgrade or replacement of Council's Memorial Baths has been under consideration for more than seven years and a binding commitment to proceed has proven elusive. The primary factor mitigating against closure of this phase appears to be the affordability of Council's preferred option.

My review of the long history of this matter indicates that the last decision (July 2002) of the Council was strongly supported by Councillors. Even so, it represented a significant change of direction, seemingly brought about by the Mayor's personal assessment that the affordability of the preferred new swimming complex for Lismore was suspect.

The Council resolved that:

Council advise Southern Cross University that it is interested in pursuing a joint venture for a major swimming complex. The Mayor and the General Manager or Acting General Manager initially be part of the negotiating team with the view to reporting back to the September 2002 meeting with a recommendation or, if necessary, a special meeting be called.

Whilst the Council decision to suspend implementation of the Memorial Baths option adopted in April 2002 was clearly a difficult one, it was prudent if concerns about the financial impacts are valid. Applying the same logic, any proposal to develop a new swimming complex for Lismore must be affordable.

If affordability can be defined as the cost of a project, which does not unreasonably limit Council's broader objective to equitably provide a range of services to the whole of its community, then it should not be assumed that establishing a joint venture with Southern Cross University will meet that test.

The following report will trace the history of this matter and conclude with a recommended course of action aimed at identifying an affordable achievable outcome.

Historical Overview:

In 1928 the Memorial Baths with the "learn to swim" pool and a 33 yard 6 lane main pool was built. In 1949 the filtration equipment was upgraded and then in 1959 the main pool was extended to 50 metres. At this time the toddlers' pool was added and the change rooms refurbished. In 1996 the concrete concourse was replaced and the chlorine gas used for water treatment was replaced with sodium hypochlorite.

The Memorial Baths are classified by the National Trust of Australia and are included in the National Trust Register.

Over the past seven years several external reports have been commissioned on the condition of the Memorial Baths. All three reports concluded the following:

Lismore Swimming Pool

- The pool shell is in very poor condition (cracks and “concrete cancer”) and beyond repair.
- The pumps and filters are near the end of their useful life.
- Movements in the pool shell have resulted in water not flowing into the “scum gutter” in some areas, thus compromising water quality in some areas within the pool.
- Lack of balance tanks to cope with heavy pool loads.
- Turnover rates of the pool water are currently between 12-13 hours (NSW guidelines recommend 4-5 hours) and as such, recovery rates of turbid water after heavy usage is low.
- The water flows are such that the treated water flows to the cascade, toddlers’ pool first before the main pool, causing possible health concerns.
- Change rooms are showing evidence of structural damage.

Discussions with the current pool management contractor have identified the following areas as shortcomings for the current facility:

- Lack of water space
 - unable to satisfy demands from all users, i.e. school groups, lap swimmers, etc;
 - unable to hold certain swimming carnivals – current pool has only 6 lanes;
 - minimal areas for learn to swim programs.
- Lack of surrounding open space.
- Lack of marshalling areas for school carnivals.
- Slow recovery of water quality.
- Movements in concourse causing potential trip hazards.
- Lack of covered amenities/change rooms.
- Lack of storage space.
- Lack of staff amenities area.

Council resolutions and decisions:

Since 1994 Council has given consideration to matters pertaining to the Memorial Baths at many of its meetings. The following summary seeks to precis the more significant of these debates.

- July 1994 – Council resolution:
 - To continue with the restoration of the memorial building.
 - To commission a study to determine the long-term strategy for the provision of swimming facilities in Lismore.
 - The study to include a call for expressions of interest for the rental and development of commercial activities in the upstairs area of the Memorial Building.
- June 1995 – Council resolution:
 - That the Memorial Baths be replaced, preferably sooner than 5 years.
 - Council negotiate with Southern Cross University re joint facilities at East Lismore.
 - A reserve fund be established to provide for either –
 - A contribution for a joint venture; or
 - Replacement of the Memorial Baths.
- May 1996 – Council resolution:
 - Form working party to steer the provision of future swimming facilities in the Lismore basin.
- February 1998 – Council resolution:

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Lismore Swimming Pool

- Council advise the SCU that it wishes to investigate a joint venture swimming facility, but that it cannot be a party to the joint venture unless the issues of the roadworks and parking are addressed.
 - That Council nominate the Mayor, a Councillor, Manager Water & Sewerage and Recreation Planner to be Council's representatives and a representative of the SCU Student Union on a joint committee to be chaired by the SCU.
 - Council support the joint committee being authorised to oversee the selection of consultants to evaluate the swimming centre proposal in accordance with the draft terms of reference
- September 1998 - Council resolution:
 - Council will support in principal a joint venture pool development with SCU as one of its options but cannot give a full commitment until all the following items:
 - validity of market research
 - usage of aquatic centre
 - location of aquatic centre/facilities
 - transport, access & carparking
 - legal & tender issues
 - fee structure
 - alternative location on SCU campus
 - affordability
 - overall pool strategy for Lismore
 - input from professional pool operators
 - managementplus capital and operational costs, Section 94 levies and the rationalisation of Council's existing urban pools (Lismore & South Lismore Lake) are resolved.
 - If any research is to be carried out then the form be circulated to Councillors for their approval.
- October 1998 – Council resolution:
 - That Council adopt the concept of a partnership with SCU as a benchmark option with the following essential components:
 - 50 metre x 8 lane pool
 - Open all year
 - Indoor/heated
 - Leisure water area 300-400m²
 - Regional standard facility
 - Affordability – general admission price within range of \$2-\$3.
 - Address issues of probity and call for expressions of interest for other possible joint venture partners, placing a time limit for responses of one month.
 - Depending on quality of responses, Council's project team select the best offers and allow a further one month for those chosen to work up a solid proposal.
 - Should there be no competitive responses to the call for expressions of interest the project team will advise Council by way of a project status report and the process to develop a joint venture Regional Aquatic Centre at the university will commence.
 - Council concurrently conduct further market research subject to the inclusion of an additional focus group comprising the elderly.
 - The final decision to be determined by Council by February 1999.
- November 1998 – RSL Sub-Branch calls for Memorial Baths to be converted into a memorial garden.
-

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Lismore Swimming Pool

- November 1998 – AC Nielsen engaged to undertake market research for Lismore Aquatic Facility.
 - February 1999 – Council resolution
 - Given no responses to EOI Council will not undertake selective tender for joint partner.
 - SCU, SCU Union & Council negotiate a contract for the joint venture provision of the regional leisure & aquatic facility. The final terms of the contract to be recorded as the Heads of Agreement.
 - Council affirm its commitment to the joint steering committee to be chaired by Council & Council confirm its membership on the committee.
 - A heads of agreement to be developed and brought to Council for approval.
 - Concurrent to the development of the heads of agreement, the final design of the leisure and aquatic centre be developed to a stage where tenders can be called. The conceptual design of the centre to be refined by the steering committee and the project architect to take into account the key findings of the AC Nielsen report, issues raised by Councillors at workshops and other public consultation. The final design to come to Council for final approval.
 - Council's capital expenditure on the project is set at the absolute maximum of \$4 million.
 - A DA for the facility be lodged.
 - Tenders for construction of the centre not be called until the heads of agreement is executed.
 - Council provide 50% of the cost of developing the design of the facility up to the stage where tenders are called.
 - Council recommends to the steering committee that AC Nielsen be engaged to develop a detailed marketing strategy for the centre.
 - Council recommends to the steering committee that independent advice be sought to provide a practical management overview of the design.
 - The Memorial Baths continue to operate until the new facility opens to the public and that Council prepare a list of future options & costings for the current site to include retaining the Baths either as a pool or as a reflective water.
 - June 1999 – Notice of motion:
 - That Council's capital expenditure on the project is set at an absolute maximum of \$4 million, which includes design and project management costs. Recommendation adopted.
 - Report to Council regarding site alternatives & draft heads of agreement – Council resolved:
 - That SCU be requested to give a written status report on the likelihood that a 99 year lease will be available for the original site, an estimate of how long it will take to arrange a lease and a clarification of the SCU's capacity to address the associate traffic management problems.
 - In the event that none of the foregoing are deliverable the Council request the SCU and Union advise Council in writing of their position in regard to an Aquatic Centre on the Maizegrove location.
 - September 1999 – Council advised that SCU is unable to resolve land tenure issue relating to the original proposed site next to Union building.
 - November 1999 – Council resolution - first meeting of new Council
 - That SCU be advised that Council does not wish to continue with the joint venture leisure and aquatic centre at East Lismore.
 - Council proceed to construct a 50m pool at the Memorial Baths site, subject to a suitable preliminary design/costing being approved by Council, in three stages as follows:
-

Lismore Swimming Pool

- Stage 1 – Construct an east west 50m pool, leisure and program pools plus ancillary plant. Use existing toddlers' pool if possible. Portable spectator stands to be used and retain northern stand. Provision to be made for future heating.
 - Stage 2 – Extend pool surrounds into Market Street, closing the section between Molesworth and Victoria Streets to link with Council-owned land on southern side of Market Street. Relocate access to RSL Club by relocating Market Street on southern side of Lismore Clinic.
 - Stage 3 – Construct new change rooms, entry, office and kiosk building to allow RSL Sub-branch to take over existing memorial building.
 - Negotiate with RSL Club to relocate Market Street and upgrade parking to increase capacity.
 - Council plan to have the new pool in operation by 2000/2001 by early closure of current season, if necessary.
 - Council defer consideration of a Goonellabah pool until after the Memorial Pool has been rebuilt.
 - Council advise SCU it would consider a joint venture at the Memorial Baths site.

 - December 1999 – Council resolution:
 - Prepare concept drawings of a redevelopment option incorporating the RSL Club bowling green, together with an option for the existing site plus 10m into Market Street. Options are to include costings.
 - Apply to close Market Street.
 - Minimum inclusions to include:
 - Main pool 50m x 20m 8 lane to FINA standard, with wet deck, disable ramp and provision for future heating.
 - Program pool 20m x 10m, heated.
 - Leisure/toddles' pool minimum 200m² with beach entry.
 - New filtration systems.
 - Adequate shade structures over all pools.
 - Suitable change rooms with disabled/family change rooms.
 - Adequate grassed areas including shade structures, tables and chairs, etc.
 - Retain current kiosk but make provision for more café area.
 - Covered grandstand seating for between 400-500 people.
 - Adequate additional buildings for first aid, storage and if possible swimming club rooms.
 - Form a steering committee including three Councillors (Suffolk, Baxter & King) with staff and consultants.

 - May 2000 – Council resolution:
 - Adopt Option 3 from Thompson Adsett proposal as preferred concept plan.
 - Hold Council workshop to refine and finalise preferred inclusions .
 - Continue negotiations with RSL Club to acquire bowling green site.
 - Continue to negotiate re closure of Market Street.
 - Revise timetable to deliver project.
 - Require additional report of carparking & public transport.

 - August 2000 - Council resolution:
 - Council authorise the General Manager in consultation with the Mayor to finalise and execute the Deed of Agreement to purchase the bowling green from the RSL Club for the amount of \$230,000, payment to RSL Club dependant on approval of DA.
 - Council to call for registrations of interest forthwith from suitable qualified and experienced consultants for the design of the Memorial Baths redevelopment.
 - Conduct a workshop to further review the proposed configuration of the leisure/program/toddlers' pool and the attendance and cost estimates.
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Lismore Swimming Pool

- August 2000 - Council Workshop:
 - Details provided regarding benchmarking exercise of best mix of facilities to provide best attendance to facilities, i.e.
 - Outdoor no heating
 - Outdoor with heating
 - Indoor heated with no dry facilities
 - Indoor heated with dry facilities
 - Details relating to fully enclosing leisure/program/toddlers' pool versus only providing shade sails or the like.
 - Cost estimates for outdoor 50m pool, indoor heated leisure/program/toddlers' pool with no dry facilities \$4.34 million.

 - April 2001 – Council resolution:
 - Applications for registration of interest be called forthwith.
 - Applicants be advised that process will be a step-by-step process and construction may be staged over a number of years and that the ROI be worded to reflect this concept.
 - Council confirm the Memorial Baths site is the preferred option for a new aquatic facility incorporating a new Olympic size pool and leisure water.

 - April 2001 – Council advertised registration of interest for architects to undertake redesign of Memorial Baths.

 - June 2001 – Council appoints One Aquatics to assist in the development of the scope of works for the redesign tender.

 - June 2001 – Project Team reviewed evaluation of ROI's and agreed to five consultants proposed to be shortlisted.

 - June 2001 – Swimplex Pty Ltd provide an updated condition report on Memorial Baths.

 - July 2001 – Council resolution:
 - Agree to conduct a workshop and finalise issues relating to:
 - The current condition of the Memorial Baths.
 - Community expectations.
 - The minimum facilities/components to be provided in the initial development.
 - The additional facilities/components, which may be provided at a later stage.
 - Staging of the works.
 - Site constraints.
 - Land purchase.
 - Budget.
 - Invite interested groups/users to the workshop.
 - Invite SCU to update Council on their proposal for an indoor facility.

 - July 2001 – Special Council meeting to resolve matter arising from workshop
 - That the outcomes and agreements reached at the Council workshop held July 25, 2001 and outlined in the report form the basis of the tender document for the Memorial Baths redevelopment design works as follows:
 - Facilities to be provided
The minimum inclusions are to be considered as part of the initial development with options for pool shade or enclosures to be considered, excluding a new entrance to the complex, but allowing for a side entrance for times when the memorial is being used for remembrance ceremonies.

 - The minimum inclusions are:
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Lismore Swimming Pool

- Main pool 50m x 20m (8 lanes) - provision for water polo, disable access and provision for heating at a later stage
 - Program pool 25m x 10m – heated water disabled access (possible incorporation with leisure pool)
 - Leisure pool – approx 200m², beach entry and heated water
 - Change rooms – incorporating two unisex disabled/family change rooms
 - Grandstands
 - Filtration/Disinfection – to meet NSW Dept Health guidelines
 - Pool Shade/enclosure – provide options for either shading or enclosing program and leisure pools
 - Storage Area/s
 - Grassed Areas – sufficient grassed areas to cater for school carnivals and large attendance and landscaped area for relaxation
 - Cascade/Fountain to be retained
 - The additional/other inclusions are to be incorporated into a master plan for the site for provision at a later stage
 - Complimentary Facilities – health and fitness centre, crèche swimming/water polo club/function rooms, pamper area and additional water play elements
 - It will be stated in the tender documents that the total project budget is \$4 million.
 - The project is to be delivered via a “cost managed” approach in which the design works are to be completed in phases (separable portions).
 - That the minimum works are not to be undertaken in stages.
- November 2001 – Council pays RSL Club \$5,000 towards costs of holding general meeting relating to sale of bowling green.
 - December 2001 – Council resolution:
 - The contract for the redesign of the Memorial Baths be awarded to Bzowy Architecture
 - Council fast track the development application process using the existing project team, which will also consider cost reductions and design refinements and report to the February Council meeting
 - Staff to investigate funding options.
 - Council request expressions of interest for a joint venture on the site.
 - Council to approach schools in the area e.g. Trinity, to investigate their willingness to capitalise their lease payments up front and make a capital contribution to the project.
 - March 2002 – Council resolution:
 - Council approves the “in principle” master design for the redevelopment of the Memorial Baths swimming complex.
 - April 2002 – Council workshop and special Council meeting
 - Workshop presented to Council the final master plan design for the redevelopment of the Memorial Baths together with projected costings prepared by Quantity Surveyor.
 - Plan proposes a four stage approach with the following costs:
 - Stage One works - \$4,773,568
 - Demolition works
 - Refurbishment of existing pavilion
 - New change rooms, kiosk, food preparation and storage
 - Associated services area and small dry program room/crèche
 - Filtration/Disinfection plant
 - First aid/Store rooms
 - Leisure pool
 - 51 metre pool
 - Landscaping
-

Lismore Swimming Pool

- Stage Two works - \$727,940
 - Substructure for main roof
 - 25 metre program pool
 - Disabled ramp to 51 metre pool
 - Boom to 51 metre pool
 - Ramps to paved areas
 - Stage Three works - \$1,985,565
 - Main roof
 - Pool enclosure
 - Conservatory
 - Stage Four works - \$1,278,393
 - Multipurpose rooms
 - Lounge and circulation.
 - Storage
 - Lift
 - Stairs
 - It is noted that the total price excludes design fees, carparking works, road works, the purchase of RSL land and relocation of services estimated at \$965,000.

 - Council resolution
 - Bzowy Architecture undertake the design and documentation of all the proposed components excluding the first floor.
 - The tender documentation be developed in separable portions.
 - Council staff to continue to develop the proposed business plans for the various options of the new facility.
 - Staff to investigate all grant/funding options.
 - Tenders be called for the main components in the facility such as filtration, pumping, heating and air handling systems. The winning tenders would then become nominated sub-contractors to the main contractor for the pool construction.
 - Tenderers be called for the construction of the new facility based on the full design, excluding the first floor. The tender document be structured with separable portions and will not commit Council to construct the whole project.
 - Staff report back to Council in October 2002 and present all the options to Council. This will include actual tendered construction costs, business plans for the various options and details relating to grants/funding obtained.
 - Council to consider all information in October 2002 and set the budget for the project and select the components to be constructed.

 - July 2002 - Council meeting – Mayoral Minute:
 - The Mayor proposed
 - That due to the projected cost estimates and Council's commitment to the Lismore Levee, that Council should initiate discussions with the SCU of the possibility of a joint venture on an alternative site to the current Memorial Baths site.
 - Council instruct the architect to suspend works on the site design pending the outcome of discussions with the SCU.
 - Council resolved:
 - That Council advise the SCU that it is interested in pursuing a joint venture for a major swimming complex.
 - The Mayor and General Manager or Acting General Manager initially be part of the negotiating team with the view of reporting back to the September 2002 meeting with a recommendation or, if necessary, a special meeting to be called.

 - August 2002 – Contract with Bzowy Architecture suspended and a Deed of Variation signed by both parties.
-

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Lismore Swimming Pool

Swimming Centre Sites:

Since 1994 there have been various sites nominated as potential sites for the establishment of an aquatic centre for Lismore and these have included, the current site at the Memorial Baths (both including current site and the expanded site with the RSL Club bowling green), the corner Ballina Road & Diadem Street, SCU grounds adjacent to the Union building, Military Road & Crawford Road, Military Road (behind DPWS & Lismore High School), Rifle Range Road and the Goonellabah Shopping Centre (as part of the Goonellabah Leisure & Aquatic Centre). Site Details as follows:

▪ **Memorial Baths**

Negatives

- The current site (excluding Market Street and/or the RSL bowling green) has minimal space and does not allow for increased facilities to accommodate community expectation.
- When Market Street and the RSL bowling green are included, there is sufficient space to include all the facilities, however the site does not allow for future expansion.
- The site is located in the floodway.
- Ground conditions are extremely poor and therefore require substantial concrete piers.
- Requires purchase of RSL bowling green, construction of RSL carpark, additional road works, upgrade and relocation of power, relocation of water main and removal/relocation of trees.
- Traffic congestion around the site.
- Poor carparking capability.

Positives

- Central location
- Existing entry way, no need to construct additional building
- Historical significance
- No need to remediate the site

Approximate Cost Implications

- | | |
|--------------------------------------|-------------|
| ○ All stages - | \$8,765,000 |
| ○ Carparking, roads works power etc. | \$ 965,000 |
| | \$9,730,000 |

▪ **Ballina Road & Diadem Street**

Negatives

- The site is located in the floodplain
- Ground conditions are poor and therefore require substantial concrete piers
- Close to residential area, noise impacts
- No existing entry way, additional building costs
- No formed car parking

Positives

- Greenfield site
- Large open area, will accommodate all requirements and allow for expansion
- Central location
- Cost to upgrade power approximately 50% of existing site
- No land purchase
- Good supporting road network

Cost Implications

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Lismore Swimming Pool

- All stages - \$8,765,000
- New entry way, carparking, power etc. un-costed

- **SCU grounds adjacent to the Union building**

Not considered suitable by Council

- **Military Road & Crawford Road**

Rejected by Council as not central

- **Military Road (behind DPWS & Lismore High School)**

Negatives

- No existing entry way, additional building costs
- Possible traffic congestion due to proximity to University entrance
- Minimal open space and room for expansion
- Site configuration not ideal to location of pools

Positives

- Greenfield site
- Not flood prone land
- Improved ground conditions which eliminates concrete piers
- Minimal parking requirements (able to use University carpark)
- Reasonably centrally located
- Potential for increased patronage – proximity to University & Lismore High School
- Cost to upgrade power approximately 50% of existing site
- No land purchase

Cost Implications

- All stages \$8,325,000
- New entry way, carparking, power etc. un-costed

- **Rifle Range Road**

Negatives

- No existing entry way, additional building costs
- Not a level site
- Minimal formed carparking
- Additional road works to Cynthia Wilson Drive or Kellas Street to SCU link

Positives

- Greenfield site
- Not in flood prone land
- Large open area, will accommodate all requirements and allow for expansion
- Improved ground conditions and therefore eliminates concrete piers
- Reasonably centrally located with good access from Goonellabah
- Potential for increased patronage – proximity to University & Lismore High School
- Cost to upgrade power approximately 50% of existing site
- No land purchase

Cost Implications

- All stages \$8,325,000
- New entry way, carparking, power etc. un-costed

- **Goonellabah Shopping Centre**

Negatives

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Lismore Swimming Pool

- No existing entry way, additional building costs
- Not a level site
- No formed carparking
- Insufficient land on current site - contingent on additional land being available from adjoining shopping centre site – questionable later expansion
- Not centrally located – least preferred in customer surveys

Positives

- Greenfield site
- Not on flood prone land
- Improved ground conditions and therefore eliminates concrete piers
- Cost to upgrade power approximately 50% of existing site
- No land purchase

Cost Implications

- All stages - \$8,325,000
- New entry way, carparking, power etc. un-costed

Essential Criteria Considerations

Scale: Poor: X “ Good:✓ Better: ✓✓ Best: ✓✓✓

Element	Site 1 Memorial Baths	Site 2 Ballina Rd & Diadem St	Site 3 Military Rd (behind DPWS & Lismore High)	Site 4 Rifle Range Road	Site 5 Goonellabah Shopping Ctr
Ability to satisfy user group requirements	✓✓	✓✓✓	✓✓	✓✓✓	✓
Transport	✓✓✓	✓✓✓	✓✓	✓✓	✓✓
Access (Lismore & region)	✓✓✓	✓✓✓	✓✓	✓✓	✓
Car parking	X	✓✓✓	✓✓	✓✓	✓✓
Tenure	✓✓	✓✓✓	✓✓✓	✓✓	✓✓
Affordability	X	X	✓	✓	X
Noise Conflicts	✓✓✓	X	✓✓	✓✓	✓
Ability to accommodate future needs	X	✓✓✓	✓	✓✓✓	✓
Support of CBD	✓✓✓	✓✓✓	X	X	X
Flood prone	X	X	✓	✓	✓

Financial Implications:

The capital needed to build the preferred Aquatic Centre is estimated at approximately \$10 million. If Council decided to proceed, the cost to the annual budget for every \$1,000,000 spent will be approximately \$100,000, depending on the funding package plus a net operational annual cost of \$150,000. Council's current annual outlays for swimming pool operation is \$85,000 for the Memorial Baths.

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Lismore Swimming Pool

Accordingly, in very broad terms Council should consider the budget implications of its stated objective to provide modern swimming baths facilities for the local community.

SPEND	LOAN REPAYMENT	NET OPERATIONAL COSTS	INCREASED COST TO BUDGET	% OF GENERAL RATES REVENUE
\$	\$	\$	\$	
2,000,000	200,000	150,000	265,000	1.6
4,000,000	400,000	150,000	465,000	2.8
6,000,000	600,000	150,000	665,000	4
10,000,000	1,000,000	150,000	1,065,000	6.4

This table reveals in simple terms that this one project has the potential to absorb a huge share of any increase in general rates – the increase that is calculated primarily to account for the increase in cost of existing services.

Even though this assessment of the financial impact is not refined, and bearing in mind Council may not borrow all of the funds, the cost of money is notionally the same – if you borrow you pay out externally, if you finance with accumulated cash you forego investment revenue. The outcomes are similar.

I have made an important assumption. For any proposal not located in Goonellabah, the accumulated Section 94 (Community Facilities – Urban East) will not be applied.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required at this stage.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable.

Conclusion

On the information available to me, I have to question whether there is any real prospect for the Council to invest anything like the sums which are required to achieve the standard of facilities proposed in the most recent designs. Staging does not represent any real savings, it is merely a deferral which does not become any more affordable in 2, 4 or 6 years. In the Council's case I suggest staging means it will not occur.

Lismore Swimming Pool

The conclusion I am bound to report is that if this Council has aspirations to progress major capital projects such as:-

Art-in-Heart
CBD upgrade
Riverbank development
Goonellabah Leisure Centre

As well as completing the flood levee and improving the Lismore roads system then an expenditure of \$2 to \$3 million on a swimming pool facility is realistic whilst \$5 to \$10 million is not.

The reports I have read indicate that a swimming pool, which meets contemporary standards, can be achieved within these lower cost margins. Councillors will understand that this suggests revisiting the Memorial Baths site.

I must flag this now because it would be unfair to maintain a position that all options are viable – in my view they are not.

Whilst I have had discussions with Southern Cross University, they have been preliminary and nothing approaching agreement was discussed. It was more about understanding the level of interest in the approach being taken by the Council. No commitments were sought or given.

I submit it will be in the Council's best interest as the primary local provider of community facilities, to rule out the likelihood of building an aquatic centre to the specifications of the 4 stage Bzowy design and concentrate its resources on a more modest proposal, I have found no evidence at all which demonstrates that by expending additional capital on "dry areas" generates excess revenue to reduce the overall net deficit.

By focussing on the essential components, Council will have a high level of certainty about providing a modern facility for the benefit of that sector of the community which has lobbied for swimming pool improvements, and the Council itself will be in a position to move on to other projects.

I am not defining the site of these improved swimming facilities, because those options remain open.

Recommendation (GM72)

- 1 That to facilitate an achievable solution to providing improved swimming pool facilities for the local community, Council acknowledges that the General Manager will focus on developing a proposal which meets the essential criteria for a public swimming pool and one which is affordable in the context of Council's forward capital works program.
- 2 That the General Manager report to the Council on this matter not later than March 2003.

Subject/File No: GOONELLABAH RECREATION CENTRE
(P22522)

Prepared By: Alex Wilford, Recreation Planner

Reason: To inform Council of the results of community consultation regarding the proposed Goonellabah Recreation Centre

Objective: To obtain Council's resolution to advance the Goonellabah Recreation Centre proposal

Management Plan Activity: Community Services

Background:

At its July 9, 2002 meeting, Council considered a report by the Manager Client Services in relation to the proposed Goonellabah Recreation Centre. The following was resolved:

1. *That Vantage Project Management be advised of Council's continued commitment to the Goonellabah Recreation Centre, together with its inability to provide a firm date for the commencement of work pending current Aquatic Centre considerations.*
2. *That Vantage Project Management be requested to continue to make their previous land swap proposal available to Council for a further 18 months.*
3. *That Council conduct a workshop to explore further opportunities available to advance this project.*
4. *That Council staff conduct a small-scale public consultation to ascertain the appropriateness of the current design.*

Vantage Project Management were subsequently advised of Council's continued commitment to the project and requested to make their previous land swap offer open for up to 18 months. No formal response has been received from Vantage Project Management at this stage, although it is believed that they are eager to finalise arrangements as soon as possible.

The proposed workshop is yet to be conducted because it is considered premature until there is more certainty surrounding the development of a regional Aquatic Centre, which may have implications for this project.

The Community Services Section has completed a small-scale community consultation involving a community/school survey and interviews with potential user groups and representatives from the community services sector.

The purpose of this report is to inform Council of the results of the community consultation programme and to detail the preferred inclusions for the proposed recreation centre. Other issues associated with the land swap proposal and project funding are also discussed.

Community Consultation

The need for an indoor sport and recreation centre in Goonellabah was identified in the Lismore Recreation Needs Study conducted by Michael King and Associates in 1998 and the subsequent Feasibility Study prepared by Venue Group Consultants in 1999. These studies relied on broad based community consultation of the Lismore LGA without any particular focus on Goonellabah residents. This recommended a two-staged development as follows:

- Stage 1 (two courts, amenities, café, crèche) \$2,512,550
- Stage 2 (indoor heated 25m lap/leisure pool) \$1,789,200

Goonellabah Recreation Centre

Since the time of the studies mentioned above, there have been some changes in the local environment that may affect this project (proposed development of a regional Aquatic Centre, population growth in Goonellabah has not met previous expectations, the development of Kadina Park has commenced and the Goonellabah Village Shopping Centre has opened) and more recent discussions with local community groups and residents have indicated that the proposed design and scope may not be the most appropriate for the current and future needs of Goonellabah. Furthermore, the proposed development of a regional Aquatic Centre makes the possibility of an additional pool in Goonellabah financially non-viable.

In response to the above, it was agreed that small-scale community consultation be undertaken to more accurately identify the needs of the local community and help determine the preferred inclusions for a recreation centre in Goonellabah.

Community Survey

A questionnaire was developed to provide information to establish the community's support, needs, preferences, priorities, issues and concerns associated with the proposed facility. The survey was conducted at the Goonellabah Village Shopping Centre (during working hours over a two week period) and at Kadina High School (one class from each of grades 7-11 completed the survey). A total of 250 questionnaires were completed (approx 75% at the shopping centre, and 25% at Kadina High School). Full details of the survey results are separately attached and the key findings are discussed below:

- There is overwhelming support for the development of a recreation centre in Goonellabah. 97% of respondents indicated that they support the development of a recreation centre on land opposite Council's Administration Centre and 92% indicated that they would use the facility.
- 40% indicated that they would use the facility a few times per week and a further 35% indicated that they would use the facility once per week.
- 48% of respondents would drive to the centre and 37% suggested that they would walk.
- While the centre should cater for all age groups, respondents indicated that the centre should cater most for the needs of youth (12-20 years), followed by young children (up to 12 years) and young adults (21-30 years).
- In order of priority, respondents would like the centre to include the following facilities:
 1. Indoor sports courts (eg. basketball, netball, indoor soccer, etc)
 2. Gym
 3. Swimming Pool
 4. Multi-use exercise area (eg. aerobics, yoga, etc)
 5. Café/kiosk
 6. Undercover outdoor area/s
 7. Outdoor BBQ area
 8. Community meeting/training room/s
 9. Crèche/child minding
 10. Internet lounge
- While the respondents indicated a high level of interest in participating in a broad range of activities at the centre, there was clearly most interest in swimming with 54% of respondents indicating that they would definitely participate in swimming if it were available at the centre.

Goonellabah Recreation Centre

Other activities/programs that recorded a high level of interest were: health and fitness programs, performing arts (eg. local theatre, community performances), youth activities, indoor soccer, basketball, volleyball, netball, dance classes and school holiday programs.

- The results highlight the need for the centre to be multi-purpose and flexible in design to allow for a broad range of activities to meet the diverse leisure needs of the community.

Discussions with Potential User Groups

To supplement the survey process, discussions with the Lismore Netball Association, the Lismore Amateur Basketball Association and the Queensland Futsal Association were held to determine their level of support and demand for the proposed recreation centre.

The development of a two court facility in Goonellabah is strongly supported by the Lismore Netball Association. They suggested strong prospects to hire the facility at least one night per week for competition and/or social netball. They also indicated that the centre may also be used as a training venue and for clinics run by the NSW Netball Association. There is also potential to hold mixed social competitions and women's weekday social competitions, particularly if child minding facilities are available. They suggest that fees would need to be kept to about \$5.00 per player.

The Queensland Futsal Association are currently investigating suitable venues and opportunities to establish indoor soccer in the area. Given the popularity of soccer in the region, they believe there is a large untapped demand for the sport in the area and envisage that at least one night per week use of a two court facility could be assured.

The Lismore Amateur Basketball Association has recently appointed a new management committee and are in the process of formulating their future plans. Participation in basketball has continued to drop over the last 5-6 years and they are keen to consider options to address this, including the potential to run social competitions in Goonellabah if indoor courts were available. The Recreation Planner will be meeting with them to discuss their future plans in a few weeks time.

Kadina High School has an existing indoor facility that is used for a variety of subjects and activities and is normally not available for sports use. They would welcome the development of a new indoor recreation centre and expect that they would generate regular weekly usage for school sports competition and elective subjects in sport and fitness.

Discussions with government departments and non-government agencies indicate extremely strong support and enthusiasm for the development of a recreation centre that caters for the needs of local residents, particularly youth. There may also be potential for the development of capital and management partnerships for the centre.

The need to cater mostly for the needs of youth was a common theme resulting from all consultation, with many requests/suggestions for the development of a skatepark in Goonellabah.

Preferred Inclusions

The preferred inclusions for the Goonellabah Recreation Centre are based on the results of consultation discussed above together with information from the previous studies. Council's financial situation and the current and future local environment have also been considered. A maximum capital budget of \$2 million has been assumed for this project.

Goonellabah Recreation Centre

While the results of consultation confirm an obvious demand for swimming facilities, it is suggested that this demand will be met through the development of a regional Aquatic Centre and that a second facility as part of the proposed recreation centre in Goonellabah is not viable.

Although the consultation results also support the inclusion of a gymnasium, this has not been considered because at the time of consultation the former Masterstroke Sports Centre was not operating. It has now reopened as the Summit Sports & Fitness Centre and it is expected that this facility will meet the existing local demand. The development of a health and fitness centre could be considered as a future stage of the Goonellabah Recreation Centre if sufficient demand eventuates.

As the results of consultation indicate, the most important aspect of the recreation centre will be its ability to cater for a wide range of activities to meet the diverse needs of the community and to ensure that the facility remains well used and operationally viable. The preferred inclusions for the Goonellabah Recreation Centre are presented and discussed below.

- ***Indoor sports hall with two multi-purpose courts***

The courts would cater for a wide variety of indoor sports such as basketball, netball, futsal (indoor soccer), volleyball and badminton. This area would also be suitable for large community gatherings and functions, dance classes, school holiday programs and as a performance space for concerts, theatre, etc.

While sprung timber flooring is preferred, other more cost effective sports flooring options could be considered to reduce costs. Spectator seating should also be provided within the sports hall.

The centre should be designed so that additional courts could be developed in the future if sufficient demand eventuates. The proposed land swap site provides sufficient land for this to occur.

- ***Multi-purpose room***

There is a need for another smaller flexible multi-purpose space that can cater for a wide range of activities such as aerobics, yoga, martial arts, self defence classes, public meetings, youth activities, smaller functions, school holiday programs, art classes, adult education, music classes, seminars, etc. A kitchenette and dedicated storage space should be incorporated and this room would ideally be linked to a covered outdoor area (with BBQ).

- ***Café/Reception***

The reception counter and café should be integrated so that they can be operated by only one person during off peak times. Given the lack of café/food outlets in the vicinity, the café has the potential to be a profit centre. It should be designed to cater for the general public, not just patrons of the centre. Indoor and undercover outdoor seating should be provided.

- ***Crèche/child minding***

The provision of an area suitable for child minding should also be considered. This service is considered particularly important to attract participants for daytime activities/programs.

Goonellabah Recreation Centre

• ***Other Mandatory Inclusions***

Other mandatory inclusions for the centre are toilets/changerooms, sufficient storage space, first aid room, referees room and manager/staff/administration office space. Disabled access throughout the centre is also a mandatory requirement. Sufficient parking is also essential, as many people will access the centre by car.

• ***Linked Skatepark***

There is an undeniable need and demand for a skatepark in Goonellabah. The proposed development of the recreation centre provides the perfect opportunity to develop a skatepark that is linked to the centre. The site is ideal, because it is centrally located, yet not too close to residential properties and supervision and/or surveillance could be provided from the recreation centre.

Brisbane City Council's, Hibiscus Sports Centre provides a good example of a similar facility. This centre comprises a four court sports hall, a health and fitness centre and an adjoining outdoor skatepark. The skatepark is fenced and a \$2 entrance fee is charged to offset supervision costs. This facility provides a safe and controlled place for skateboarding, in-line skating and BMX biking. The skate park is open whenever the complex is open.

The development of a skatepark linked to the recreation centre would negate the need for the skatepark originally proposed as part of the Kadina Park development, which was opposed by some neighbouring residents.

Concept Designs, Costings and Business Plan

The next stage in the process to advance the project is the preparation of concept designs, costings and a business plan which outlines management options together with an analysis of ongoing financial viability. The possibility of developing capital and/or management partnerships would be explored as part of this process. It is proposed that the business plan be prepared by staff and then validated through external peer review.

Land Swap Proposal

The site initially proposed for the development of the Goonellabah Recreation Centre is seriously constrained due to environmental issues associated with a creek that runs through the site and the location of underground sewer pipes and power lines. This prompted discussions with adjoining commercial land owners, Vantage Project Management which led to a land swap proposal, which will provide a greatly enhanced site on which to establish a recreation centre, and will provide for rational expansion of the centre in the future.

If Council wishes to proceed with the development of a recreation centre in Goonellabah, it is imperative that the land swap proposal be formalised as a matter of priority so that this opportunity is not lost.

Project Costing

A previous Council report prepared by the Manager Client Services in May 2002, provided indicative costs for the development of a facility similar to that proposed within this report (with the exception of the linked skatepark) as set out below:

• Building and fitout	\$1,400,000
• Carparking and earthworks	\$ 100,000
• Roadworks	\$ 225,000
Total	\$1,725,000

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Goonellabah Recreation Centre

To allow for the inclusion of a skatepark (approx \$75,000) and project contingency (10% or \$180,000) a maximum project budget of \$2 million is considered realistic.

In regards to funding the project, as previously agreed at a Management Plan Workshop, the Community Facilities Section 94 Plan is to be amended to reflect a more affordable facility with an appropriate proportion from developer contributions.

There is also potential to attract grant funding (particularly sport and recreation and youth funding) and to develop capital and/or management partnerships for this project. These opportunities would be explored further and reported as part of the Business Plan.

Manager - Finance & Administration Comments

The ongoing development of a complete proposal on the Goonellabah Recreation Centre for Council to consider is supported.

The process followed to date, i.e. community consultation, land swap issues and Section 94 Plan review, is in accordance with Council's resolutions and discussions at the budget and financial plan workshops held earlier this year. I'm sure this aspect is satisfying for all concern.

To ensure that the process runs its full course, concept plans, costings and a business plan must be prepared. This will include funding options and the impact on Council's overall financial position. For your information, we have about \$1.4 million available in funding, depending on what Council determines in regards to the regional Aquatic Centre.

Public Consultations

The results of recent public consultation are summarised earlier within the report and full details are separately attached.

Other Group Comments

Manager – Client Services

It is important that council continues to advance the Goonellabah Recreation Centre. The need to provide facilities in Goonellabah has never been questioned and this report clarifies the nature of the elements which the community seeks to have included.

In reply to Council's recent enquiries, Vantage Management advised Council (25/11/02) that it continued to support the proposed land swap proposal.

Author's Response to Comments from Other Staff

N/A

Conclusion

The results of consultation with the community, potential user groups and representatives of the youth and community services sector confirm the need for a multi-purpose recreation centre to cater for the diverse leisure needs of the Goonellabah community. The need to provide programs/activities for youth is particularly important.

Goonellabah Recreation Centre

The preferred inclusions for the centre (two court sports hall, multi-purpose room, café/reception, shared office space, crèche and linked skatepark) are based on the results of consultation, consideration of Council's financial situation, a realistic project budget of \$2 million and the current and future local environment.

Concept designs, costings and a business plan for the centre are now required to further advance the project.

The land swap proposal offers Council an ideal site (with the potential for future expansion) for the development of this long awaited and essential facility.

Recommendation (COR39)

1. That Council approve in-principle the preferred inclusions presented in this report for the proposed Goonellabah Recreation Centre.
2. That Council notify Vantage Project management of its continued commitment to the project and seek to formalise the land swap proposal.
3. When the Section 94 Community Facilities Plan is reviewed it is to reflect the proposed facility and an appropriate proportion from developer contributions.
4. Develop concept designs, costings and a business plan for the proposed facility.
5. Conduct a Council workshop to present and discuss the above information once it is completed and to further explore the opportunities available to advance this project

Subject/File No: DRAFT LISMORE URBAN STRATEGY
(BB: S650)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Close of the exhibition for the draft Lismore Urban Strategy.

Objective: Council's adoption of the Lismore Urban Strategy.

Management Plan Activity: Strategic Planning

Background:

At its meeting of May 14, 2002 Council resolved to exhibit the draft Lismore Urban Strategy for a period of two (2) months. The Strategy was prepared to satisfy clause 38 of the North Coast Regional Environmental Plan 1988 which requires that Councils prepare urban land release strategies prior to the rezoning of land for significant urban growth. Once the Strategy has been agreed to by Planning NSW, it will replace Council's current Urban Development Strategy which was adopted in 1996. The purpose of the draft strategy is to ensure that sufficient land is identified for residential, commercial and industrial development in Lismore to satisfy demand for the next ten years or so.

The draft Strategy identifies a number of potential urban residential release areas called 'greenfield' sites. These sites were identified through a sieve mapping process involving the overlaying of a series of maps showing major constraints to residential development. The sites were also assessed in terms of their potential market acceptance and the feasibility of providing urban services to the area. The sites were allocated a priority in terms of sequencing as follows:

- Trinity Drive (short term)
- North Lismore plateau (short term, but deferred subject to proviso regarding operation of the Lismore Speedway)
- Tucki Creek (medium term)
- Pineapple Road (medium term)
- Invercauld Road (long term)
- Monaltrie (long term)

The principal recommendations in relation to commercial development were:

1. Identification of an area potentially suitable for non-retail commercial development (including retail warehousing and bulky goods showrooms) in a section of Union St south of Elliot Road.
2. Identification of an area potentially suitable for non-retail commercial development in Ballina St between Wyrallah Rd and the Ballina St bridge.
3. Identification of an area potentially suitable for non-retail commercial development on the northern side of Uralba St between Brewster and Diadem Streets.
4. Identification of an area of SRA land at South Lismore potentially suitable for retail and commercial development.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Prior to the formal exhibition process the following pre-consultations were undertaken:

- Relevant government departments, other agencies and service providers were invited to provide input.
- Interviews were conducted with selected local real estate agents.
- Interviews were conducted with recent purchasers of vacant land in Lismore.
- Expressions of interest were invited from interested landowners wishing to have their land included for consideration in the strategy.
- A workshop with Councillors was held.
- PowerPoint presentation to the board of Lismore Unlimited.
- PowerPoint presentation to the Lismore Economic Development Advisory Board.

Following Council's resolution to exhibit the draft Strategy, further consultations were undertaken as part of the formal exhibition process as follows:

- Exhibition of the draft Strategy in Council's foyer and at the City library.
- Placement of the draft strategy on Council's website with provision for people to lodge submissions by email.
- Exhibition of the draft strategy and supporting material at Lismore Central and Lismore Square shopping centres during Local Government week.
- Information on the draft Strategy provided to the general public by press release and radio interviews.
- Short presentation to members of Lismore Unlimited.
- Copies of the draft strategy provided to relevant government departments and agencies, service providers and other interested groups including LEDAP and Lismore Unlimited for comment.
- Copies of the draft strategy provided to real estate agents who participated in the initial interviews.
- Copies of the draft strategy provided to consultants acting on behalf of interested landowners.

In response to the public exhibition, a total of twenty two (22) submissions were received. Copies of the submissions are included in the attachments. Where a submission relates to a particular parcel of land, the land is indicated by the submission number on a map included in the attachments. A summary of the main issues raised in the submissions, together with responses to those issues, is provided as follows:

Submission No.1 - NSW Agriculture

NSW Agriculture recognises that the draft Lismore Urban strategy is an important element in providing growth opportunities in Lismore in a planned and strategic manner. Specific issues relate to:

- a) Future rezoning – detailed assessment at the rezoning stage should take into account Planning NSW's '*Sustainable Urban Settlement Guidelines*'.

Comment: Preparation of the draft Lismore Urban Strategy has been guided by the Sustainable Urban Settlement Guidelines. The Guidelines cover four stages of planning and development – strategic planning, local environmental planning, site planning and building. It is agreed that detailed assessment at the rezoning stage should also have regard for the Guidelines and that this should be listed as a requirement in the implementation section of the Strategy.

Draft Lismore Urban Strategy

- b) Greenfield sites – North Lismore plateau, Tucki Creek and Pineapple Road areas in particular require closer examination where they adjoin higher quality agricultural land.

Comment: An inspection of these sites was carried out with Mr Rik Whitehead of NSW Agriculture. The outcome of those inspections is contained in a second submission from NSW Agriculture which is addressed separately.

- c) Infill sites – it is recommended that the focus for future growth be the existing undeveloped 2(a) zoned lands.

Comment: Proposed land releases identified in the Strategy are predicated upon an assumption that the bulk of the existing residentially zoned land will be developed before major land releases occur. This is factored into the Housing Balance Sheet shown in Section 7 (Supply and Demand) of the Strategy. Exceptions are areas such as Trinity Drive that have the potential to satisfy a sector of the market that the current stock of zoned land is unable to meet.

- d) Mapping process – the constraint maps for Trinity Drive should be checked as they show significant areas of constraints. Mapping of agricultural lands should also include Class 6 (specialist class) as well as buffers to horticulture, intensive animal industries and prime agricultural lands.

Comment: The composite constraints map has been reviewed and modified where necessary. It is recommended that the map showing prime agricultural land also be modified to include Class 6 lands as a constraint to development.

- e) Clause 43 Investigation Area – the removal of this area from the LEP mapping is supported as urban development in this area would appear inappropriate and unnecessary.

Comment: Noted.

- f) Final Strategy – the final strategy should contain the requirements and process that will apply to rezoning applications and should make it clear to landowners that inclusion in the strategy does not guarantee an automatic right to development.

Comment: It is agreed that such information should be included in the Strategy to assist landowners who wish to proceed to the rezoning stage, and to make it clear that inclusion in the Strategy does not guarantee approval of a future rezoning or development application.

Submission No.2 – NSW Agriculture (second submission)

This submission relates to specific sites following a joint inspection with Council's strategic planner of the main areas identified in the draft Strategy:

- a) North Lismore plateau – future rezoning should be accompanied by an independent assessment of potential land use conflicts to ensure that opportunities for agriculture are not overlooked and to ensure that existing agricultural activities do not become a future source of complaint from residents.

Comment: It is recommended that a paragraph reflecting NSW Agriculture's concerns be added to the Strategy in the section relating to the North Lismore plateau.

- b) Lucia Cres, North Lismore – no major issues for agriculture

Comment: Noted

- c) Trinity Drive area – future rezoning does not raise any issues for agriculture.

Comment: Noted

- d) Pineapple Road area – extension of the Daniel Drive area does not raise any issues for agriculture.

Comment: Noted

- e) Holland Street sites – provide limited opportunities for commercial agriculture.

Comment: Noted

- f) Land to the south of Toongara (Lot 2 DP 620590) – located between light industrial uses to the west and agricultural uses to the east, the best use would seem to be either industrial or horticultural.

Comment: The Holland Street area comprises a mix of zonings including industrial, urban residential, rural residential, open space and rural. To some extent these zonings have occurred over time in an ad-hoc manner resulting in potentially incompatible land uses often being located in proximity to one another. Future rezonings in the area will not necessarily resolve these issues. However NSW Agriculture's recommendations with respect to site have merit and industrial development on this site is less likely to conflict with agricultural uses to the east and existing industrial uses to the west. The site provides the best opportunity for industrial expansion in Goonellabah and although demand for industrial land in this area has recently been fairly slow, the site provides an opportunity for different forms of development such as an office or technology park or industrial/retail type development. It is therefore recommended that the preferred use for this site be stated as light industrial in Strategy.

- g) Blue Hills Ave area – the eastern part of Lot 7 DP 255203 is unsuitable for urban development given its proximity to macadamia plantations to the east.

Comment: This is consistent with the recommendations of the draft Strategy.

- h) Tucki Creek area – no objection to future rezoning providing buffers are provided to adjoining agriculture.

Comment: It is recommended that a paragraph referring to buffer requirements be added to the section referring to Tucki Creek.

- i) Invercauld Road area – generally considered less suited to urban development.

Comment: These sentiments are reflected in the draft Strategy through its allocation of a low priority in terms of sequencing.

- j) Monaltrie, lower Skyline Rd and Wyrallah Rd areas – areas are isolated from the existing urban area, priority should be given to accommodating growth with the existing urban precincts.

Comment: This is consistent with the recommendations of the Strategy.

Submission No.3 - NSW National Parks and Wildlife Service

NPWS supports Council in its strategic approach to the identification of appropriate urban release areas but raises the following concerns:

- a) Primary koala habitat as defined in the draft Koala Plan of Management should be considered an absolute constraint in the mapping process e.g. there are some major constraints in some of the identified urban release areas such as Monaltrie and the Invercauld Road areas.

Comment: Primary and secondary koala habitat (as mapped by Ecograph, 2000) has generally been treated as an absolute constraint to new urban development in the draft strategy. The primary and secondary koala habitat map was used in the sieve mapping process for identifying unconstrained lands. However koala habitat is often dispersed and fragmented in nature. Thus small areas of habitat may occur adjacent to or within areas that are otherwise unconstrained and that have been identified in the draft strategy as greenfield sites. A mapping error shows primary habitat within the Invercauld Road site, whereas the majority of the habitat is located outside but adjacent to the site. A significant area of primary habitat is located within the Monaltrie investigation site.

This site has not been identified as having urban potential within the timeframe of the strategy and the occurrence of this and other constraints may preclude this area for consideration for urban development in the future. For these reasons it is recommended that the site not be included in the proposed sequencing for release areas in section 9.7.

- b) Apart from primary habitat areas there is a requirement to deal with scattered habitat trees that are not mapped as well as manage the landscape between habitat remnants.

Comment: It is agreed that scattered habitat trees can represent a significant constraint to urban development because of their importance to local koala populations. However land release strategies are necessarily 'broad-brush' in scope with greater detail being required at the rezoning and development application stages. Such detail would include detailed flora and fauna assessments and it is recommended that a statement be included in the Strategy to make this clear. Inclusion of land within a strategy is no guarantee of subsequent approval of either a rezoning or development application.

- c) There is no specific mention of threatened flora and fauna habitat when determining land use constraints.

Comment: In addition to primary and secondary koala habitat, the draft strategy identifies other significant native vegetation remnants as a constraint to urban development and this has been included in the sieve mapping process for identifying unconstrained lands. Significant native vegetation includes rainforest and riparian communities (including rainforest regrowth) as mapped by Ecograph in 2000. Records of threatened species have been mapped using the NPWS database. The NPWS records are not definitive but provide a useful indication of which threatened species may be expected to occur in an area. The occurrence of a threatened species record on a property has not been treated as an absolute constraint in the Strategy, as threatened fauna in particular may be highly mobile in nature. The draft strategy states that where a record exists on a property, it will be the responsibility of the applicant to undertake detailed flora and fauna investigations at the rezoning and development application stages.

Submission No.4 - Department of Land and Water Conservation

- a) Mass movement – there is no indication of the criteria used in determining land as 'potentially affected by mass movement'. Although not mentioned, there is evidence of previous mass movement in the Monaltrie area generally and on Lot 11 DP 602908 Skyline Road. Also shallow slumps are sometimes associated with floodplains.

Comment: Mapping of lands potentially affected by slump/mass movement was derived from the multi-attribute mapping supplied by the Department of Land and Water Conservation (1999). Much of the land affected by mass movement is also mapped as having slopes of 20% or more. The mass movement and slope maps have been combined as one map in the Strategy, and as a consequence the full extent of lands affected by mass movement is not always apparent. Lot 11 DP 602908 Skyline Rd was a potential infill site that was investigated but not recommended for inclusion in the Strategy. Where small localised areas with evidence of slumping occur in potential release areas, these would need to be identified at the rezoning stage.

- b) Not all Flood Fringe areas identified on Map No.4 are flood fringe. The Monaltrie site and Infill Sites 1,12 & 13 have been identified as flood prone. The impact of flooding on these sites, including evacuation strategies and impacts of development on flood behaviour, should be considered prior to development taking place.

Comment: Flood Fringe Area is defined in the Lismore Floodplain Management Plan as all areas affected by the probable maximum flood (PMF) that are not mapped as Floodway or High Flood Risk Area. Flood Fringe Areas have been treated as an absolute constraint in the sieve mapping process. Thus all lands potentially affected by the PMF have been excluded from consideration for new urban subdivision. The Monaltrie site is partially affected by flooding and such areas as are flood prone would be unsuitable for residential development.

Infill investigation sites 1, 12 & 13 have been rejected as being suitable for residential development in the assessment process described in the Strategy.

Submission No. 5 - Rous Water

The investigation area at Trinity Drive extends across land that has been purchased by Rous Water for the proposed Lismore Source Treatment Plant. A noise buffer zone to ensure no residential development occurs within 200 metres of land owned by Rous Water should be provided.

Comment: The land owned by Rous Water is located on Bangalow road partly within the 1(d) Investigation zone extending from the end of Trinity Drive. The treatment plant site is at the end of a narrow spur extending in a north-west direction from the plateau area that has been identified as having development potential. The spur is considered too narrow to be suitable for urban development and the potential development area is greater than 200 metres from the boundary of Rous Water land. It is recommended that the Strategy maps be amended to clearly identify those areas considered to have development potential and that the need for a buffer to the treatment plant be noted in the Strategy.

Submission No.6 - Friends of the Koala

- a) Concern expressed that the Strategy only takes into account primary and secondary koala habitat as identified in the Ecograph survey. Further assessment is needed to determine if areas are core habitat under SEPP 44.

Comment: 'Core koala habitat' is defined in SEPP 44 as land supporting a resident koala population. To determine whether 'primary koala habitat' as mapped by Ecograph meets the criteria for core koala habitat under the SEPP, surveys to determine evidence of koala usage would need to be undertaken. Because of a lack of resources such surveys have not been undertaken by Council, however this will be a requirement of landowners at the rezoning stage particularly if primary koala habitat has been identified on their property.

- b) Koala movement corridors need to be managed appropriately to ensure that there is minimal disturbance to koala movements. Some of the sites identified in the Strategy have been identified as supporting major koala corridors e.g. 53 Barham St, Carramar Dr, James Rd, 642 & 632 Skyline Rd and Monaltrie.

Comment: Insufficient work has been carried out in terms of tracking koala movements in Lismore to accurately establish the location of koala corridors. The draft Koala Plan of Management for south-eastern Lismore identifies potential habitat links where buffers to primary koala habitat overlap. However while it can be assumed that koalas will travel between areas of primary koala habitat, it is also likely that they will disperse over wider areas in search of other koalas. In terms of the sites identified in the submission, 53 Barham St is the only site that has been identified as having potential for urban residential subdivision within the timeframe of the strategy. This site is located between two substantial areas of primary koala habitat, however because of slope constraints applying to the site, the density of development will necessarily be low and there will be opportunities for revegetating parts of the site which remain undeveloped. Carramar Dr, James Rd and 642 & 632 Skyline Rd are not recommended for inclusion in the Strategy as future release areas and Monaltrie is not recommended for inclusion within the timeframe of this Strategy.

- c) Urban development can coexist with koala conservation providing it is well planned. The statement in the Strategy that koala habitat is a major constraint to new residential subdivision is therefore misleading.

Comment: There are a number of examples outside of Lismore where developments have been designed to minimise impact on koala populations and koala movements. Such developments typically incorporate prohibitions on the keeping of dogs, road design to reduce vehicle speeds and large lots and building envelopes to maximise tree retention.

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The market for such developments is untested in Lismore as is their success in maintaining viable koala populations over the long term. Given the amount of suitable land still available in Lismore for urban growth, it is considered that there is no need for new development to be located within primary habitat areas.

Submission Nos. 7, 8, 9, 10 & 11 (residents of Trinity Drive)

Five separate submissions were received from residents of Trinity Drive opposing the inclusion of the Trinity Drive greenfield site in the Urban Strategy for the following reasons:

- a) An additional 400 plus traffic movements will have a detrimental effect on the road, the amenity of existing residents and safety of children who use the road. The current width of Trinity Dr is insufficient for the additional traffic. Alternative access to Ballina St via Woodlawn Ave is unsuitable. Many residents of this area use Mountain View Dr, Barr Scott Dr, High St, Renwick St and Leycester St as alternative route to the CBD. These roads are not wide enough for the extra traffic that will be generated. The proposed connection of Trinity Dr to Bangalow Rd is also unsuitable as it will create a shortcut between Ballina and Bangalow Roads and result in an increase in traffic. Current access to Trinity Dr via eastern end of Bruxner Cres is dangerous for motorists during peak periods.

Comment: The existing accesses to Ballina Rd, via Mountain View Dr and Bruxner Cres, is incapable of carrying the increased traffic generated by future development as proposed in the Strategy. The draft Strategy recognises the need for an alternative access to Ballina Rd and proposes that this be achieved via Woodlawn Ave through an approved subdivision to the east of Trinity Drive. It is considered that an acceptable access to Ballina Rd can be achieved in this manner. However it is acknowledged that the development of 280 or more lots in this area will result in a significant increase in the number of traffic movements in Trinity Dr and that this will impact upon the existing character and amenity of the area. It is essential that this be addressed through future subdivision and road design which should seek to disperse local traffic and discourage through traffic from other areas. As far as is practicable, alternative routes should be provided in the subdivision design so that local traffic is not concentrated along a single route. As one means of achieving this, it is proposed that access to the new release area be provided via both Trinity Drive and Ashgrove Drive. This would enable the construction of a loop road to service new lots and provide motorists with a choice of routes thus encouraging the dispersal of traffic rather than its concentration. Traffic calming design in both the new and existing roads can reduce traffic speed and ameliorate impacts in terms of safety and amenity. Traffic calming will also assist in discouraging through traffic from outside the local area using Trinity Drive as a shortcut between Ballina Road and Bangalow Road when such a link is eventually constructed. The alignment of this road link will need to be sufficiently convoluted for similar reasons. When the proposed arterial road link is constructed between Pineapple Road and Bangalow Road, traffic will be more likely to use this route as it will provide a more direct link between Goonellabah and Bangalow Road. It is important that these issues relating to road design and traffic calming at Trinity Drive be flagged in the Strategy and that they be carried through into a masterplan or DCP for the area. It is recommended that the Strategy be amended to include these requirements.

- b) Future subdivision will cause a drop in land value for existing residents.

Comment: Allotments in the proposed release area should offer a high level of residential amenity and so should be popular in the market and attract high values. This should not adversely affect values of other property in the area.

- c) The area has no access to parks and playground equipment. Future development would exacerbate this situation.

Comment: Given the potential number of allotments that could be created in the area, the developers will be required to provide sufficient open space and open space facilities to cater for the projected increase in population arising from new development.

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- d) Lismore already has sufficient land for subdivision as identified in the Strategy with over 590 vacant lots and the potential for another 2040 lots in land already zoned. Current population growth does not warrant further land release.

Comment: The Trinity Drive area has been included in the Strategy as a priority because it has the potential to provide high quality residential lots with good amenity. It is perceived to have the ability to satisfy a sector of the market that is not being adequately satisfied by the existing stock of zoned land. For this reason it is believed that the take up rate for land in this area will be greater than for other areas where land has been zoned and has remained vacant for some time.

- e) Trinity Dr is not serviced by public transport.

Comment: The nearest public bus route is along Bruxner Cres/Mountain View Dr. It is acknowledged that this is a fair distance to walk (uphill) from the proposed release area. Kirklands has indicated that the Northern Ridges bus route could be expanded if and when road links are created between Trinity Dr and Northcott Dr, Northcott Dr and Hillcrest Ave, etc. This would bring a bus route closer to the release area (500 to 1,300m) but still beyond what could be considered to be reasonable walking distance to public transport. The problem is that no large greenfield site will be adequately serviced by public transport until such time that it has developed to the point where there are sufficient people living in the area to make the provision of public transport viable.

- f) The Trinity Drive area has a strong sense of community with a low crime rate and is a safe area for children. This will be destroyed if further development is allowed as proposed in the Strategy.

Comment: The quality and standard of development in the new release area should be at least comparable to that of existing development in Trinity Drive. As the area currently has a low crime rate, new development of a similar type and character should be unlikely to have a significant effect on crime rates in the area. In terms of safety, this has been discussed previously with respect to traffic volumes and speed. The Trinity Drive plateau area has been zoned 1(d) Investigation under the LEP since 1992. Residents of Trinity Drive, who have purchased their properties since 1992, must have had some expectation that some form of development would occur in this area in the future. Similarly the owners of the 1(d) land would have had legitimate expectations that they would eventually be able to develop their land for a higher order use than the current use of low intensity grazing.

Submission No. 12 - Newton Denny Chapelle (on behalf of owner of 20 Holland St, Goonellabah)

Advise of owner's support for the inclusion of Lot 2 DP1021834 Holland Street, Goonellabah in the Strategy as future residential and that they are currently preparing a subdivision design for the property.

Comment: Noted.

Submission No.13 - Skyline Road Ratepayers Group (14 landowners)

Requests that area be rezoned for rural residential purposes. The area is close to the CBD and other shopping and medical facilities and has existing access to services such as town water, power, telephone and school bus.

Comment: It is not the role of the Urban Strategy to identify land for future rural residential development. That task was undertaken during the preparation of the Lismore Rural Housing Strategy which was adopted by Council in December 2000. Planning NSW agreed to the Rural Housing Strategy on the condition that Council may approve a maximum 240 rural residential lots within a 10 year period (24 lots per year). It is acknowledged that Skyline Road is already rural residential in character, however the Rural Housing Strategy identifies more than sufficient land to meet the current quota and it is not recommended that significant additions be made to that strategy until it is reviewed in 2006.

Submission No.14 - Riordans Consulting Surveyors (on behalf of North Lismore Plateau Rezoning Group)

The submission objects to fact that the North Lismore plateau (referred to in the exhibited Strategy as the Dunoon Road plateau) has not been given the highest priority in the Strategy and that its proximity to the Lismore Speedway is viewed as a 'prohibition' to development. There is also an objection to the high priority given to the Trinity Drive area given issues with access to the site and potential limitations on water and sewerage supply.

Comment: Planning NSW's guidelines for Urban Settlement Strategies requires that strategies provide a staged release program for land identified as having urban residential potential. Staging may be defined in terms of short, medium and long term release. The proposed sequencing in the draft Strategy prioritises the six greenfield sites in these terms with both Trinity Dr and the North Lismore plateau identified as potentially short term release areas. However for the North Lismore plateau site, there is an additional caveat that rezoning is not to proceed while the Lismore Speedway continues to operate from the Showground site. It is considered that the speedway operations are incompatible with residential development and it would be poor planning practice to rezone land that could ultimately accommodate a population of around 2,400 people in proximity to such use. If the issue of the speedway is resolved at some future time, there would be no sequencing restrictions applying to the rezoning of the plateau site. It is recommended that the numbering of greenfield sites in the sequencing priorities be deleted to avoid confusion on this issue and that sequencing priorities refer to short, medium and long term only.

Submission No.15 - Newton Denny Chapelle (on behalf of owner of Lot 182 DP787249 Lucia Crescent, Lismore Heights)

Submission includes a subdivision plan of the subject land, prepared in 1995, to create 52 lots. The owners were advised that the property would be identified as future expansion area after completion of 2020 Strategy. Seeks reconsideration of recommendation in the Strategy.

Comment: The site was assessed in the draft Strategy as being significantly constrained by slope with limited potential for development. The site was subsequently re-assessed having regard for the proposed subdivision plan submitted by Newton Denny Chapelle. The subdivision plan was found to be unresponsive to the site proposing subdivision on parts of the land that would be considered too steep for residential development. There is a small area of developable land on the lot that could potentially yield around 12-15 lots generally above the 40m AHD contour line. It is recommended that future development be restricted to this area.

Submission No. 16 – Owner of Lot 7 DP 255203 Blue Hills Ave, Goonellabah

Seeks consideration of whole property for inclusion in Strategy rather than just small portion on the western side.

Comment: Lot 7 is a "battleaxe" shaped lot with frontage to Blue Hills Ave. The lot has a total area of 10 ha with the access "handle" having an area of about 14,500m². The entire property is zoned 1(b) Agricultural. The draft Strategy identifies only the access handle as having urban potential. The draft Strategy also identifies other land in Blue Hills Ave as having urban potential, however given the likely overall lot yield, the provision of a new sewerage pump station in the area would not be supported. Consequently landowners will need to demonstrate that all proposed lots are capable of gravity feeding to the existing pump station near the corner of Blue Hills Ave and Taylor Road. Most of Lot 7 is incapable of being serviced by the existing pump station. It is also considered unsuitable for urban development in that it is zoned 1(b) Agricultural and adjoins an established macadamia plantation to the east.

Submission No. 17 - Malcolm Scott (on behalf of four landowners in Invercauld Road)

Objects to the proposed sequencing in the Strategy of the Invercauld Road area as No.5 out of the six identified greenfield sites. A better balance of release timeframes between the northern and southern areas of Goonellabah would provide greater market choice. The area is unaffected by major constraints to development, apart from areas of primary and secondary koala habitat on northern, southern and western boundaries.

The area is located in proximity to CBD and other shops and facilities and adjoins existing residential areas. It satisfies many of the desirable criteria identified by real estate agents and purchasers of vacant land who were interviewed in the Strategy. The submission also puts forward reasons why other greenfield sites that have been assigned a higher priority in the Strategy should be downgraded in priority.

Comment: The site represents a large area of relatively unconstrained land although it does not enjoy the potential level of amenity offered by sites such as Trinity Drive and North Lismore plateau. However it borders the existing urban area and should have a higher priority than Monaltrie which is located much further out. It is considered that some of the better quality land in this area could be developed in the medium term.

Submission No.18 – owners of Lot 2 DP 587430 Wyrallah Road

The draft Strategy has underestimated the potential of Lot 2 DP 587430 Wyrallah Rd. A plateau area on the north western section of the property is adjacent to Wilson Park and existing residential areas and is suitable for future residential development. Similarly flood free land on either side of Wyrallah Rd has potential for a wide range of uses.

Comment: This lot straddles Wyrallah Road with much of the eastern half being flood prone and much of the western half being constrained by slope. Some flood free areas on the eastern side have been identified as having potential for industrial development. The area to which the submission refers is located between Council's depot in Wyrallah Road and the Wilson Park Reserve. The site is gently to moderately sloping and would be capable of supporting some form of development provided satisfactory access can be achieved from Wyrallah Rd. Although the site has a pleasant outlook to Wilson Park, the potential incompatibility of residential development with the adjoining industrial use to the south makes the site more suited to light industrial type development.

Submission No.19 – owners of 24 Bridge St, North Lismore

Submission states that there is a zoning anomaly on the western side of Bridge St, North Lismore between Simmons St and Colemans Bridge. Although the land use in this area is predominantly commercial, the current zoning is Residential 2(f). The submission seeks a rezoning for property at 24 Bridge St from 2(f) to 3(f).

Comment: It is agreed that the current zoning on the western side of Bridge St between Simmons St and Colemans Bridge does not reflect the character and existing land use. The draft Strategy recognises this and recommends that this area be rezoned to a more appropriate commercial zone.

Submission No.20 - Newton Denny Chapelle (on behalf of Summerland Christian School, Pineapple Road)

Submission clarifies owner's position with respect to Lot 62 DP 1017850 Pineapple Road. The two areas of the property which are considered to have future development potential are at the northern end of Daniel Drive and a severed portion of about 2,140m² created by the recent realignment of Pineapple Road.

Comment: The Pineapple Road area is one of the greenfield sites identified in the draft Strategy as capable of accommodating urban growth. However most of the developable land on the eastern side of Pineapple Road (and a small amount on the western side) has been identified in Council's Rural Housing Strategy as being suitable for rural residential development. It is unlikely that those landowners identified in the Rural Housing Strategy will be interested in seeking an urban residential zoning on their land and will pursue rural residential development instead. This effectively restricts the urban potential of the Pineapple Road area to the land owned by the Summerland Christian School. The submission lodged on behalf of the School is supported. There is a significant area at the end of Daniel Drive, generally above the 130m AHD contour, that is suitable for urban development. It is therefore recommended that the Strategy be amended such that the areas identified in the submission represent the areas at Pineapple Road suitable for future urban residential development.

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Submission No.21 – owner of 212 James Rd, Goonellabah

Submission expresses disappointment that land in James Rd is not recommended for urban residential in the draft Urban Strategy. The land meets all criteria except for slope. Requests that Council reconsider this land.

Comment: The submission relates to four parcels of land (Lots 86 & 193 DP755718, Lot 1 DP772536 and Lot 2 DP708633), located at the end of James Road and having a combined area of 66.4ha. Lot 193 supports two existing dwelling houses. Much of the site is either excessively steep (up to 33%) or is low lying and affected by local flooding. The site is not considered suitable for urban residential development.

Submission No.22 – owner of 51 James Road, Goonellabah

Submission seeks inclusion of Lot 311 DP 1005554 James Road in the Strategy and has enclosed a proposed plan of subdivision to create four lots.

Comment: Lot 311 has an area of 1.228ha and is adjacent to the existing 2(a) boundary. The site supports an existing dwelling as well as a number of mature eucalypts including primary koala habitat as identified by Ecograph. As the lot is over 1ha in area, SEPP 44 (Koala Habitat Protection) will apply and a Local Environmental Study would most likely be required prior to any rezoning proposal proceeding. Clause 38 of the North Coast REP requires that Councils prepare urban release strategies before they can consider rezoning proposals that constitute significant urban growth. The purpose of a Strategy is not to identify every small lot on the periphery of the urban area that could possibly have some subdivision potential. The owners of such lots have the option of submitting a rezoning application to Council at any time regardless of whether or not the land is identified in a land release strategy. In view of this, and the fact that the land is subject to significant constraints under SEPP 44, it is not recommended that the land be included in the Strategy.

Other Issues

There are several other issues that have arisen since the initial preparation of the draft Strategy that require amendment to various aspects of the Strategy. These are as follows:

2001 Census

Population figures from the 2001 Census were released during the exhibition period of the draft Strategy. Because this data was not available when the Strategy was prepared, population projections that provide the basis for predicting future land stock requirements were based upon the previous 1996 Census data. The projections have now been updated using 2001 Census results. This has had implications in terms of projected land demand as the actual Census population figure for 2001 was lower than the population projection for 2001 used in the draft Strategy.

Update of statistics

Statistics such as development approvals etc have been updated using data collected for 2002.

Master plan

All of the greenfield sites identified in the Strategy comprise landholdings in different ownerships. To ensure coordination between different landowners, it is recommended that the landowners be required to submit a master plan for each area at the rezoning stage. This will help to achieve consistency particularly in terms of road layout and hierarchy, and open space provision.

Format and content

Some formatting changes have been made to the strategy as the draft included background information that would not necessarily be relevant in the final document.

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This particularly applies to infill sites where information about potential infill sites that have not been recommended for future residential has been deleted. Information relating to the evaluation of the 1996 Strategy has been moved to the appendices.

Sewer modelling

Following preparation of the draft Strategy, Australian Water Technologies was engaged to carry out modelling of the Goonellabah sewer catchment using projected lot yields for each of the proposed release areas identified in the Strategy. The results of the modelling shows that each of the proposed release areas in the Strategy could be developed and fully sewered without risk of sewage overflows under normal dry weather flows. However the frequency of overflows under wet weather conditions would be increased in certain areas. The modelling will provide the basis for developers to carry out more detailed modelling to determine the sewer upgrading requirements for their particular development. This will form the basis of Section 64 plans for the area.

Other Group Comments

City Works and Business and Enterprise (Water and Wastewater) have been consulted throughout the Strategy's preparation and their recommendations have been incorporated into the Strategy.

Author's Response to Comments from Other Staff

Not required

Conclusion

A number of issues were raised in the submissions that warrant amendments to the draft Strategy. There are also a number of other amendments that are considered appropriate due to the availability of Census data, sewer modelling etc. The following is a summary of the recommended changes to the exhibited Strategy:

1. Include reference to Planning NSW's *Sustainable Urban Settlement Guidelines* in the Implementation section of the Strategy. Consistency with the Guidelines should be a matter for applicants to address when preparing rezoning applications for land identified in the Strategy.
2. Include Class 6 (Specialist class land) as a constraint along with Classes 1,2 & 3 representing prime crop and pasture land.
3. Include information on requirements for rezoning applications in the Strategy.
4. Include a disclaimer stating that inclusion of land within the Strategy does not guarantee rezoning or development approval.
5. Include a requirement for an independent assessment of potential agricultural land use conflicts at the rezoning stage for the North Lismore plateau.
6. Change the preferred use for Lot 2 DP 620590 and part Lot 1 DP 957677 to future light industrial.
7. Include a requirement for a buffer to agricultural land at the Tucki Creek area.
8. Include reference to DLWC's multi-attribute mapping for mass movement areas.

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9. Delete the numbering of greenfield sites in the section of the Strategy relating to sequencing so that sequencing refers only to short and medium term. Change the Invercauld Road site from long term to medium term and delete the Monaltrie area from the sequencing priorities.
10. Include a requirement that 'core koala habitat' as defined in SEPP 44 be identified at the rezoning application stage.
11. Include a requirement that scattered koala habitat trees be mapped and an assessment of the significance of these trees to koala populations and their movements be provided at the rezoning stage.
12. Amend the map of the greenfield sites to exclude those areas that are not considered in the Strategy.
13. Include a statement that a future access road from the Trinity Drive greenfield site to Bangalow Rd be designed to discourage its use by through traffic from outside the area.
14. Clarify the extent of proposed urban release area at Pineapple Road to include the area at the northern end of Daniel Drive (and including a severed lot created by the new alignment of Pineapple Road).
15. Include the Lucia Crescent infill site as having limited potential for urban residential development.
16. Update the population projections and housing balance sheet to take into account the 2001 Census data.
17. Delete reference to those infill sites that were investigated but not recommended for inclusion in the strategy.
18. Include a requirement for master plans to be prepared and submitted for greenfield sites at the rezoning stage.
19. Include reference to the results of the sewer modelling undertaken by Australian Water Technologies.

A copy of the Lismore Urban Strategy incorporating the recommended amendments as outlined above is provided as a separate attachment.

Recommendation (PLA44)

That Council:

- 1 Adopt the Lismore Urban Strategy with such amendments as are outlined in this report, and
- 2 Forward the Strategy to the Director-General of Planning NSW for her agreement.

Subject/File No: REVIEW OF 6(a) (RECREATION) ZONED LAND (S849)
Prepared By: ENVIRONMENTAL PLANNER – Sandy Pimm
Reason: Ministerial direction
Objective: To ensure LEP zoning accords with the use or intended use of the land
Management Plan Activity: Planning Services

Summary

Staff of the Planning Services, Parks and Recreation and Client Services Sections, together with the Public Lands Strategic Management Team, have together reviewed the zoning and uses of Council's current and potential land holdings. The purpose of this review has been four-fold:

1. To identify land required for public open space and ensure it is zoned appropriately;
2. To reconsider the need for additional private land currently zoned to require acquisition by Council
3. To assist in the review of the Open Space component of the S94 Contributions Plan; and
4. To comply with a direction issued by the Minister for Planning.

Background:

Council has used the process of zoning or rezoning private land to 6(a) Recreation if it considered that such land would be required for the purpose of Public Open Space in the near future. This practice has had the effect of reserving parcels of land, in part or full, for recreational purposes without the immediate cost of purchasing. An example of this practice was the zoning of land parcels along Tucki Tucki Creek for the purpose of the Recreation Park and walkway.

Clause 70 of the Lismore Local Environmental Plan (LEP) 2000 specifies that the owner of any land so affected (zoned 6(a)) may, by notice in writing, require Council to acquire that land (unless the land was required to be dedicated to Council as a condition of development consent). With the realisation that Council did not have sufficient funds set aside to acquire the total number of privately owned properties zoned 6(a), a subsequent clause was inserted into the Lismore LEP:

71 Acquisition of land within Zone No 6 (a)–effect of rezoning

- (1) The Council need not take any action under clause 70 with respect to acquiring land within Zone No 6 (a) for 90 days (or for such other period as may be agreed between the owner and the Council before that period expires) after receiving a notice under that clause, if the Council, within 14 days after receiving the notice, notifies the owner that it is reviewing the zoning of the land.
- (2) The Council need not acquire the land pursuant to the notice if the land is rezoned, or the Council decides or has decided to prepare a local environmental plan to rezone the land, before the period of 90 days (or the agreed period) expires.

In approving this amendment to the LEP, the Minister for Planning directed that Council review its need for land in private ownership zoned for Recreation. The results of this review are the subject of this report. This information is also necessary for the current review of the Lismore Contributions Plan (Section 94 open space component).

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Review of 6(a) (Recreation) Zoned Land

Process followed

All land currently zoned 6(a) Recreation was initially identified via production of a map showing such land shaded green. This map was compared with all Council-owned land. Where land was zoned 6(a) but not in Council ownership, a desktop assessment of each affected property was initially undertaken to determine listed use and ownership. Initial results and recommendations were presented to Council's Public Land Strategic Management Team for discussion of present and future recreational need.

At this meeting it was decided that further information was needed for particular parcels and a site assessment of relevant parcels was undertaken by the Manager of Parks and Recreation, Manager of Client Services and Environmental Planner for the purpose of determining best use of affected properties.

Additional anomalies found

In undertaking the desktop analysis a number of anomalies became apparent. The first was that there are a number of Council parks which are not zoned for recreation where they should be, having been dedicated as public reserves and/or as conditions of consent, and in some cases, having been developed as public parks with play equipment or seating. It was therefore decided to review all Council's urban recreational land.

The second anomaly noted was that there are a number of Council-owned properties presently zoned 6(a) Recreation which are in fact not suitable for parks or are being used for a purpose other than recreation. Recommendations for these areas are to rezone other than 6(a), for example to 7(b) Habitat.

The third anomaly noted was that Council owns many "pocket parks", a number of which are not suitable for parks or are simply in excess of requirements, without the financial ability to develop or to maintain. It was decided to investigate sale of some of these parcels.

Results

After site inspections of all affected properties, an assessment was made of the best use of each land parcel. The results have been categorised into Council-owned land and privately owned land, and further subdivided on suggested action as shown below. Maps showing affected land in the various categories are included as Appendix 1 to this report. A full listing of each category, indicating for each lot the address, present zoning and classification (if appropriate), site assessment and recommendation is included in the attachments to this report. Listings generally start on the western side of the urban area and progress eastward.

1. Council-owned land

a) Council-owned land that should be rezoned to 6(a) – 91 lots

This category includes:

- Land (31 lots) purchased through the voluntary flood acquisition scheme with financial assistance from the State Government. It is a condition of funding that the land cannot be built upon. Many of these have now been incorporated into Heritage Park, with others scattered through North and South Lismore*. At least one is suitable as a grazing reserve.
 - A number of public reserves and parks (36 lots) dedicated with subdivision consent and mostly zoned 2(a) Residential. These occur primarily in Goonellabah and in many cases have been developed as parks with playground equipment or seating provided. If undeveloped, they are suitable for parks and may be developed in future if funding becomes available.
 - Zoning boundary errors (19 lots) that occur primarily around Tucki Tucki Creek in Goonellabah where the land required for recreation was rezoned 6(a) prior to the land being subdivided. In these cases, the resulting public reserve has not matched 6(a) zoned land exactly.
-

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- Land at Lismore Lake (5 lots) has never been subdivided from the airport land across the road. It is zoned 1r (Riverlands) and is mostly classified as operational land. This land has been used for community purposes for many years.

**It should be noted here that funding for maintenance of new parcels needs to be considered at the time of purchase and included in the annual budget process.*

b) Council-owned land that should be rezoned to 7(b), 5 or 2(a) – 15 lots

Most of the land in this category is unsuited for developing as a park because it is too steep, heavily treed and/or has substantial habitat value. Many of these lots were dedicated to Council as Bushland, rather than Open Space, under the Section 94 plan and most occur in Goonellabah. These lots are recommended to be rezoned to 7(b) Environmental Protection (Habitat) to better reflect the intended use of the land and so that an expectation is not set up for park development.

Also in this category are one lot that is actually a road reserve in North Lismore (rezone to 5 Special Uses - Road), and one lot unsuited for a park that has sale potential (rezone to 2(a) Residential).

c) Council-owned land that could potentially be sold – 26 lots

Council has in the past accepted many lots of land as 'pocket parks' in lieu of monetary Section 94 contributions. This has occurred largely in the Goonellabah area and equated to one or more for every large subdivision. Whilst it is good practice to have a small park within walking distance of most residences, many of these lots do not fulfil our current criteria for acceptance of land in terms of size, shape, aspect, topography etc.

In accepting so much land, insufficient funds were collected to develop all these lots into a useable park, and many remain vacant years after the subdivision has been established. It seems prudent to rationalise these lots, especially with the continuing development of Tucki-Tucki Creek Recreational Park and the imminent development of Kadina Park. One of the recommendations arising from the *Recreation Needs Study* undertaken in 1998 with regard to Playgrounds was that Council "adopt a policy of having one major multi-use play area within each defined play boundary zone". The strategy direction for this study also included "identification of surplus sites". In investigating sale, consideration must be given to the need for a park within the local area and the level of service currently provided by existing parks, as well as the financial ability to develop and maintain such parks.

Conditions applying to sale of Council land

There are a number of guidelines and sections of various Acts that must be followed before Council can sell any parcel of Council-owned land. The process to be followed depends on the current classification of the land and how Council acquired it. Following these processes ensures that public consultation occurs prior to any action being taken, and that the proceeds arising from any sale of dedicated land must be used as if a monetary contribution was received instead of land. The relevant sections of the acts and guidelines are explained in more detail in Appendix 2.

d) Council-owned land with no action recommended - 16 lots

Land in this category is unsuitable for a park, but has no present activity occurring and no sale potential. Included are eight lots which were purchased under the voluntary flood acquisition scheme and therefore cannot be built upon, yet are too small to be useful as grazing reserves; seven lots which act as buffers (or contain footpaths) between houses and Ballina Road, one industrial-zoned lot which the extension of Oliver Avenue may impact upon and one small narrow lot along a roadway. It is considered that rezoning and/or reclassification would serve no purpose in these cases.

e) Council-owned land that requires additional action – 36 lots

Review of 6(a) (Recreation) Zoned Land

All of the lots in this category are included in one of the categories above, but require additional work to be undertaken to achieve their stated purpose. Examples of this category are: land at Lismore Lake that needs to be subdivided from the airport land across the road due to its different purpose and use, land proposed for sale that needs to be reclassified to operational land; or land proposed to be consolidated with adjoining lots.

2. Privately owned land

a) Privately owned land that should be rezoned from 6(a) to another zoning – 41 lots

This category includes:

- Zoning boundary errors (25 lots) that occur primarily around Tucki-Tucki Creek and other areas in Goonellabah where the land required for recreation was rezoned 6(a) prior to the land being subdivided. This has resulted in many residential lots being partly zoned 6(a) upon final subdivision layout. These should be rezoned so that the whole of each lot is zoned 2(a) Residential.
- Nine privately owned lots are incorrectly zoned 6(a) and are used for a private purpose. These should be changed to the appropriate zone to reflect current use. Examples are the Norco lab site that should be rezoned 4(a) Industrial, the Police Boys Club that should be 6(b) Private Recreation and Education Department and Southern Cross University land that should be 5 Special Uses (Education or University).
- Parts of Tucki Tucki Creek have a larger area zoned for recreation than is required for the purposes of the Recreation Park. The 6(a) zone boundary requires rationalisation so that Council does not accept more land than can be maintained.

b) Privately owned land that should remain 6(a) – (4 lots)

The only area that this category applies is Tucki Tucki Creek (both tributaries). All lots could be improved by adjustment in the zoning boundary as the zoned area is larger than that required, however two cannot be adjusted as they have received consent in 1995 or 1998.

These parcels are considered necessary for the Recreation Park, particularly for connections between existing reserves, and are considered important enough to acquire at present. It is planned, however, that the land will be dedicated with subdivision.

c) Privately owned land that is required for recreation and should be zoned 6a and acquired – 5 lots

This category applies to only five parcels of land at present, mainly because Council can generally be regarded as having an oversupply of land. Although it is expected that good quality land will continue to be accepted in lieu of Section 94 monetary contributions with new subdivisions (where a need is indicated), past experience has shown that it is better to rezone such land for recreation once the subdivision layout has been finalised. Land that has been identified as being required at present is either in Tucki Tucki Creek Recreation Park (required for connections) or Little Keen Street Park (to link Council land on both sides).

Review of 6(a) (Recreation) Zoned Land

d) Privately owned land that is required for future recreation – 16 lots

Land in this category is known to be required for recreation in the future, but not of immediate importance. It is intended that these parcels be flagged by placing a memo on Council's CIVIL property system to the effect that the creek area will be required to be dedicated to Council with any future subdivision, but that no action be taken at present in terms of rezoning.

Land along lower sections of Tucki Tucki Creek east of City Acres will form part of the Recreation Park in the future. This area is indicated in Council's Urban Strategy as required for future urban expansion. Rezoning and subdivision was not expected for 10-15 years, but given current development applications and land sales, may occur sooner. It is intended that affected land parcels be flagged to rezone the creek area to 6(a) at the same time as the land is rezoned for Residential development. It is expected that most of this land will be acquired via dedication in lieu of Section 94 contributions for open space if developed. Such parcels will not be rezoned at this stage.

3. Land owned by the Crown

One of the recommendations arising from the *Recreation Needs Study* undertaken in 1998 was to set aside an area for future expansion of sporting fields in the urban growth area and out of flood. As large areas of flat land in Goonellabah are hard to find and likely to be very expensive, it is intended to investigate Council-controlled Crown land at Tregagle (near the school and tennis courts) for this purpose.

The only other parcel of Crown land of relevance to this study is the Roy Waddell Community Centre at Richmond Hill. As this land provides recreational facilities (as well as community facilities) which are prohibited in the current 1(c) Rural Residential Zone, the lot should be rezoned to 6(a) Recreation.

Manager - Finance & Administration Comments

From a financial perspective, the most important issue relates to the rezoning of privately owned 6(a) land.

Quite clearly, the requirement for Council to purchase land zoned 6(a), which on review, we may not need or is not suitable for the intended use, must be changed. The proposal by the Environmental Planner addresses this situation and is supported. While this satisfies the Ministerial directive, it is comforting to know that it will significantly reduce Council financial exposure.

The proposal to rationalise 'surplus' lands in Council ownership is also supported. It is agreed that we need to concentrate our limited resources on providing and maintaining the 'right' mix of recreation facilities. As it stands at the moment, this is not happening. I'm confident that the process identified will improve that situation.

As for the proposal to highlight private properties for future recreational purposes, this provides us with an opportunity to strategically plan their acquisition, funding and development. This is highly desirable.

Public Consultations

No public consultation has been undertaken to date, however, advertising and public hearings will be held prior to any reclassification of land from Community to Operational for the purpose of sale. Affected landholders will be notified of the preparation of any draft LEP affecting their property.

Other Group Comments

Manager, Parks & Recreation

The process that has been undertaken in relation this matter has been extensive and thorough. As can be seen from this report there are numerous parcels of land that are currently under Council's ownership that are either surplus to the communities needs now, or in the future. I refer specifically to land, which has no recreational value at all due to its location, topography or size.

Council staff have liased extensively with each other throughout this process which has included numerous inspections and site assessments. In accordance with legislative requirements we must now notify the community and consult with relevant stakeholders. All Council staff involved in this process agree with the proposed actions contained in this report and I strongly recommend Council adopt the recommendations.

There are several benefits to be gained concurrently from pursuing the recommendations. They are:

- Council will be able to liquidate funds for the further development and maintenance of the more strategic parcels of land that it owns and that are of more value to the community.
- Proceeding with the proposed actions will also prevent Council from having to purchase land zoned 6a that is not suitable for any recreational uses.
- Council will be able to now rezone land that is required for future recreational needs of the community and thus create the crucial links and corridors that are required.

Given Council's tight fiscal constraints at present these are very important considerations and should not be underestimated.

Manager Client Services

This report is the culmination of a rigorous investigation of Council's Open Space requirements. The investigation brought together many sections of Council to the benefit of the process and outcome.

Client Services, in its property management capacity, wholeheartedly endorses the conclusions of the report which will lead to a rationalisation of Council's landholdings and a better understanding of its future needs.

Recreation Planner

This report represents the results of a comprehensive review process that has involved all relevant Council staff. The review has identified numerous anomalies in relation to both Council and privately owned land. The report presents a series of actions to rectify these anomalies so that land is correctly zoned and classified in accordance with its most appropriate use. The recommendations of the report and the suggested order of priority of actions are supported.

A number of Council owned parcels of land (26 lots) have been identified for potential sale. As discussed in the report, most of these parcels are located in Goonellabah and have been accepted as 'pocket parks' in lieu of monetary Section 94 contributions. Unfortunately many of these lots are either surplus to community needs or are unsuitable in terms of size, shape, aspect, topography, etc.

Rationalising these lots will reduce Council's maintenance burden and release funds for the further development and improved maintenance of other parks and public open space areas of more community value. The resulting reduction of recreation land in Goonellabah will be offset through the development of Kadina Park and continued development of Tucki Tucki Creek Recreational Park.

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It is important to note a draft policy in relation to the dedication of land for community purposes is currently being prepared. The policy will establish minimum standards to ensure that any land accepted in lieu of a monetary Section 94 contribution serves identified community needs, is suitable for its intended purpose and is of a condition acceptable to Council.

The Public Lands Strategic Management Team has been consulted and involved in the process of review discussed in this report. The recommendations and the suggested order of priority of actions are supported.

Strategic Planner

Work undertaken as part of this study of open space requirements in the urban area is timely in that it has been useful in both the preparation of the Lismore Urban Strategy and the current review of the open space component of the Section 94 Contributions Plan. The findings of this study are supported.

Author's Response to Comments from Other Staff

Not required.

Conclusion

This study has highlighted a number of issues affecting both Council and privately owned land. While some actions may be seen as housekeeping matters, others are important to commence as soon as possible to reduce Council's financial risk. It is intended that the following order of priority be used for required actions:

1. Prepare LEP amendments to rezone privately owned land that is not required for recreation from 6(a) to the appropriate zone.
2. Prepare LEP amendments to rezone private land that is required for current recreation to 6(a).
3. Highlight privately owned properties required for future recreation on Council's property system.
4. Commence the process leading to possible sale of surplus Council land, beginning with advertised local public meetings.
5. Prepare LEP amendments to rezone Council land to 6(a) Recreation and other zones as discussed previously.

Recommendation (PLA43)

It is recommended that, pursuant to S54 of the Environmental Planning & Assessment Act, Council resolves to

1. Prepare a draft local environmental plan which
 - (a) Places appropriate zoning over land required for open space/recreation/habitat protection purposes as listed in the attachments to this report, and
 - (b) Alters the zoning of land currently identified for open space/recreation/habitat protection purposes but no longer required for that purpose.
2. Prepare and exhibit the draft local environmental plan in accordance with the Best Practice Guidelines published by the Department of Urban Affairs & Planning in January 1997 titled "LEPs and Council Land", (or with any subsequent advice from the Department).

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3. Commence the process leading to possible sale of Council land, in accordance with the Local Government Act 1993 and the Best Practice Guidelines published by the Department of Urban Affairs & Planning in January 1997 titled "LEPs and Council Land", (or with any subsequent advice from the Department).
4. Highlight privately owned properties required for future recreation on Council's property system via the 'memo' function.

Appendix 1

MAPS ASSOCIATED WITH 6(a) LAND REVIEW REPORT

1. Council land:
 - i. To be rezoned to 6(a)
 - ii. To be rezoned to other than 6(a)
 - iii. Proposed for sale

2. Private land:
 - i. To be rezoned from 6(a)
 - ii. Required for recreation now
 - iii. Required for recreation later

3. All land currently zoned 6(a) Recreation

SEE APPENDIX 2 AT THE END OF THE BUSINESS PAPER – PAGE 126

Subject/File No: WATER CRISIS MANAGEMENT
(S301)

Prepared By: Craig Kelly – Group Manager Business & Enterprise
Anu Atukorala – Manager Lismore Water

Reason: Response to Council Resolution

Objective: Demand Management

Management Plan Activity: Water Services

Background:

At its meeting held on November 12, 2002, Council resolved that:

“A report be compiled for the December meeting which addresses the following concepts and other concepts that may be put forward by staff, Rous Water and other constituent Councils:

- 1 a) *That LCC, in conjunction with Rous Water and constituent Councils, establish a water conservation rebate to all water consumers who achieve reductions in water consumption as measured by the water meters to help overcome our water crisis and enter into a contract to reduce that consumption.*

Incentives could start with various target objectives, bearing in mind that current charges are 86 cents/kilolitre.

Reduction	Discount Kilolitre Charge
50%	60 cents
60%	50 cents
70%	40 cents
80%	30 cents
90%-100%	20 cents

- b) *Consumption will be based on previous records of consumption of the said water meter over the same season.*
- c) *Rebates will apply only during current water crisis.*
- 2 *That Lismore City Council, in conjunction with Rous Water, establish a water crisis management shop in Lismore’s CBD to:*
- a) *Provide free advice on reducing water consumption for those entering into water reduction contracts.*
- b) *Provide free buckets, basins and tubs to facilitate re-use of all greywater for toilet flushing and watering the gardens;*
- c) *Provide large garbage bags to allow compost and waste to be stored while wheelie bins are utilized for washing machine water storage to be used for outdoor use. Wheelie bins must still be used for waste collection;*
- d) *No tap water to be used for outdoor use.*
-

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Given the very short time frame allowed, the following report attempts to discuss the key issues impacting on each of the above items.

As correctly identified in the resolution, Rous being the regional water supplier should take the leading role in any of these demand management initiatives. Hence, before proceeding further it is important that Councillors are made aware of demand management initiatives taken by Rous (and the constituent Councils). Thus far Rous and the constituent Councils have been taking a structured approach towards demand management.

Attachment 1 (Rous Regional demand management strategy – Council briefing) provides a brief outline of the initiatives taken so far. These include, promotion of appropriate water pricing strategies, “House Water tune-up program”, school education program, role of rainwater tanks (report due early 2003) etc.

In addition, since implementation of level 4, an advertising blitz has been undertaken to highlight the current situation and to educate the community on level 4 restrictions.

Any short or medium term demand management initiatives need to integrate with and complement the long-term strategies Rous is proposing. Failure to do so may result in scarce resources being inefficiently used and failure to achieve the long-term objectives of demand management.

Report

That LCC, in conjunction with Rous Water and constituent Councils, establish a water conservation rebate:

Mechanisms for Determining the Rebate

The preferred way such a scheme could be implemented immediately would be through the development of a manual process where users self-assess and apply for the scheme through a personal review of their water bills. This would be presented to Council in person or via post, assessed and, if correct, a credit would be applied through the next rate instalment.

Lismore Water is currently in the process of investigating the possibility of changing the billing system. It is possible to implement changes to the CIVIL software system within three-four months. The proposed short timeframe for this scheme should not necessitate changes to the CIVIL system.

However, there are many other issues that need consideration before being implemented, a number of these are outlined below and are representative irrespective of what scheme is adopted.

Changes to Council’s Fees and Charges

Implementing a rebate scheme could necessitate an amendment to the Council Fees and Charges schedule adopted as part of the budget process. Public consultation is required by the Local Government Act 1993 for any changes to the charging structure. This includes a mandatory 28-day public display of the proposed charges and then addressing any comments received.

Council will not change the fee charged for water but will issue a credit for savings achieved. If adopted this will be advertised and communicated to the public.

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Rous Water and Constituent Councils

Rous Water and constituent Councils have different fixed and variable (consumption) charges. As such there may be difficulties in implementing a uniform scheme.

Given that the cost of bulk water is 40.7 cents a kilolitre, if Rous does not wish to participate in the scheme, Lismore Water and other constituent Councils will be selling water at a “gross loss” under certain scenarios.

If Rous is agreeable, it is also important to determine what percentage of the scheme they would bear. Given that they would be the ones who would most benefit from the process, one would expect them to bear a major part of the cost.

The resolution of Lismore City Council was put to the November meeting of Rous and it was resolved that the report be received and noted. The report prepared by the Rous General Manager included the following comments:

“... Based only on the detail provided in the resolution, I believe that it would be far more difficult to implement a rebate scheme as proposed in the resolution and maintain records to identify, quantify and rebate consumption reductions than introduce a demand tariff which would control (reduce) consumption by charging higher rates, the larger the consumption. The rebate concept would fit more closely with the philosophical approach of community cooperation”.

Rous management has previously indicated that they may recommend increasing charges to recover costs of implementing the contingency plans associated with the drought. If so, the potential “loss” carried by Lismore Water could increase.

Contractual Matters

The resolution discusses entering into a (written) contract between the consumer and Council. This approach provides some degree of commitment and ownership on behalf of the consumer, however such a scheme would be problematic and is possibly unnecessary to achieve the objective. Presumably the (written) contract will specify the reduction expected from the signatory. Council will have to seek a legal opinion on the validity of such a contract and there may be difficulties in implementing and enforcing it, given the large number of potential parties with whom we could have a further contract. (12,150 water meters).

Shortcomings of the System

Any system implemented will have shortcomings. Council will also have to develop procedures for handling the following exceptional circumstances and the scope for flexibility or a rigid approach will potentially cause conflict with some customers. For example:

- Customers who have moved house in the last 12 months and now have a different consumption pattern;
- Customers who have had artificially inflated consumption figures due to leaks etc;
- Customers who have always conserved water but would find it difficult to make further reductions to their consumption (i.e. avoid penalising those consumers who are habitually water wise);
- Application to tenanted properties (where the bill is issued in the name of the landlord);
- Older type strata units where a common meter is shared by a number of dwellings;
- Additional customer service staff may have to be hired to handle queries;
- The pensioner rebate scheme has not been considered as part of this review;

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- The resolution does not refer specifically to Nimbin consumers who are not under water restrictions at present. The resolution does refer to all water consumers on a meter and there may be an expectation that the scheme be adopted across all metered water consumers.

The resolution specifically refers to a scheme “in conjunction with Rous Water and constituent Councils”. Based on the comments of the Rous General Manager, Council must also consider the possibility that Rous may not adopt the scheme.

The other constituent Council’s have not been contacted at this stage however their representatives on Rous would at least be aware of the proposal for a rebate scheme based upon the report to Rous in November.

Overall there is a risk that, depending upon the take-up of the scheme, the cost of managing this scheme may exceed the value of the water saved.

Limiting the Period to “Current Water Crisis” Period

If the public extensively embrace the proposals, there may be pressure for the scheme to continue indefinitely. This may be particularly so if customers invested substantially in rainwater tanks, bore supplies etc. as a long-term solution to supplement the town water supply and wish to recover costs.

The danger with offering or continuing with such a scheme is that it does not reflect the true cost of a resource that is already considered to be undervalued. The flow on effect to the long term financial planning for water supply, which has been adopted by Council, will also require review.

Potential Impact on Bulk Water Charges

If the scheme leads to a significant reduction in water demand and other demand management reductions are not achieved by the other constituent Councils, the cost of bulk water supply to Council from Rous in the coming year will also reduce. This will be a once-off impact, on the assumption that the drought breaks and general demand returns to a historical pattern.

Estimates of impact on water consumption and bulk water charges

It is difficult to predetermine the likely take up rate of the scheme as to our knowledge there has been no similar scheme introduced anywhere in New South Wales. Based upon a number of assumptions, it is possible to model the impact of the scheme on water consumption and bulk water charges.

Council has 11,613 active water accounts (both domestic and commercial in the Lismore area excluding Nimbin). Last financial year these accounts consumed an estimated 344 KL per account.

If we assume that:

- the drought breaks after the first quarter next year; and
- the scheme is implemented from January 1, 2003; and
- of Council’s 11,613 active water accounts the scheme is taken up by 2,000 accounts; and
- each of these accounts currently represents average consumption; and
- of those 2,000 accounts, 1,000 achieve a saving of 60% on comparative consumption and the other 1,000 achieve a 70% saving on comparative consumption.

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Based on the above, the quantity of water saved compared to prior year consumption is estimated to be 111,800 KL. At the normal charge of 86 cents per KL this represents a credit value of \$24,252. This represents a cost per KL saved of 22 cents per KL.

If Council then assumes that all other constituent Council water consumption patterns remain unchanged and Council achieves a water consumption reduction based on the above scenario the consequent reduction to Council's bulk water charges in 2003-04 is estimated to be \$45,500. This is based on a Rous bulk water rate of 40.7c per KL.

Therefore based on these assumptions while ever the cost per KL saved is less than the Rous bulk water rate then there is a gross benefit to Council from the scheme, excluding the cost of administration.

Opportunity to access the scheme

The scheme as suggested by the resolution would not be accessible to a consumer until consumption had decreased by a minimum of 50%. Based upon Rous' most recent data to the end of October 2002, Lismore's Rocky Creek demand has reduced by 5.8% based on a comparative seven-month demand (April to October). More specifically the comparison of consumption following level 4 restrictions in October 2002 to water consumption in October 2001 has seen a reduction of 28% for Lismore. The possibility of the average metered water consumer reducing water consumption by 50%, without some additional source such as rainwater tanks or bore supply, is unlikely. Therefore if a scheme is to be introduced the reduction targets may need to be significantly lower to provide a reasonable opportunity to access the scheme.

Based upon all of the same assumptions as above but if the scheme was accessed at reduction targets commencing from 10%. The cost and water consumption reductions change dramatically. With a 10% and 20% reduction target replacing 60% and 70% as above, the credit would cost Lismore Water approximately \$59,000 with water consumption reduced to average by 25,800 KL. Compared to the above scenario (22 cents per KL) the cost per KL saved in this scenario is \$2.31 per KL.

Again assuming that consumption within other Rous Council's remains unchanged the reduction in the Lismore bulk water charges would be \$10,500. Therefore Lismore Water would subsidise the scheme to the value of \$48,500 (\$59,000 - \$10,500).

A final scenario is based on the above assumptions however the scheme is simplified to be a single 50% target only (without an increasing scale) and a consumption credit of 36 cents per KL if the target is achieved. (The 50% reduction target is chosen as there is a possibility of level 5 restrictions in Q1 calendar 2003 compared to no restrictions in Q1 of calendar 2002) Assume that 2,000 accounts achieve the specified target and access the scheme. The credit cost to Lismore Water would be \$30,900 and the water consumption reduction would be 86,000 KL. The cost per KL saved would be 36 cents per KL and the consequent saving on the Rous bulk water charges in the following year would be \$35,000, assuming all other things remain equal.

Irrespective of the number of accounts that are able to achieve these targets, a saving of approximately 50% of water consumption with a credit of 36 cents per KL is required to approximate the bulk cost of water. At these levels the average account will achieve a saving of \$15.48 over and above normal charges for the quarter. Council must be assured that sufficient households can access the scheme and that those able to access the scheme will be sufficiently motivated by an average credit of this value.

The Objective of the Scheme is to Change Behaviour

The objective of the scheme is to change behaviour through increased conservation of water. The region is moving into the holiday period that will see significant increases in population and therefore demand for water.

If adopted regionally, there is some doubt as to whether this form of incentive will have any impact on consumer behaviour, particularly where these visitors do not own the problem. Rous are undertaking a significant education program throughout the region and the challenge of educating and re-educating a transitory population will be significant over the coming months.

That Lismore City Council, in conjunction with Rous Water, establish a water crisis management shop in Lismore's CBD:

Rous Water already has a shop in its building in Molesworth Street with particular emphasis on demand management programs. This is more than adequate to deliver these services and Rous should be requested to continue to promote the availability of information and demand management devices from this location.

As detailed in Attachment 2, Rous intends boosting their current campaign including establishing a number of mobile "shopping centre displays". This will take the information direct to the customers. As indicated previously, given the expected influx of tourists, a campaign such as this can specifically target this group.

Free Advice

The high volume of calls handled by the Customer Service Section since completion of the Level 4 water restriction "advertising blitz" shows that there is considerable community awareness that Lismore Water staff is available to assist them with tips and advice.

Use of Greywater

Reuse of greywater has been limited to subsurface irrigation (generally after appropriate treatment). This is because grey water can contain harmful bacteria. Sources of contamination could be faecal matter from nappies etc. or decomposing food matter. (Guidelines on greywater reuse are the province of NSW Health and there are identified public health and environmental considerations to be taken into account before greywater is used. Further information is available in the following publication – Greywater Reuse in Sewered Single Domestic Premises, NSW Health, April 2000. Should any Councillor require a copy, this can be made available).

As such extreme care should be taken when handling greywater or reusing it around your house. Staff are aware that a number of residents are using laundry wastewater to irrigate flower beds. Where residents have made inquiries, they have been requested not to use greywater on edible food crops and avoid handling it. Given the risks, actively encouraging the practice by Council is not appropriate and may result in Council being liable in the event of an outbreak of a water-borne disease (caused by inappropriate use of greywater).

Lismore Water believes that the Department of Health, Rous and all constituent Councils should commence an education campaign on safe use of greywater.

Provision of Free Buckets, Basins and Tubs

All of these items are available to the community at low cost. This is not supported, as the cost of administering any scheme with equity would far outweigh the cost of the items. Assessing any impact on retailers of plastic buckets etc. is beyond the scope of this report.

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Provision of Large Garbage Bags

As for buckets, basins and tubs, garbage bags are far too cheap and freely available in the community to sponsor a scheme for their supply.

The major issue of contamination in the organic garbage bin is plastic bags and, as such, their use should be actively discouraged. The alternative is to use cellulose bags to contain organic material. Plastic bags would be suitable for containing garbage, however once again disposal of plastics should not be actively encouraged on environmental grounds.

No Tap Water to be used for Outdoor Use

Current level 4 restrictions allow the use of buckets and watering cans at all times. This could be restricted to particular days or particular times. These matters will be taken up with Rous on considering further demand management initiatives.

Manager - Finance & Administration Comments

It is agreed that water conservation is an important issue especially in the current water crisis. As such, the approach taken to achieve the optimum result needs to be carefully considered and structured. Rous Water have in place a demand management strategy which is extensive and has been developed with broad consultation and expert advices. It also represents a regional approach which I believe we should support. Primarily, this is why I support the recommendations.

While this is the preferred approach, it does not restrict Council from being proactive. In this regard, we have taken the initiative where possible and appropriately in our advertising, promotion and advice relating to water conservation.

In looking at the options suggested, I would suggest that the method of providing a rebate needs to be carefully considered as there are issues (some listed in the report) that create uncertainty as to the outcome as well as the process. As it stands, there is no guarantee that any incentive will result in a further reduction in water consumption. In fact, the concern is that to implement and administer a rebate may cost more than the additional water saved.

Also, legislatively, there is some uncertainty as to the appropriate structure of a rebate which needs to be clarified, as a system which is inequitable may be challenged.

These types of issues would be the same for all constituent Councils and resolution and implementation on a regional basis preferred.

Public Consultations

Not Required at this point.

Other Group Comments

Environmental Health Officer:

Following a proposal for Lismore Council residents to utilise their wheelie bins to collect laundry waste water and reuse the waste water on their gardens, special considerations must be given to the environmental and public health issues which arise from such actions. Council's Environmental Health Officer has consulted the NSW Health Department regarding the reuse of greywater on domestic gardens. The following lists areas of health concerns and some information in relation to this practice:

Report – Water Crisis Management

- Greywater may have high pathogen loads (bacteria and virus) and can contain toxic substances, nutrients and other components which can cause danger to public health. As such, the placement of untreated greywater onto gardens is not encouraged or acceptable under NSW Public Health regulations and NSW Health Department guidelines. NSW Health supports the reuse of only appropriately treated effluent.
- Greywater may have high concentrations of chemicals such as phosphorus. Laundry water, in particular, can be highly alkaline. This can be a factor for plant health and can be detrimental to some plants. Often, plants still require "cleaner" water, as well.
- Greywater should not be used on edible plants due to the risks associated with the possibility of pathogens being in the water.
- It is especially important to keep humans separated from this effluent. Children and pets should not come into contact with the wastewater, which can cause illness to an individual and can then be transmitted to the whole family. Should wastewater be utilised on the garden, pets must not be permitted to enter or use that area.
- Promoting the use of plastic bin liners probably is not in line with council's waste minimisation policies because of the two-fold effect of increasing the plastics going to the land-fill as well as promoting the habit of using the liners. Council currently is attempting to discourage the use of plastics and, in particular, plastic bin liners.
- Lismore Council currently has a Wastewater Strategy in place which requires landowners in unsewered areas to properly treat and dispose of effluent including laundry water. These designs require careful consideration and often large financial outlay by the resident. Council may need to consider the implications of promoting the reuse of untreated greywater by some residents but then requiring other residents to adequately treat and dispose of effluent.

Considerations for Greywater Reuse in Times of Drought

- In a time of drought, such as this current crisis, undertaking other measures to limit water usage is most valuable and should be congratulated. However, certain precautions should be undertaken to ensure the public and environmental health.
 - Only final rinse laundry water to be used.
 - Other wastewater should not be used, in particular, kitchen waste (grease and other contaminants make it especially unhealthy).
 - Residents need to be aware of the potential risks associated with the reuse of untreated greywater. An information brochure or other educational tool may be of some value.
 - Residents also need to be aware that this consideration of reuse of laundry waste is for this time of drought only and cannot be a long term practice.
 - Greywater must not enter the stormwater system or neighbouring properties. This is in contravention of the Protection of the Environment Operations Act and residents could incur penalties.
 - Good hygiene practices must be employed to minimise risks of infection control. Residents undertaking this practice should wash their hands after re-distributing their laundry waste.
 - Laundry waste should not be stored and should be placed on the garden quickly. This greywater can quickly turn septic.
 - Pumping laundry water from washing machines through piped connections should be discouraged. This practice may affect the integrity of washing machine pumps causing "burn-out".
-

Report – Water Crisis Management

- Residents should be aware of their safety and the likelihood of accidents due to spills and/or carrying heavy loads whilst engaging in this practice.

Waste Minimisation Officer:

Where I share the concern to save water, I think the benefits to be gained from this proposal may be outweighed by the potential negative impact on our waste service, in particular, our challenge to keep plastic bags out of the organics stream.

We have invested considerable resources in community waste education, to reduce the amount of waste going to landfill and to manage contamination levels in the organics bin. We have focussed advertising material, including TV commercials on keeping plastic bags out of the organics bins. We may create confusion, by promoting the use of plastic liners in one bin and not the other.

Plastic bags continue to be a problem in our environment. According to 'Clean Up Australia' (CUA), ordinary plastic bags take between 20 years and 100 years to break down in landfill. The results of the last 'Clean Up Australia' litter pick up day, also reveals that over 7% of litter in Australia comprises plastic bags. The suggestion to use plastic bags for refuse collection is contrary to the current climate to reduce plastic bag use in Australia and conflicts with our aim to make Lismore a 'Plastic Bag Free City'.

Author's Response to Comments from Other Staff

No further response.

Conclusion

The implementation of a credit scheme is possible. The extended target levels and the value of the credit suggested in the resolution are not achievable. Likewise a scheme with targets that are too low have little impact on actual consumption and are cost prohibitive. A single level credit based upon a 50% reduction at a time of possible Level 5 restrictions is considered to be the appropriate scheme.

This is a response to a crisis situation. This does not represent the long term financial management of the water supply as already adopted by Council rather it is a pragmatic solution to the Council resolution. The scheme should only operate while water restrictions exist and there should be scope for review in the coming year if the drought does not break.

The scheme should be accessible to all accounts in the Lismore LGA including Nimbin and including commercial premises. This will enhance its impact on overall water demand. The opportunity to obtain widespread support for the scheme from Rous and the other constituent Council's within a manageable timeframe is dependent upon various Council meetings and the form of support is limited without a clear path forward. This may require Council to take the running on the proposal and for other Council's to follow should they resolve to do so.

Implementation of such a scheme by Rous and all the constituent Councils would be required to achieve the maximum effect. As such Rous should be requested to assess the cost/benefit of such a proposal.

Uncontrolled use of greywater presents a range of public health and environmental issues. The community needs to be educated on the safe re-use of greywater.

Other suggestions regarding buckets and plastic bags are not supported, as there is no equitable method of distributing such low cost items that justifies this cost.

Report – Water Crisis Management

The proposals to reduce outdoor use of tap water and an increased presence in Lismore's CBD are supported and these will be further discussed with Rous. The initiatives already undertaken by Rous in community education, demand management and getting the message to the community should be commended and encouraged. This will be the best mechanism for demand management over the coming holiday period.

Recommendations (ENT15)

- 1 That Council adopt a credit scheme to be applied to water accounts in the first quarter of 2003. The scheme be based upon a credit of \$0.36 per Kilolitre for each metered water account within the Lismore LGA that achieves a reduction in consumption of 50% or more compared to the equivalent water account in 2002.
- 2 That Council publicise this scheme and include details of accessing the scheme with the water accounts distributed in the first quarter of 2003.
- 3 That Council advertise the scheme in the Northern Star and the Lismore and District Echo.
- 4 That Rous Water be requested to assess the implications and cost/benefits of introducing a water consumption reduction scheme based on reduction thresholds, throughout the region.
- 5 That Rous Water, NSW Health and the constituent Councils be requested to commence an education campaign on safe use of greywater.

Subject/File No: REFUND OF SECTION 64 FEES FOR PROPERTIES PURCHASED UNDER THE FLOOD ACQUISITION SCHEME (AA:CD: S744:S106)

Prepared By: Anu Atukorala – Manager Lismore Water

Reason: Mayoral Minute

Objective: Clarify legal status of creating a S64 credit bank

Management Plan Activity: Water & Sewerage Services

Background:

At the meeting held on May 14, 2002 the following mayoral minute was presented and the recommendation adopted:

“Council never misses an opportunity to charge for water and sewerage infrastructure and headworks for new buildings. This begs the question when properties are purchased under the flood acquisition scheme, “should there be some refund to flood funding?”.

I acknowledge this is not a simple issue as some infrastructure is in place, however there is the matter of headworks which could be refunded perhaps in part or from a certain time.

It is because of this I make the recommendation that a report be called for.

Subsequently a legal opinion was sought and a copy is attached. The advice is self-explanatory.

Terminology

Water Supply and Wastewater Developer Contributions
(also called developer contributions/charges)

The power for councils to levy developer contributions for water supply and wastewater derives from Section 64 of the Local Government Act 1993, by means of a cross reference in that Act to Section 306 of the Water Management Act 2000 (WM Act). As such, the advice provided refers to developer contributions as “Section 306” contributions rather than “Section 64” contributions.

Development Servicing Plans (DSP)

This is the term used in the guidelines to describe a Section 64 Plan.

Report

For completeness of this report some key excerpts from legal opinion are listed below for your information.

1. *Division 5 of Part 2 of Chapter 6 of the WM Act does not establish tradeable rights in developer charges. That is, there is no market in which the obligations to pay developer charges or the entitlements to credits in respect of developer charges can be held in a ‘bank’ and traded between developers or developments. Further, we do not think a person can own or ‘bank’ credits for their own later use.*

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Report – Refund of S64 Fees for Properties Purchased Under the Flood Acquisition Scheme

2. **Money from developer charges that is held by the Council must be applied towards the cost of water supply and sewerage headworks and for no other purpose.**
3. *To speak of 'sewerage entitlements' or 'water entitlements' when discussing a liability to pay developer charges and credits for developer charges is misconceived.*
4. *Water supply and sewerage headworks may already exist to serve a proposed development in circumstances which justify a partial or full credit of developer charges in respect of the development. One such circumstance would be if a site were being redeveloped. If the proposed new development will not increase the load on such headworks or will actually reduce the load, no developer charge for the augmentation of water supply and sewerage headworks to serve the development would be justified.*

Another circumstance would be if a development could satisfy the Council that acceptable alternative arrangements had been made for the supply of water and the treatment of sewage in relation to the development. For, example, the proposed development may be adequately supplied by water from a bore or rainwater tanks or the like and sewage may be treated and re-used on the site using modern environmental technology.

Note: With respect to item 4 above, Council's S64 policy already allows for full or partial credits of this nature. The method of calculation is also specified as required.

5. *The above principles are applicable for S94 charges as well.*

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

The Water Management Act does not allow for refund of S64 charges. Money from developer charges that is held by the Council must be applied towards the cost of water supply and sewerage headworks and for no other purpose.

The current DSP (S64 plan) and the S64 charging policy No 6.1.4 allows for full or partial credits when a particular site is being redeveloped.

Recommendation (ENT16)

- 1 That the legal advice be noted.
- 2 That S64 funds be only used for water supply and sewerage headworks and for no other purpose.

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Subject/File No: REPLACEMENT OF COUNCIL PLANT – Vehicle No. 191
(Freightliner / MacDonald Johnston Garbage Collection Truck)
(CS:T23005)

Prepared By: Fleet Manager - Col Starr

Reason: To inform Council of replacement / purchases of major plant items.

Objective: To seek Council's approval for the purchase of one (1) new 6x4 Garbage Collection Truck.

Management Plan Activity: 1.12 - Plant Operations

Background:

Tenders closed on November 19, 2002 for the supply of one (1) new 6x4, Garbage Collection Truck and the sale of -

- Fleet No. 191 – 1996 Freightliner FL80 6x4 Garbage Collection Truck.

Lismore City Council is currently operating four (4) Garbage collection trucks, one of which operates two shifts daily. The anticipated replacement interval for these vehicles is between five (5) to six (6) years depending on the condition of the vehicles and revenue generated for replacement.

The existing Garbage Collection Trucks comprise of –

- **V170 – 2000 Freightliner FL80 fitted with 22m³ MacDonald Johnston Side Loader Compaction body.** This particular unit is the newest garbage truck with Council.
This truck and collection/compactor body is identical to the other collection trucks owned by LCC, all of which have proven to be successful in kerbside waste collection operations to date. These units are based within the 'Northern Rivers Waste' section which is part of the 'Business & Enterprise' Group of Council.
- **V171 – 1998 Freightliner FL80 fitted with 22m³ MacDonald Johnston Side Loader Compaction body.**
This truck and collection/compactor body is identical to the other collection trucks owned by LCC, all of which have proven to be successful in kerbside waste collection operations to date.
- **V172 – 1999 Freightliner FL80 fitted with 22m³ MacDonald Johnston Side Loader Compaction body.**
This truck and collection/compactor body is identical to the other collection trucks owned by LCC, all of which have proven to be successful in kerbside waste collection operations to date.
- **V191 – 1996 Freightliner FL80 fitted with 22m³ MacDonald Johnston Side Loader Compaction body.**
This particular unit is the oldest garbage collection truck in Councils fleet.
This truck and collection/compactor body is identical to the other collection trucks owned by LCC, all of which have proven to be successful in kerbside waste collection operations to date.
****This Garbage Collection Truck is being replaced in this tender****

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Replacement Of Council Plant – V191 (6x4 Garbage Collection Truck)

There were a total of three (3) truck and collection/compaction combination units tendered; one (1) collection/compaction body supply only tender, and four (4) 'Private Offers to Purchase the Trade-In' for V191.

Consultation with the users of this waste collection truck (Northern Rivers Waste – B&E Group) resulted in the unit required to be similar in size and capacity to the current compactors being used, i.e. Fleet Nos. 170, 171, 172 and 191.

Reliability is critical for all of the waste collection trucks due to their collection runs being completed each day without fail.

Back-up support is another important factor to be considered, especially given that there are currently 4 trucks operating 5 shifts daily, prolonged downtime due to lack of manufacturer or dealer support overloads the available time frame for the kerbside waste collections.

Truck & Collection/Compactor Units Tendered

Listed below are the units offered for supply to LCC in this tender.

Full technical and tender evaluation details are also listed in the attachments marked as '**Attachment A & B – Tender T23005**'

Truck & Garbage Collection Unit	Supplier
1. Isuzu / Superior Pak	John Chant Isuzu of Lismore NSW
2. Freightliner / MacDonald Johnston	Southside Agencies of Lismore NSW
3. Iveco ACCO / Superior Pak	Black Truck Sales of Rocklea QLD
Garbage Collection Unit Only	Supplier
1. MacDonald Johnston	MacDonald Johnston of Brendale QLD
Purchase of Trade-In Unit Only	
1. COSIMAR p/l of Lismore NSW	
2. W & P Machinery Sales of Campbellfield VIC	
3. Four Seasons Waste of Melton VIC	
4. Wagga Trucks of Wagga Wagga NSW	

The only tenderer who offered an optional body was Southside Agencies who listed the Superior Pak unit as their second option.

Southside Agencies has also offered yet another option in this tender being a truck (Freightliner FL80) which was built for another customer but cancelled before delivery, this unit is identical to the unit specified by LCC but with an 8-02 build date instead of late 2002 or 2003, with an immediate delivery to the body builder upon receipt of purchase order, it is another attractive incentive for this purchase as there will be a delay in waiting for a truck ex USA.

An evaluation panel comprising of Messrs Col Starr (Fleet Manager), Chris Allison (Contracts Officer), Kieran Wade (Northern Rivers Waste Manager) and Garry Stevens (Supervisor, Northern Rivers Waste) assessed the tenders in part or in full, as per the criteria set out in the tender documents.

The evaluation criteria determines the suitability of all of the units offered in this tender for *capability, quality, safety, operational functionality and conformity to the minimum specifications given*. The results of these evaluations are shown in '**Attachment A**'

Full truck and Collection / Compactor body evaluations are listed in '**Attachment B**'

Key Points to Consider:

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Replacement Of Council Plant – V191 (6x4 Garbage Collection Truck)

- Purchase best possible combination of truck and collection/compactor unit to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer of both units.
- Operator comfort with 'Ergonomic Design' and operating considerations (OH&S).
- Ability to keep truck/compactor working with minimal maintenance and repair time.
- Compatibility with the remainder of the waste collection fleet.

Manager-Finance & Administration Comments

There are sufficient funds within the Waste Collection/Disposal Plant Replacement reserve to fund the acquisition of this vehicle.

This plant item has a reasonable high utilisation rate and consequently has successfully generated sufficient funds to replace itself. As it is an essential element of the waste collection service, its replacement as recommended is supported.

Other Group Comments

Group Manager – Business & Enterprise

That given the high level of conformance as determined by the tender evaluation team and the benefits for fleet management and sharing of vehicles between drivers I support the recommendation to purchase the Freightliner with the McDonald Johnston compactor.

Group Manager - City Works

The combination of Freightliner trucks and MacDonalld Johnston compactors have proved extremely durable over the past six (6) years. The equipment is well accepted by the operators, and Workshop staff have a sound knowledge of the operating systems, compactors and lift-arm mechanisms.

The two other units tendered are capable of doing the task and have a slight cost advantage. However, the higher cab and body combined with being a one-off machine in Councils fleet are substantial disadvantages.

I endorse the recommendations.

Conclusion

The Kerbside waste collection trucks are an important link in the Lismore City Council Business & Enterprise (Northern Rivers Waste) functions. To date the LCC operation has been very competitive, and by continuing to purchase the most effective and efficient units within reasonable price ranges, our day labour will continue to offer Lismore City customers better value for the dollar spent.

The current combinations of Freightliner trucks and MacDonalld Johnston bodies are successful for our needs and have high operator praise for ease of use, lower and easier entry to cabin than Cab Over Engine units, bin lifter close to cabin for operator visibility, lower profile of both cabin and compactor body (Tree contacts) and compatibility ensuring that all operators are at maximum efficiency with any of the units they need to operate.

The reduction offered by Southside Agencies for the 8/02 build truck, with immediate delivery to the body builders (6 weeks to build), combined with the high 'Private Offer to Purchase' from COSIMAR P/L of Lismore, is a most attractive offer.

Staff Involvement:

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Replacement Of Council Plant – V191 (6x4 Garbage Collection Truck)

Acceptance of any proposed machine purchase by operating staff is important as it enhances a long operating life. Keeping this fact in mind, Northern Rivers Waste and LCC Fleet & Workshop staff have inspected the available trucks and collection/compactor units. All of those staff and users who inspected the trucks and collection units available were convinced that the Freightliner FL80 with the MacDonald Johnston unit is the better purchase for the LCC application as required.

Author's Response to Comments from Other Staff:

Noted.

Recommendation (WOR01)

That Council purchase one (1) only **Freightliner FL80** truck with the **MacDonald Johnston** Collection / Compactor unit (Utilising the option of 8/02 build truck) as tendered (T23005) from **Southside Agencies of Lismore** for the cost of **\$287,337.00** (includes GST \$26,125)

and

Accept the 'Private Offer to Purchase V191' from **COSIMAR P/L of Lismore, NSW**, for the amount of **\$60,500.00** (includes \$5,500.00 GST component – Non ITC).

Change-over cost to Council will be **\$226,837.00** (with GST) (\$200,712.00 after ITC).

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Subject/File No: TENDERS FOR THE RENEWAL OF SEWER MAINS AT VARIOUS LOCATIONS, LISMORE (T23003)

Prepared By: Contracts Engineer – Ravi Ariyasinghe

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

Objective: To obtain Council approval to award the Tender

Management Plan Activity: Wastewater Services

Background:

Tenders have been called for renewal of sewer mains in sections of Diadem, Hindmarsh, Leycester, Norris, Robert, Dibbs, Pine, Simmons & Wilson Streets and Laurel Avenue.

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

The Client Services Unit on behalf of Lismore Water prepared the tender documents. The request for tender was advertised in the Sydney Morning Herald, the Courier Mail and the Weekend Star.

Tender documents were issued to eight companies and five tenders were received by the close of tender on 2.00pm, Thursday, November 14, 2002.

Tender Examination

Tender submissions have been requested for two separable portions.
Portion 1 - Diadem, Hindmarsh, Leycester, Norris and Robert Streets
Portion 2 - Dibbs, Pine, Simmons & Wilson Streets and Laurel Avenue

The tenders received are summarised below.

Portion 1

Tenderer	Tender Price	Corrected Price
Pipe Replacement Solutions	\$169,334	\$171,453
Kembla Watertech	\$208,737	\$250,816
Tyco Water Services	\$299,567	\$299,570
Collex Nodig	\$322,497	\$322,655
Essig Products Australia	\$338,587	\$338,587

Portion 2

Tenderer	Tender Price	Corrected Price
Pipe Replacement Solutions	\$144,053	\$146,149
Kembla Watertech	\$279,075	\$279,075
Collex Nodig	\$328,576	\$328,576
Tyco Water Services	\$360,642	\$357,101

The prices shown above are **exclusive** of GST.

On examination of the schedules of quantities and prices submitted by the tenderers, it was observed that some tenderers had made some arithmetical errors and omissions in the schedule. The corrected tender price takes account of rectification of these errors and omissions.

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Wastewater Services

This tender is a schedule of rates tender. The tender price is the estimated price of the works using the respective rates of each tenderer.

An evaluation panel consisting of Ravi Ariyasinghe (Contracts Engineer), Janaka Weeraratne (Asset Manager, Lismore Water), Kim Bulmer (Inspector, Lismore Water) and Rod Haydon (Inspector, Lismore Water) undertook the assessment of tenders.

The tender documentation (Clause B7) defined five criteria by which each tender would be assessed:

- i) Total price;
- ii) Material, equipment & methodology;
- iii) Capability;
- iv) Quality, safety & environmental management; and
- v) Management Plan.

The tenderers were required to address each of these criteria in their tender.

The criterion for price has been broken down to three areas:

- i) Comparison of tenders received;
- ii) Comparison with internal benchmarks; and
- iii) Analysis of individual tendered items.

Attachments A and B show the weighted result for each criterion.

Pipeline Replacement Solutions Pty Ltd's has provided the best proposal for this project when compared to the other four tenders.

Referee Check:

Pipe Replacement Solutions Pty Ltd was recently (in 2002) contracted by Barwon Water and Bega Valley Shire Council for re-construction of sewer mains and house junctions. The supervising officers of these organisations expressed that they were satisfied with the performance.

Pipe Replacement Solutions Pty Ltd was contracted by Council to carry out two similar contracts in 1998 and 2001. The works performed under these contracts were considered satisfactory, although there were some concerns on the level of supervision required by Council. Since then, the key personnel of Pipe Replacement Solutions Pty Ltd have undertaken further training on OH&S and traffic control.

Principal Accountant's Comments

These works are listed in the current budget. The budgeted amounts estimated are sufficient to cover the tendered price and Council staff supervision costs for all of the projects.

Public Consultations

Not required.

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Wastewater Services

Other Group Comments

Not required.

Asset Manager – Lismore Water

Pipe Replacement Solutions Pty Ltd has previously performed similar works for Lismore Water. The sewer pipe rehabilitation method proposed by Pipe Replacement Solutions Pty Ltd is currently superior to the alternatives offered by the other contractors. The concern with this contractor is their below acceptable performance on their occupational health and safety and restoration works. Client Services have assured Lismore Water that they will have procedures in place to ensure that the Contractor performs to the standards specified in the contract documents. The recommendation to award the tender to Pipe Replacement Solutions Pty Ltd is concurred to.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Pipe Replacement Solutions Pty Ltd is considered to have the ability to complete the work satisfactorily. It is recommended that the renewal of sewer mains at Diadem, Hindmarsh, Leycester, Norris, Robert, Dibbs, Pine, Simmons & Wilson Streets and Laurel Avenue be awarded to Pipe Replacement Solutions Pty Ltd at the rates submitted.

Recommendation (GM63)

1. The contract for the renewal of sewer mains in various locations, Lismore is awarded to Pipe Replacement Solutions Pty Ltd for the amount of \$171,453 (Portion 1) and \$146,149 (Portion 2) plus GST.
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: PURCHASE OF LAND FROM MR JE GALLAGHER & MS JA SAFFIN – 10 BAILLIE STREET, NORTH LISMORE – P316

Prepared By: Manager Client Services – Lindsay Walker

Reason: Necessary Council resolution prior to purchase

Objective: To gain authorisation to proceed with the purchase of 10 Baillie Street, North Lismore

Management Plan Activity: Flood Plain Management

Background:

The abovementioned property, being 10 Baillie Street, North Lismore (Lot B in Deposited Plan No. 32087 and Lot 2 in Deposited Plan 205056) is the most easterly property in Baillie Street. This property adjoins land already owned by Lismore City Council.

The recent floodplain mapping, which formed the basis of Council's adopted Floodplain Management Plan, clearly identifies that the abovementioned land is within the "floodway". This mapping is consistent with anecdotal evidence that the subject area of Baillie Street experiences significant flow rates in major floods.

The purchase of the abovementioned property is consistent with eligibility criteria set out in clause 4.5.6 of the Lismore Floodplain Management Plan.

Valuation

The property, being 10 Baillie Street, North Lismore was valued by AJ Andrews in July 2002. The valuation was determined to be \$80,000.00.

Manager - Finance & Administration Comments

This property is a 'priority' acquisition due to its location in the floodway as identified in the Lismore Floodplain Management Plan.

The contribution from Council is estimated to be \$28,300 and these funds are available.

Group Manager – City Works

Baillie Street had been identified as an area with a high flood risk while at the same time suffering from substantial bank slips.

The purchase and removal of this house is consistent with the long-term flood plans previously endorsed by Council and Government agencies. It will allow the owner to purchase a house away from the combined risk of floods and the resulting financial hardship.

Author's Response to Comments from Other Staff

Not required.

Conclusion

It is Council's long term strategy to seek to purchase those dwellings which remain in the "floodway". This dwelling adjoins existing Council-owned open space and its removal is seen as advantageous.

The property is consistent with Council's acquisition policy as set out in both Clause 22 of the Lismore LEP and Clause 4.5.6 of the adopted Lismore Floodplain Management Plan.

Recommendation (GM62)

- 1 That Council authorises the General Manager or his delegate to purchase 10 Baillie Street, North Lismore, being Lot B in Deposited Plan 32087 together with Lot 2 in Deposited Plan 205056.
- 2 That Council contributes its one-third funding contribution for the purchase of Lot B in DP 32087 and Lot 2 in Deposited Plan 205056 for an agreed price of \$80,000.00 together with all reasonable legal expenses, from its Voluntary Acquisition Funding and such contribution be contingent upon matching one-third funding being provided by both Richmond River County Council and the Department of Land and Water Conservation.
- 3 That the General Manager and Mayor be authorised to sign and apply the Common Seal of the Council to the contract of sale or property transfer documents, as necessary.

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Subject/File No: RECLASSIFICATION OF COUNCIL PROPERTIES FROM COMMUNITY TO OPERATIONAL
(P22538, P1723, P20088)

Prepared By: Manager-Client Services and Consultant Malcolm Scott

Reason: To bring together the arrangements for the reclassification of Council properties from Community to Operational

Objective: To obtain Council's resolution to commence the exhibition of a draft LEP

Management Plan Activity: Property Services

Introduction:

Malcolm Scott, Consultant Town Planner, has been requested by Council's Manager of Client Services to investigate and prepare an amendment to the Lismore LEP to reclassify and rezone certain community lands (described below) from community to operational.

The lands are described in the following table.

Table 1 Property details

Name / use & Property No.	Real Property	Street address	Area
Richmond Tweed Library Regional Administrative Centre P22538	Lot 58 DP 805421	1 Lancaster Dr Goonellabah	2,418m ²
P1723 acquired from BP & CL Larkin	Lot 2 DP 596412	97 Caniaba St South Lismore	35.48ha
Clyde Campbell Car Park P20088	Lot 20 DP 629445	44 Molesworth St Lismore	1.231ha

A general description of the history of Council's nature of interest is described in Table 2.

Table 2 Nature of interest

Property	Nature of interest
Richmond Tweed Regional Library Administrative Centre	<p>The lands were purchased for the Richmond Tweed Regional Library Administrative Centre.</p> <p>Council owns the lands in freehold Torrens Title (30/5/2002) in trust for Richmond Tweed Regional Library.</p> <p>Pursuant to s31(2A) of the Local Government Act 1993 any land acquired by a council that is not classified under subsection (2) [before a council acquires land, or within 3 months after it acquires the land, a council may resolve that the land be classified as community land or operational land] is, at the end of the period 3 months referred to in that subsection, taken to be have been classified under a local environmental plan as community land.</p> <p>The lands are therefore currently classified as community land.</p>

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Reclassification of Council Properties from Community to Operational

<p>P1723</p>	<p>The lands form part of the western floodway for the South Lismore levee. The levee is constructed on part of the lands. Flood modelling indicated that it was desirable to keep the western floodway clear of obstacles and hydraulically smooth to ensure that floodwater can effectively flow from Leycester Ck to Gundurimba.</p> <p>Council's Group Manager of City Works was concerned that Council could not control the type of crops grown on the lands unless it owned the lands. It appears that Council had discussed the purchase of the lands for approximately 5 years prior to March 2001.</p> <p>Council at its meeting of 2/2/99 considered the matter 'in committee of the whole' and resolved that the General Manager proceed with negotiations to purchase the lands. Council at its meeting of 13/3/01 again considered of the matter 'in committee of the whole' and resolved that the General Manager proceed with negotiations to purchase the lands.</p> <p>Council purchased the lands 27/8/01 for \$132,000. The purchase cost was shared (50 : 50) with Richmond River County Council. Council owns the lands in freehold Torrens Title (4/9/2001).</p> <p>The lands have been valued at \$112,000 by the Valuer General in notice to Council dated 1/10/01.</p> <p>The lands are currently subject to a 5 year lease for grazing. The lease dated 19/3/02, requires the Licensee to pay an annual license fee of \$650 for the first year and \$3100 per annum for each of the subsequent 4 years.</p> <p>Council placed in its community 'InfoLINK' column in the Northern Rivers Echo newspaper of 6/7/01 a public notice of its intention to pass a resolution pursuant to s34 of the Local Government Act to classify the land as operational. The notice stated the real property description and street address, indicated that the lands were to be acquired from BP & CL Larkin and that the lands were then used for grazing and small crops production. The notice did not specify, as required by s34(3) the period in which submissions must be made (28 days).</p> <p>It appears that Council has taken no further actions in respect of the classification of the lands. Therefore arguably the lands are currently classified as community land.</p>
<p>Clyde Campbell Car Park</p>	<p>Clyde Campbell Car Park is a public car park developed in c.1972 containing approximately 315 public car parking bays and landscaping.</p> <p>Council has received a submission (8/7/02) from Newton Denny Chapelle, Consulting Surveyors & Planners, prepared on behalf of Dawnridge P/L seeking the 'in principle' support of Council to enable a Development Application for a proposal to expand Lismore Police Station initially through the reclassification of the whole of the car park from community to operational lands.</p> <p>The concept for the proposed expansion involves the erection of a 4 level building comprising:</p> <ul style="list-style-type: none"> • ground floor car parking for 57 cars on the existing car park level • a secure first floor car parking deck for 25 cars • second offices 623m² and • third floor offices 658m².

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	<p>The building would be located over the existing car park immediately adjoining (to the east) the existing Lismore Police Station and south of the Lismore Courthouse.</p> <p>The concept plans show that there are 48 car parking bays existing on the subject lands.</p> <p>The submission from Newton Denny Chapelle indicates that the ground floor car parking for 57 cars on the existing car park level would be public parking spaces.</p> <p>In the event that Council supports the reclassification of the car park a Development Application, made by the Crown, would have to be submitted with the consent of Council as the landowner and approved by Council as the regulator, subject to the concurrence of the Crown.</p> <p>It is envisaged that a lease agreement of 'air space' would be required. Council would need to ensure that the proposed 57 car parking bays remained available for use by the public.</p> <p>A Development Application would address issues such as design (heritage in particular), flood impacts and provision of on-site car parking.</p> <p>The lands have been valued at \$500,000 by the Valuer General in notice to Council dated 1/10/01.</p> <p>As the car park is currently classified community land a Development Application for the expansion cannot be made.</p>
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Background:

Having regard to the information provided above Table 3 outlines the actions of Council to-date and the 'community / operational' classification status of the lands.

Table 3 Actions

Property	Nature of actions
Richmond Tweed Regional Library Administrative Centre	<p>The lands were transferred to Council in trust for Richmond Tweed Regional Library 30/5/2002.</p> <p>The lands are currently classified as community land as, Council did not prior to acquiring the lands or within 3 months of acquiring the lands, give public notice of a proposed resolution to classify the lands as operational.</p> <p>Council in DA No. 2002/366, dated 8/7/02, approved the use of the building on the lands for the Regional Richmond Tweed Library Administrative Centre and boundary adjustment with adjoining lands known as Lot 3 DP 261858 (2 Centenary Dr Goonellabah) and Lot 4 DP 261858 (246 Oliver Ave Goonellabah).</p> <p>Consent to modify DA No. 2002/366 was issued 13/8/02.</p>
P1723	<p>The lands were transferred to Council 4/9/2001.</p> <p>It appears that the lands are currently classified as community land. Council did give notice (6/7/01) prior to acquiring (4/9/01) the lands of</p>

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Reclassification of Council Properties from Community to Operational

	its intention to reclassify the lands as operational.
Clyde Campbell Car Park	<p>Council placed in its community 'InfoLINK' column in the Northern Rivers Echo newspaper of 4/7/02 a public notice of its intention to pass a resolution pursuant to s34 of the Local Government Act to classify the lands as operational. The notice stated the real property description, name and indicated that the lands were used for public car parking purposes. The notice did not specify, as required by s34(3) the period in which submissions must be made (28 days).</p> <p>Richmond River County Council (RRCC) made a submission, dated 25/7/02, advising Council that any decision to reclassify and develop the car park or associated air space should take into account the positioning of the land relative to the Lismore flood levee scheme. RRCC advised that modelling was being undertaken to determine the works necessary to retain the flood flows in the car park and then direct them across Keen St. and that as such any use of land and air space should be compatible with the height and location of the deflector walls and the velocity of the flood flows.</p> <p>RRCC also requested it be consulted should any development be proposed. It would appropriate that the process of consultation between the Councils and proponents be commenced as soon as possible in order that the respective needs of 'players' are known and considered and feasibility of the project clearly established.</p>

Status of Process and Recommendations:

The 3 properties the subject of this report are at different stages in the reclassification process established under the Environmental Planning and Assessment Act 1979 and Local Government Act 1993.

Land: 1 Lancaster Dr (Lot 58 DP 805421)

The lands are classified as community land. Council has not instigated the process for reclassification as established by the Local Government Act 1993.

Recommendation

That Council give notice pursuant to s34 of the Local Government Act 1993 that is intends to reclassify the lands.

Land: 97 Caniaba St (Lot 2 DP 596421)

Considerable time (15 months) has elapsed since Council gave (6/7/01) notice of its intention to reclassify the lands. The notice was not worded to satisfy the requirements of the Local Government Act 1993.

Subject to legal opinion, if required by Council, it is considered that the lands are currently classified as community land.

Recommendation

That Council give proper notice pursuant to s34 of the Local Government Act 1993 that is intends to reclassify the lands.

Land: 44 Molesworth St (Lot 20 DP629445)

Council gave (4/7/02) notice of its intention to reclassify the lands. The notice was not worded to satisfy the requirements of the Local Government Act 1993.

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Reclassification of Council Properties from Community to Operational

Richmond River County Council has made a submission advising Council that any decision to reclassify and develop the car park or associated air space should take into account the positioning of the land relative to the Lismore flood levee scheme. Council's records do not show that any discussions have been conducted between Council and Richmond River County Council in this regard.

Recommendation

That Council again give proper notice pursuant to s34 of the Local Government Act 1993 that is intends to reclassify the lands.

Manager - Finance & Administration Comments

It is necessary to reclassify these properties from 'community' to 'operational' land to ensure that we have greater flexibility with their planned (ie leasing, subdivision, development, etc) and unplanned use. Also, operational lands do not require a plan of management, which can be administratively restrictive.

This process is supported and costs are funded from existing budgets.

Public Consultations

Public consultation will take place following Council's resolution.

Other Group Comments

Manager-Planning Services

It is important that all procedures required by the Local Government Act are correctly followed upon acquisition of land by Council in order to avoid even more 'red tape' in the time consuming and convoluted procedures for amending the Local Environment Plan.

Author's Response to Comments from Other Staff

Noted.

Conclusion

Given the situation described above it is considered 'safer' that Council 'take a step back' and recommence the process in order to ensure all legislative requirements are met.

Council needs to clearly resolve its intentions to reclassify the lands and prepare and exhibit a draft LEP with all information to ensure public transparency and accountability as intended and required by the legislation.

The following is recommended to Council in order to recommence and run concurrently, where possible, the necessary legislative processes required under the Local Government Act 1993, as amended and the Environmental Planning and Assessment Act, 1979, as amended.

Recommendation (GM64)

LISMORE CITY COUNCIL - Meeting held December 10, 2002

Reclassification of Council Properties from Community to Operational

- 1 That Council pursuant to s34 of the Local Government Act 1993 give Public Notice of its intention to reclassify as operational land the properties known as:
 - a) 1 Lancaster Dr (Lot 58 DP 805421)
 - b) 44 Molesworth St (Lot 20 DP629445) and
 - c) 97 Caniaba St (Lot 2 DP 596421).

- 2 That Council, following the 28 day period of notice given under s34 of the Local Government Act 1993, pursuant to section 54(1) of the Environmental Planning and Assessment Act Council resolve to exhibit the draft LEP in accordance with its resolution to comply with the Best Practice Guideline published by Planning NSW in January 1997 titled "LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council" for those properties known as:
 - a) 1 Lancaster Dr (Lot 58 DP 805421)
 - b) 44 Molesworth St (Lot 20 DP629445) and
 - c) 97 Caniaba St (Lot 2 DP 596421).

LISMORE CITY COUNCIL - Meeting held December 10, 2002

Subject/File No: NORTHERN RIVERS HERB FESTIVAL – 2002 RESEARCH REPORT AND FUNDING FOR 2003, 2004 & 2005 EVENTS JB:LC:S822

Prepared By: Events Manager – John Bancroft

Reason: Advise Council of the outcomes of the 2002 Northern Rivers Herb Festival and request from Lismore Unlimited for a three year commitment to the event (2003 –2005).

Objective: Inform Council and seek Council contribution/sponsorship for 2003 –2005.

Management Plan Activity: N/a

Background:

Council has received two major reports re the Herb Festival

- Report to Council March 13, 2001 (August 2001 Event)
- Report to Council April 9, 2002 (August 2002 Event)

Council contributed \$20,000 to the 2002 event which was used for water, site preparation, contribution to cultural content etc. Both events have proven to be highly successful and it is both Lismore Unlimited and Lismore Economic Development Units desire to “grow” the festival and see it heralded as a premier regional occurrence of great artistic quality and social relevance. Attendance at the 2002 Event was estimated at in the vicinity of 10-12,000 over the two days. This was despite a major rain induced setback on Saturday night (a predicted peak time).

Highlights of the 2002 Research Report

The report is attached for your information.

The event was extremely successful as indicated in the Executive Summary on Page 3.

“The research has found that this year’s event attracted similar types of people to last year and for similar reasons. Importantly more visitors were attracted from the local region as well as well as from further destinations including Brisbane and Kempsey and Grafton.”

“Key features most enjoyed by festival attendees include food, entertainment and the festival atmosphere. While there were no major areas for improvement, many ideas were generated by several groups in the study for consideration by festival organisers.”

“Support for next year’s event was overwhelming with over 93% of all those surveyed indicating they would return next year . Based upon the high levels of satisfaction from visitors, the future success and growth of the event appears to be assured.”

Other Reports highlights are:

Demographic Information

“Establishing the place of residence was achieved by collecting data on the home town, city or suburb. Overwhelmingly, 85% of respondents came from Lismore and its immediate surrounding area including Goonellabah, Casino, Alstonville, Nimbin and Jiggi. Smaller numbers of people came from outside the local area (4.69%) including Coffs Harbour, Kempsey and Grafton and a small number came form Sydney (3.5%) and South East Queensland (6%).”

While these figures look similar to those of last year, it is interesting to note that those visitors from Brisbane, Byron Bay, Grafton and Scotland (via Brisbane) came to Lismore especially for the festival. This represents around 8% of all festival visitors and is a big increase on last year.

Features of the Festival most enjoyed.

“The results show that many people enjoyed the same qualities of the event, with the most common response being music, food and festival atmosphere.”

Sponsors Perception

“90% of surveyed attendees were aware that Council provided a cash and in-kind contribution to the festival.”

“100% surveyed agreed that Lismore City Council should continue to fund the event.”

The Strength of the “Food” Element.

“The strength of the food as a reason for attending, a feature most enjoyed and an item to spend the most money on is an important finding of the report. It is felt that this area can only expand – as more people attend the demand will grow exponentially for good quality food – that has a “herb” theme.”

The Future of the Event

Two successful events have now been conducted and Lismore Unlimited (as reported to Council in August 13, 2002) has provided, via its newly adopted 3 year marketing strategy, for the management of the event (\$28,000 for a co-ordinator) plus a \$28,000 cash injection for 2003-2005. These facts have partially ensured the events future life though all other advocates (i.e. Council, Southern Cross University etc) must continue to provide “on the ground” support and financial contributions on an ongoing basis – Lismore Unlimited is moving to “sign on” sponsors/contributors for the three year 2003 – 2005 period. The event may, at some point in the near future, be marketed as either the National or International Herb Festival.

This motion is applauded on the basis that, as the Northern Rivers Herb Festival is an annual event, organisers virtually need to start planning the next festival prior to completing the last.

It was fact that the final cash available for the 2002 event was not known until approximately three months prior to the event. This situation is NOT professionally advisable and sustainable with respect to the \$84,000 “community component “.

The Community Component

The Community component to the event, valued at \$84,000, is the items that must be provided for the festival to proceed at a "grass roots level" such as waste, road closures, Re-Use-A-bowl, sound gear and technician hire, entertainment hire etc.

It is a fact that external grants are "gettable" for fancy things like market research, marketing, media, cultural development etc. But no other government department will fund the toilets or the equipment i.e. local sponsors are what fund such things.

Long term commitment is required and Lismore Unlimited is initiating action re a three way, three year joint major sponsorship of the event (\$28,000 each per annum = \$84,000). Proposed contributors to be

- Lismore Unlimited (confirmed via three year marketing plan)
- Lismore City Council (to be advised as per outcome of this report)
- Southern Cross University (under negotiation).

Lismore City Council Sponsorship of the Event

The game of sponsorship is a new one for Lismore City Council and Councils willingness to enter into such a venture was most appreciated by Lismore Unlimited in 2001-2002. Lismore Unlimited alone cannot organise, promote, manage and totally fund the event. There is undoubtedly many ways to increase income (i.e. merchandising, entry fees etc). However, it is imperative that all original advocates of the festival (i.e. Lismore Unlimited, Lismore Economic Development Unit and Southern Cross University) now assume an ownership, management and funding role with respect to the approximate \$84,000 community component for this event.

Northern Rivers Herb Festival – 2002 Research Report and Funding for 2003, 2004 & 2005 Events

The key players/owners have always been, and always will be

- Lismore City Council (due to the economic and social benefits to Lismore)
- Lismore Unlimited (due to economic benefits to its members and business houses of Lismore.
- Tourism (as it stamps our brand and identity in terms of regional marketing strategies etc) and
- Southern Cross University (Cellulose Valley (Technology Park) plus School of Natural and Complimentary Medicines) – Herb Research – Herb Industry development was the original motivation-catalyst for the festival.

Lismore City Council – Joint Major Sponsor – What does this mean?

Should Council, via its 2002/2003 Management Plan resolve to contribute/co-major sponsor the event the \$28,000 requested would provide for many logistical and in-kind tasks as per 2001 and 2002 such as traffic management, road closures, power augmentation, City Hall hire, toilets, staffing etc. In addition to funding traditional/Council orientated functions it will provide a more substantial cash contribution to the events content, marketing, conferences and other operations.

Lismore City Council Joint Major Sponsorship Benefits

A commitment to be a major sponsor of the event would give Council the following:

- An equal share in the event hence the ability to influence the benefits it might obtain. (A comprehensive document detailing Lismore Unlimited sponsorship benefit is to be provided in the near future).
- Council logo presence on over \$20,000 worth of advertising plus substantial presence at the event;
- Council logo presence on Festival promotional material (program, posters, website);
- Community good will with particular focus on kids, families and indigenous content; and
- An opportunity to support the business community/Lismore Unlimited.

Social Impacts & Benefits

Council and the community have been saying for decades that Lismore needs a “signature” Event. The fact that the chosen theme for the Event (Culinary & Medicinal Herb growing) has long-term economic (and social) benefits for the city via Industry Development & Tourism (alternative agriculture) makes it more relevant for key players (Lismore City Council, Lismore Unlimited and Southern Cross University) to provide a consistent and significant annual contribution. Hence Lismore Unlimited’s request for a three way, three year support commitment is justified. With committed local funds organisers can leverage grants from other external agencies and government departments.

Manager - Finance & Administration Comments

The details provided in this report clearly indicate that the 2002 Northern Rivers Herb Festival was a success. To allow the festival to ‘grow’ and become a ‘signature’ event for Lismore, a three (3) year commitment of \$28,000 per annum (CPI adjusted) is being sought by Lismore Unlimited and Council’s Economic Development Unit. This will be matched by similar contributions from Lismore Unlimited and Southern Cross University.

From a financial perspective, the preferred option would be for Council to give in principle support to this request and then defer it for consideration with all other requests for funding during the 2002/03 Management Plan process. I believe this results in better decisions of Council as all relevant information is considered prior to setting priorities and allocating limited funds.

The request for a three (3) year commitment is supported as it allows coordinators a reasonable period to fully establish the event and prove it’s worth to the community, industry and sponsors.

Northern Rivers Herb Festival – 2002 Research Report and Funding for 2003, 2004 & 2005 Events

While the preferred option will satisfy a formal process, it is not likely to assist event coordinators in planning next year's event. It is acknowledged that for annual events such as this festival, organising the next event begins straight after the current event, if not sooner. A commitment by Council to a \$28,000 per annum contribution will all but ensure the financial viability of the event and allow coordinators to seek additional funding from other sources to 'grow' the event.

At this stage, given that we may receive other requests for funding for other worthy events, such as the Lantern Parade and North Coast National for example, it would be inappropriate to commit \$28,000 to the Northern Rivers Herb Festival at this time as it may prove detrimental to other requests for funding during the 2003/04 Management Plan process.

Public Consultations

N/a.

Other Group Comments

Acting Manager Economic Development & Tourism Unit – Lois Kelly

The Northern Rivers Herb Festival directly complements the Charter of the Economic Development and Tourism Unit by developing opportunities to complement and enhance the quality of life of Lismore and the region.

The festival supports a key regional industry – and offers opportunities to build relationships with major stakeholders –educational, government and business.

The development of the festival has been extensively researched, and presents a significant opportunity to enhance Lismore's tourism profile, and offers numerous tourism marketing and packaging opportunities, as well as offering considerable economic and cultural benefits to Lismore and the region.

The Economic Development Unit offers full support to a three year commitment to allow this Festival to develop to its potential.

Author's Response to Comments from Other Staff

The comments provided by the Acting Manager Economic Development and Tourism are noted .

The comments provided by the Manager - Finance and Administration are noted and understood . No doubt Council will be under some duress re its ability to fund many projects in 2003/04. Nonetheless it is fact that Council has promoted the notion of an annual festival being a priority, hence providing the host organisation of such a festival with funding certainty for a 3 year period is an unavoidable necessity.

Conclusion

As previously stated, Council has historically indicated its desire to foster events and particularly a signature event for Lismore. The Herb Festival has both events-based and industry-based benefits attached. Many strategies consistent with same have been adopted by Lismore City Council, Economic Development Unit and Lismore Unlimited, hence Council support is appropriate.

Council can now be confident that Lismore Unlimited has a documented intention to provide for the long term management of the event.

Northern Rivers Herb Festival – 2002 Research Report and Funding for 2003, 2004 & 2005 Events

All advocates must now provide “on the ground support” and financial contributions on an ongoing basis (at least three years).

Recommendation (GM71)

That:

- 1 Council note all information contained in the 2002 Northern Rivers Herb Festival Research Report.
- 2 Council give “in principle” agreement to financially supporting the Northern Rivers Herb Festival to the sum of \$28,000 per annum (CPI adjusted) for 2003, 2004 and 2005.

Subject/File No: REQUEST FOR NAMING OF SPORTSGROUNDS
(P17883, P7349 and P1729)

Prepared By: Alex Wilford, Recreation Planner

Reason: Requests have been received for the naming of three sporting fields

Objective: To obtain Council's endorsement for the proposed naming of three sporting fields

Management Plan Activity:

Background:

Council has received written requests from the Lismore Richmond Rovers Soccer Club and Lismore District Cricket Association for the formal naming of sporting fields at Nielson Park, East Lismore and Caniaba Street Reserve, South Lismore.

The Lismore Richmond Rovers Soccer Club has requested that the field commonly known as Neilson Park E2 (as indicated on the attached map of Nielson Park) be formally named the "Bill Harris Field" after the Club's founder and current president Mr Bill Harris.

Mr Harris formed the Club in 1961 with one senior Mens team and one Junior Boys team. The Club is now one of the largest in the region with over 450 registered players. Bill Harris is a well known and respected member of the Lismore community through his long involvement in soccer and through his working career as Manager of Burt Mullins Clothing Factory for many years. The Club considers the proposed naming of the field as a fitting gesture to Mr Harris in his retirement years.

This request was considered and endorsed by the Lismore District Sports Association at its meeting on October 14, 2002.

The Lismore District Cricket Association has requested that fields at Caniaba Street Reserve be named after Miss Lyn Larsen and Mrs Marie Lee. As indicated on the attached map of Caniaba Street Reserve, the larger of the cricket fields is proposed to be named the "Lyn Larsen Oval" and the smaller cricket field is proposed to be named the "Marie Lee Oval".

Miss Lyn Larsen was the captain of the Australian Women's Cricket Team for many years and two years ago was inducted into the Australian Sportspersons Hall of Fame. Miss Larsen has contributed a lot to cricket in this area and still takes an active part in the organisation of the sport in Lismore.

Mrs Marie Lee was the foundation President of Women's Cricket in Lismore, a position she has held for sixteen years. Mrs Lee has also contributed a lot to cricket in this area and still takes an active part in the organisation of the sport in Lismore.

These requests were considered and endorsed by the Lismore District Sports Association at its meeting on November 4, 2002.

Following Council's endorsement, the proposed namings will be advertised and placed on public exhibition for a minimum 30 days in accordance with Council's policy for the Naming of Public Places. Any submissions received are to be considered by Council before final decisions regarding the proposed namings are made.

LISMORE CITY COUNCIL - Meeting held December 10, 2002

Request for Naming of Sportsgrounds

Manager - Finance & Administration Comments

No comments required.

Public Consultations

The proposed namings will be advertised and placed on public exhibition for 30 days in accordance with Council's Policy for the Naming of Public Places. Any public submissions are to be considered by Council before final decisions are made.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Mr Bill Harris, Miss Lyn Larsen and Mrs Marie Lee have contributed a great deal to their respective sports and the proposed naming of fields in their honour is a fitting acknowledgement of their work and achievements over the years.

Recommendation

1. That Council endorse the proposed naming of sportsgrounds as follows:
 - a) The field commonly known as Neilson Park E2 be renamed the "Bill Harris Field".
 - b) The larger cricket field at Caniaba Street Reserve be named the "Lyn Larsen Oval".
 - c) The smaller field at Caniaba Street Reserve be named the "Marie Lee Oval".
2. The proposed namings be advertised and placed on public exhibition for 30 days in accordance with Council's policy for the Naming of Public Places.
3. That a further report detailing any public submissions be considered by Council before a final approval is given.

Subject/File No: ROADS ADVISORY COMMITTEE
(GW/LM: S745,S36)

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Committee vacancy

Objective: To appoint a new committee member.

Management Plan Activity: Roads – Urban/Rural & RTA Works

Background:

A vacancy occurred on the Roads Advisory Committee with the resignation of Eleanor Cole (Bexhill/Clunes/Eltham area).

Advertisements were placed in the Lismore Echo and the Clunes Clues, calling for nominations for this vacancy. As a consequence, only one nomination was received, being from Mr C Waddell. A copy of his nomination is attached.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The vacancy was advertised.

Other Group Comments

Not requested.

Author's Response to Comments from Other Staff

N/A

Recommendation (COR38)

That Mr C Waddell be appointed to the Roads Advisory Committee for the remainder of this term.

LISMORE CITY COUNCIL - Meeting held December 10, 2002

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

Present: Mr Garry Hemsworth (*Chairperson*), Councillors, Mervyn King, Ken Gallen, and John Hampton, Ms Karen Wilson (*on behalf of Thomas George, MP*), Messrs Mike Baldwin (*Roads and Traffic Authority*), John Daley (*Lismore Unlimited*), and Mr Bill MacDonald (*Traffic and Law Enforcement Co-ordinator*)

Deputation: Mr Bob Marsh (*Bus & Coach Association*), Mrs Nell Williams (*Williams Bus Line*), Mr & Mrs Errol & Lyn Beaumont (*Beaumont Buses*) and Mrs Judy Thistleton (*Country Bus Passenger*) for Item No. 3.

Apologies: Apologies for non-attendance on behalf of Councillor John Chant, Messrs Thomas George, MP and Bill Moorhouse (*Annual Leave*) and Mrs Wendy Johnson (*Road Safety Officer*) were received and accepted and leave of absence granted.

Disclosure of Interest: Nil

Minutes of Traffic Advisory Committee Meeting – October 16, 2002

Members were advised that the Minutes of the meeting held on October 16, 2002 were adopted by Council at its meeting of November 12, 2002, excluding Item Nos. 8 (*Road safety/parking issues in Nimbin*), and 10 (*Intersection of Conway/Carrington Streets*).

Business Arising:

1. **Meeting of 16/10/2 (Item 10) - Intersection of Conway / Carrington Streets**

With respect to Item No. 10, Members noted Council's resolution. However, upon further investigation it was not possible to restrict movements as per Council's resolution due to the problems this would create for heavy vehicle turning paths when turning left from the northern leg of Carrington Street.

Mr MacDonald advised that he had spoken with both Taxi and Bus representatives and obtained agreement from both user groups for the full closure of the intersection by extending the centre median on Conway Street right through the intersection of Carrington Street.

It was agreed that in view of the agreement obtained from commercial users, the centre median should be extended to effect a full closure, thereby prohibiting right-turn movements into and out of Carrington Street and cross traffic from each side of Carrington Street.

TAC174/02 **RECOMMENDED** in accordance with the above. (R7307,R7303)

2. **Meeting of 16/10/02 (Item 8) - Road Safety / Parking Issues in Nimbin Village**

Mr MacDonald advised that he had spoken with Ms Williams and it would appear that her main concerns related to the unsafe nature of several locations where bus operators currently dropped off children. As Mr Marsh was present, he was invited to comment on these concerns. There were apparently times when some operators used other areas and double parked their buses, largely due to the fact that access to existing Bus Zones was often blocked out by cars. Mr Marsh undertook to supply times when Bus Zones needed to be accessed so that Council's Rangers could target offenders at these times. Mr MacDonald advised that a more concentrated campaign was planned for the enforcement of parking restrictions within Nimbin in the near future and this would include Bus Zones.

TAC175/02 **RECOMMENDED** that the writer be advised in accordance with the above.
(02-11141,02-11142:S353,R1701)

Correspondence:

3. **NSW Bus & Coach Association;** forwarding petition protesting against the proposal to relocate bus parking from the Crowther Carpark to the Trinity Interchange.

Trinity Catholic College; supporting the bus operators' statement that the extra noise generated from buses being parked at the Trinity Interchange will impact on adjacent classrooms.

Bus representatives were present for this item and invited to outline their concerns regarding Council's proposal to have buses relocated out of the Crowther Carpark. A petition containing 414 signatures objecting to Council's proposal was also tabled by the representatives. Mr Marsh outlined the current usage of the area in question and advised that the buses were accessed throughout the day by rural people shopping in Lismore who may leave parcels on buses or just wait on the buses until their departure. Whilst accepting that historically the use of the bus bays had been convenient, the Chairperson pointed out that this was not sustainable longer term due to the growth of the CBD and the demand for parking. It was suggested to the representatives that they needed to consider alternative locations. However, in the short term it was acknowledged that the buses may remain parked at this location pending the outcome of further investigations. These included the piping of the section of Browns Creek adjacent to the carpark and the extension of the Crowther Carpark across to Zadoc Street. It was suggested that Council should give these matters priority when considering the provision of additional parking.

TAC176/02 **RECOMMENDED** that the buses be allowed to continue to be parked in the Crowther Carpark for the short term and that the bus operators be requested to consider alternative locations and provide feedback to Council.

TAC177/02 **FURTHER RECOMMENDED** that Council give priority to the works mentioned above when considering the provision of additional parking. (02-12533:P9988)

4. **J Mitchell;** expressing appreciation for the erection of pedestrian barricades at the intersection of Dalley Street and College Road, East Lismore. Members noted Mr Mitchell's comments and his expression of appreciation for the work recently carried out.

TAC178/02 **RECOMMENDED** that the above be noted. (02-11711:R7419,R7426)

5. **Ms D Young;** forwarding petition objecting to the parking of commercial vehicles at Avondale Avenue and requesting Council investigate the issue of commercial vehicle parking in residential areas.

The Committee noted that the size of the trucks in question did not prohibit them from being parked in a residential street and whilst it was acknowledged that the noise from the trucks starting early in the morning may be an inconvenience, unfortunately there was little that could be done. It was suggested that a letter be written to the driver of the trucks outlining the concerns of nearby residents and advising that any attempts made to minimise any noise, particularly early in the morning, would be appreciated.

TAC179/02 **RECOMMENDED** in accordance with the above. (02-11775:R7408)

6. **NSW Sugar Milling Co-Operative Limited;** seeking Council approval for a vehicle height of 4.6m on its local roads.
Whilst it was suggested that Council would have no objection in principal to the proposed variation in height of the cane haulage trucks, Mr Baldwin advised that RTA approval was necessary.
- TAC180/02** **RECOMMENDED** that the writer be advised that Council raised no objection to the proposed change in height provided that approval was obtained from the RTA and that a list of roads to be used be provided for information. (02-12141:S374)
7. **E Saul;** seeking an extension of the 60 kph zone on Ballina Road, Goonellabah, to the Holland Street intersection.
The Committee noted that a speed survey had been carried out by the RTA with the result being that it was considered an 80kph speed zone was the most appropriate given the current conditions. However, it was intended that this zone be further reviewed once the proposed roundabout was constructed at the intersection of Ballina Road and Holland Street. It was also noted that an underpass was planned west of James Road that would replace the existing refuge.
Although the roundabout was linked to the construction of the new shopping centre on the south-eastern corner of Ballina Road and Holland Street, the Chairperson advised that information to hand suggested this could take place in the first half of 2003. It was agreed that the speed zone be reviewed after completion of the roundabout. The need for additional pedestrian facilities further east along Ballina Road would also be considered at that time.
- TAC181/02** **RECOMMENDED** that the writer be advised in accordance with the above. (02-12416,02-12813:S352)
8. **A Trigger Dental Practice;** drawing attention to the number of cars being parked illegally in front of 42 Uralba Street which is restricting access to the driveway to his surgery and seeking a remedy to this problem.
Mr MacDonald advised that current problems could be remedied by relocating the existing 'No Stopping' sign west of the driveway to No. 42, a further 4.0m west.
- TAC182/02** **RECOMMENDED** in accordance with the above. (02-12470:S353,P9851)
9. **Summerland Christian College;** seeking a designated Bus Zone on Pineapple Road, Goonellabah, in front of the College.
Mr MacDonald advised that he had met with the Principal and it was proposed to replace the existing Bus Zone signs with standard Bus Zone signs with the times of operation being 8.45am to 9.30am and 2.45pm to 3.15pm School days. The length of the zone was approximately 50.0m. It was noted that at this stage it was not possible to line-mark the bus bay as it was not sealed.
- TAC183/02** **RECOMMENDED** that the writer be advised in accordance with the above. (02-12827:R6550,S346)

10. **MJ Thurlow;** requesting the temporary closure of Cadboll Street, Lismore Heights, for a few hours on one evening between December 15-23, 2002 (date to be confirmed), to enable a neighbourhood street party to be held.

EJ Lee; seeking permission to temporarily close Kruseana Avenue, Goonellabah, on December 1, 2002 between 4.30pm-11.30pm for a Christmas street party.

The Committee was not in favour of approving the closure of individual streets for Christmas parties, particularly through roads, due to concerns relating to the lack of appropriate traffic control plans; the work involved in supplying barriers, detour and "road closed" signs, and the need to advertise each closure which would be time consuming and could leave Council open to litigation should an incident occur as a result of Council approving the closures.

TAC184/02 **RECOMMENDED** that as a general principal Council not approve road closure applications for Christmas parties for the reasons set out above.

(02-12902:R7108,R6473)

11. **Ms D Phillips;** expressing concern for the excessive speed of traffic on Jubilee Avenue in the vicinity of the Goonellabah Public School, and seeking the installation of speed bumps.

It was noted that a pedestrian refuge had been recently installed on Jubilee Avenue; a centre median existed for a significant section of the area in question, and that a 40 kph School Zone applied before and after School hours. Bearing in mind that Jubilee Avenue was a through road which carried significant traffic volumes including buses, it was not considered appropriate to further restrict traffic movements as this could shift the problem to other nearby residential streets. The issue of speed, however, would be referred to the Police Local Area Command for attention as resources permitted.

TAC185/02 **RECOMMENDED** that the writer be advised in accordance with the above.

(02-12919:S352,R6468)

12. **Southern Cross University;** requesting approval for the grounds of the University to become a Restricted Parking area.

Mr MacDonald advised that the University intended to introduce a '*Restricted Parking Area*' for the whole of the University area and to impose parking restrictions within the University grounds that were enforceable. The University's own security personnel would then issue infringements using the same process as Council through the Infringement Processing Bureau.

Part of the approval process required Council consent to the location and type of signage that was required. All of the signs had been installed and inspected. It was intended that the new proposal would be implemented in the New Year. It was noted that there was no other obligation on Council apart from general approval.

TAC186/02 **RECOMMENDED** that approval be granted for the University to implement the proposed '*Restricted Parking Area*'.

(02-13119:P2782)

13. **Thomas George, MP;** forwarding a letter from Vistara Primary School seeking a 40 kph School Zone on Richmond Hill Road in the vicinity of the entrance driveway to the School.
Members were advised that a 40 kph School Zone had recently been installed at the start of the access road to the School. Mr Baldwin confirmed that a School Zone on Richmond Hill Road was not appropriate as the School did not have frontage to that road. It was noted that at the time of the development of the School, Council was advised by the developer that a significant intersection upgrade was not considered necessary as traffic movements were relatively minor and all children were dropped off at the end of the access road near the School.
- TAC187/02** **RECOMMENDED** that the writer be advised that a School Zone was not considered warranted for the reasons set out above. (02-13139:S346,R1012)

14. **Tullera Rural Fire Service;** reiterating the need for the 60 kph speed zone to be extended a further 0.3Km north on Dunoon Road, near the Minshul Crescent turn-off.
Due to the another recent accident on the bend in question it was suggested that the signage be further upgraded to include three (3) chevron markers for Dunoon-bound traffic and the installation of a left and right-hand curve warning sign for both approaches.
- TAC188/02** **RECOMMENDED** in accordance with the above. (02-13203:R3407,S346)

General Business:

15. **No. 2179 Dunoon Road, Dorroughby – Property Access**
P Toedter had requested a “*Concealed Driveway*” sign be erected on the approach to his property to warn oncoming motorists.
The Committee was advised that the area in question was located on the gravel section of Dunoon Road between Dorroughby Road and Nightcap Range Road. There was already a number of warning signs at each end of this road advising of winding road conditions and requesting motorists to slow down. Due to the condition of the road and the relatively slow speed of travel this imposes on motorists, additional warning signs were not considered warranted. There was a number of driveways along the road that would have similar sight distance restrictions.
- TAC189/02** **RECOMMENDED** that the writer be advised that “*Concealed Driveway*” signs were not considered warranted for the reasons set out above. (R3407)
16. **Dawson Street – On-Street Parking at Entrance to St Carthage’s School**
V Nicolia had asked that the Committee investigate safer parking options on Dawson Street near the pedestrian underpass.
The No Parking Zones had been introduced to specifically allow parents to drop off and collect their children and a number existed in the vicinity. The fact that double parking was occurring would be referred to Council’s Rangers for their attention.
- TAC190/02** **RECOMMENDED** that the writer be advised accordingly. (R6017)

17. **Uralba Street / Dawson Street Intersection – Line-Marking**
The Committee considered the possible repainting of lane markings on Uralba Street at the Dawson Street intersection for west-bound traffic. A proposal was put forward to make the right lane a *'right-turn only'* lane and the left lane a *'straight through'* and *'left turn'*. This would encourage motorists to use the CBD Bypass and assist movements on the departure side of the roundabout at Woodlark Street. Mr Baldwin suggested that an additional *'right-turn'* arrow on the roundabout would assist in ensuring motorists used the facility as intended.
- TAC191/02** **RECOMMENDED** that the above works be carried out at the earliest opportunity. (R6058)
18. **Unnamed Access Road off High Street, Lismore Heights**
S Maher had expressed concern regarding the recent erection of *"No Parking"* signs on the access road off High Street, west of the Lismore Heights General Store.
It was noted that two small *"No Parking"* signs had been installed on the fence opposite the residences by the residents. This would assist in keeping the area clear when accessing their property. There was still parking available for those wishing to access the general store or Post Office and the signs were not considered to be causing a problem. Accordingly, no further action was required.
- TAC192/02** **RECOMMENDED** that the above be noted. (S353)
19. **Woodlark Street – No Standing Zone East of Keen Street**
A request had been received for the No Standing Zone on the southern side of Woodlark Street, just east of Keen Street, to be reverted to *"No Parking"*.
As No Standing Zones were being phased out, the appropriate signage for the area in question was *"No Parking"*.
- TAC193/02** **RECOMMENDED** that the signs be changed in accordance with the above at the earliest opportunity. (R7329)

This concluded the business and the meeting terminated at 11.50 am.

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD AT THE SOUTH GUNDURIMBA COMMUNITY HALL ON TUESDAY, NOVEMBER 12, 2002 AT 6.30PM.

- Present:** Acting Mayor, Councillor King; Councillors Chant, Gallen, Hampton, Irwin, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, Planning & Development; Acting Manager-Business & Enterprise (Kieran Wade), Acting Group Manager-City Works, (Garry Hemsworth), Manager-Communications & Community Relations, Administrative Services Manager and Team Leader-Administrative Support.
- 279/02 **Apologies/ Leave of Absence:** Apologies for non-attendance on behalf of Councillors Crowther and Baxter were received and accepted and leave of absence granted.
(Councillors Irwin/Hampton)
- 280/02 Leave of absence was granted to Councillors Chant (from November 20-24) and Swientek (from November 14-December 3).
(Councillors Irwin/Chant)
Leave of absence was granted to Councillor Gates on August 13, 2002.
- 281/02 **Minutes:** The Minutes of the Ordinary Meeting held on October 8, 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 Charles Yabsley

The Acting Mayor drew the meeting's attention to the recent passing of Charles Yabsley. Born in 1921, he was the first grandchild of Charles Yabsley Snr. who was the first white child born in Coraki. Mr Yabsley was educated at Bora Ridge Primary School and as a boarder at The Southport School. After school he returned to the farm before joining the 15th Light Horse Regiment. He married Doris in 1947 and entered local government in 1956, becoming shire president of Woodburn Shire Council the next year, a position he held for 13 years. In 1975 Mr Yabsley's community service and service to local government was recognised when he was awarded an Order of the British Empire.

Family of the Late Charles (Chick) Kirkland

The Acting Mayor drew the meeting's attention to the recent passing of Charles (Chick) Kirkland. Mr Kirkland was the son of the founder of Kirklands Coaches, Clarrie Kirkland. He and his wife Betty lived at Tregeagle and were involved in agricultural and other community matters.

- 282/02 The Mayor moved that Council's expressions of sympathy be conveyed to the family of Charles Yabsley and Chick Kirkland and the motion was carried with members standing and observing the customary moment's silence.
(S75)

NOTICE OF MOTIONS:

Rainwater Tanks

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

- 1 That Lismore City Council amend its Residential DCP 14 to include mandatory provision of rainwater tanks in new residential developments with connection to toilets and washing machines.
- 2 That staff investigate incentives, such as those being trialled by Sydney Water, explore other options to encourage existing households with rainwater tanks to connect them to toilets and washing machines.
- 3 That LCC request Rous Water to take up this issue with its other constituent councils.
- 4 That Council lobby the local member and the state government to extend the recently announced subsidy on rainwater tanks to rural NSW towns with reticulated water.
- 5 That LCC request Rous to consider committing funding to urgent programs to reduce household water use, such as AAA water fittings.

(Councillors Irwin/Roberts)

AN AMENDMENT WAS MOVED that -

- 1 That staff investigate incentives, such as those being trialled by Sydney Water, explore other options to encourage existing households with rainwater tanks to connect them to toilets and washing machines.
- 2 That LCC request Rous Water to take up this issue with its other constituent councils.
- 3 That Council lobby the local member and the state government to extend the recently announced subsidy on rainwater tanks to rural NSW towns with reticulated water.
- 4 That LCC request Rous to consider committing funding to urgent programs to reduce household water use, such as AAA water fittings.

(Councillors Hampton/Suffolk)

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

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

283/02

RESOLVED that –

- 1 That staff investigate incentives, such as those being trialled by Sydney Water, explore other options to encourage existing households with rainwater tanks to connect them to toilets and washing machines.
- 2 That LCC request Rous Water to take up this issue with its other constituent councils.
- 3 That Council lobby the local member and the state government to extend the recently announced subsidy on rainwater tanks to rural NSW towns with reticulated water.
- 4 That LCC request Rous to consider committing funding to urgent programs to reduce household water use, such as AAA water fittings.

(Councillors Hampton/Suffolk)

(02-11719: S461,S306)

Development of Industrial Land at Lismore Airport

Formal notice having been given by Councillor Chant it was MOVED that Council urgently approve adequate and additional resources, if required, to facilitate the process for developing industrial land at the Lismore Airport as identified in the Lismore Floodplain Management Plan.

(Councillors Chant/Suffolk)

AN AMENDMENT WAS MOVED that –

- 1 Council urgently approve adequate and additional resources, if required, to facilitate the process for developing industrial land at the Lismore Airport as identified in the Lismore Floodplain Management Plan.
- 2 At the conclusion of the feasibility study a report be provided to Council.
(Councillor Tomlinson/Irwin)

On submission to the meeting the amendment was APPROVED and became the motion.

Voting Against: Councillors King, Chant, Hampton and Suffolk.

284/02 **RESOLVED** that –

- 1 Council urgently approve adequate and additional resources, if required, to facilitate the process for developing industrial land at the Lismore Airport as identified in the Lismore Floodplain Management Plan.
- 2 At the conclusion of the feasibility study a report be provided to Council.
(Councillor Tomlinson/Irwin)

Voting Against: Councillors Chant, Hampton and Suffolk.
(02-12373: P9733)

Supply of Water – Rous County Council

285/02 Formal notice having been given by Councillor Crowther it was **RESOLVED** that Council request Rous County Council to urgently address and respond to the following principles which are central to the justification of county councils (water supply).

- 1 That in the current drought conditions Rous County Council confirm that absolute priority be given to supplying water to consumers within the Rous County district.
- 2 That any decision which would result in the supply of water from Rocky Creek Dam to Mullumbimby consider the equity and strategic implications for current Rous consumers.
- 3 That should emergency water supply be extended by Rous to Mullumbimby, Lismore City Council suggests a condition of any supply agreement require Byron Shire Council to formally apply for inclusion of Mullumbimby into the Rous County district.
- 4 That Rous County Council review its policy of imposing restrictions when the dam reaches 50% capacity.

(Councillors Hampton/Suffolk)
(02-12350: S306)

Review of TAFE Courses

286/02 Formal notice having been given by Councillor Swientek it was **RESOLVED** that Council seek a review of any further downgrading of TAFE courses and facilities in Lismore and hold urgent talks with the Minister for Education, Mr John Watkins, to –

- 1 Strengthen the TAFE presence in Lismore.
- 2 Prevent the transfer of further courses from the Lismore campuses of TAFE to Wollongbar.
- 2 Increase funding for Northern Rivers vocational training courses, based on the demands in regional areas and not on the demands in the Sydney metropolitan area.
- 3 Address the issue of inadequate public transport and transport concessions for students between Lismore and the Wollongbar TAFE campus.

(Councillors Swientek/Gallen)
(02-12413: S93)

MATTER OF URGENCY:

287/02 **RESOLVED** that the item "Water Crisis Management" be admitted to the business paper as a matter of urgency.
(Councillors Swientek/Hampton)

Water Crisis Management

288/02 Formal notice having been given by Councillor Swientek it was **RESOLVED** that a report be compiled for the December meeting which addresses the following concepts and other concepts that may be put forward by staff, Rous Water and other constituent councils:

- 1 a) That LCC, in conjunction with Rous Water and constituent councils, establish a water conservation rebate to all water consumers who achieve reductions in water consumption as measured by the water meters to help overcome our water crisis and enter into a contract to reduce that consumption.
Incentives could start with various target objectives, bearing in mind that current charges are 86 cents/kilolitre.

Reduction	Discount Kilolitre Charge
50%	60 cents
60%	50 cents
70%	40 cents
80%	30 cents
90%-100%	20 cents

- b) Consumption will be based on previous records of consumption of the said water meter over the same season.
c) Rebates will apply only during current water crisis.
- 2 That Lismore City Council, in conjunction with Rous Water, establish a water crisis management shop in Lismore's CBD to:
- a) Provide free advice on reducing water consumption for those entering into water reduction contracts.
b) Provide free buckets, basins and tubs to facilitate re-use of all grey water for toilet flushing and watering the gardens;
c) Provide large garbage bags to allow compost and waste to be stored while wheelie bins are utilized for washing machine water storage to be used for outdoor use. Wheelie bins must still be used for waste collection;
d) No tap water to be used for outdoor use.

(Councillors Swientek/Gallen)

Voting against: Councillors Hampton and Suffolk. (S306)

ADJOURNMENT:

The meeting adjourned at 8.12pm and resumed at 8.20pm.

REPORTS:

Review of Clause 22 of LEP 2000 and DCP 7 (Flood Prone Lands)

289/02 **RESOLVED** that the report be received and Council resolve, pursuant to Sections 54, 62 and 72 of the Environmental Planning and Assessment Act 1979, to:

- 1 Prepare a draft amending local environmental plan which amends clause 22 of the Lismore Local Environmental Plan 2000 consistent with the recommendations of the Lismore Floodplain Management Plan,
2 Consult with relevant public authorities as may be affected by the draft plan, and

- 3 Prepare a new draft Development Control Plan for flood prone lands consistent with the recommendations of the Lismore Floodplain Management Plan.
(Councillors Gallen/Hampton)
(S850,S365)

Minor Amendment to S.94 Contributions Plan

- 290/02 **RESOLVED** that the report be received and Council adopt Amendment No. 2 to Lismore S94 Contributions Plan 1999.
(Councillors Hampton/Suffolk)
(S517)

Proposed Redevelopment of Nimbin Hospital

- 291/02 **RESOLVED** that the report be received and Council delegate authority to the General Manager to –
- 1 Approve the development application for the Nimbin Hospital, subject to conditions, in accordance with all Council and statutory requirements and codes, with the concurrence of the Development Assessment Panel.
 - 2 This delegation is not to be exercised if there are issues of significance raised in submissions that cannot adequately be dealt with by way of conditions or if two councillors suspend this delegation in writing.
 - 3 That copies of the development application be exhibited in the Nimbin community - at the Hospital, Post Office, Bowling Club and Nimbin Community Centre.
- (Councillors Roberts/Irwin)
(P16064)

Northern Arterial Ring Road

- 292/02 **RESOLVED** that the report be received and –
- 1 Council proceed to obtain the services of a competent consultant to complete an EIS for the construction of a road between Bangalow Road (MR65) and North Lismore.
 - 2 The EIS address the need for the ring road, the long term traffic needs of Lismore, where the traffic congestion is coming from and whether there are any public transport alternatives.
- (Councillors Hampton/Gallen)
(S683)

Policy Review – Footpath/Cycleway Risk Management

- 293/02 **RESOLVED** that the report be received and Council adopt the revised policy, Footpath/Cycleway Risk Management No. 1.4.15.
(Councillors Roberts/Irwin)
(S342)

Contaminated Lands Policy

- 294/02 **RESOLVED** that the report be received and Council adopt the Contaminated Lands Policy as exhibited with minor grammatical and typing corrections.
(Councillor Irwin/Hampton)
(S246)

Management of Roy Waddell Community Centre

- 295/02 **RESOLVED** that the report be received and –
- 1 That pursuant to Section 377 and Section 355 of the Local Government Act 1993 Council delegate the core control and management of the land and buildings known as the Roy Waddell Community Centre (Public Reserve No. 91411) to a committee of the Roy Waddell Community Centre Association Inc., comprised of the following persons:

Mr R Waddell President
Mr P Martin Secretary/Treasurer
Mr A Johns
Mr L Johnstone
Mrs M Petty
Mrs L Rowlands
Mr H Coles

- 2 The General Manager be authorised to negotiate a management committee manual with the Roy Waddell Community Centre Management Committee for subsequent endorsement by Council.
- 3 That Council's appointment to the Management Committee continue to be Councillor Crowther.
- 4 That Council staff explore the option of returning the responsibility for those 3 rural halls on Crown land that Council is trustee of, back to Department of Land & Water Conservation (DLWC) and consult with the hall committees prior to doing so.

(Councillor Swientek/Gallen)
(P18669)

ADJOURNMENT:

At this juncture (9.02pm) the meeting adjourned for supper to enable discussion with local residents in accordance with policy.

The meeting resumed at 9.27pm

September 2002 Quarterly Budget Review Statement

296/02

RESOLVED that the report be received and –

- 1 Council adopt the September 2002 Budget Review Statement for General, Water and Sewerage Funds.
- 2 This information be submitted to Council's Auditor.

(Councillors Irwin/Hampton)
(S802)

Management Plan Review 2002/03

297/02

RESOLVED that the report be received and its contents noted.

(Councillors Irwin/Roberts)
(S4)

Financial Reports – 2001/02

298/02

RESOLVED that the report be received and Council present to the public the 2001/02 Financial Statements.

(Councillors Swientek/Irwin) (S755)

Council Meetings and Public Contact Forums

299/02

RESOLVED that the report be received and the schedule of venues as outlined below be adopted -

- | | | | |
|----|------------------------|-------------|--|
| a) | Council Meetings: | March 11 | Caniaba |
| | | November 11 | Tregeagle |
| b) | Public Contact Forums: | March 17 | Rosebank |
| | | June 16 | Rock Valley |
| | | October 13 | Dungarubba |
| c) | City Contact Forums: | April 21 | Roy Waddell Community Centre,
Richmond Hill |
| | | July 21 | South Lismore Bowling Club |

(Councillors Irwin/Hampton) (S4,S43)

COMMITTEE MINUTES:

Traffic Advisory Committee 16/10/02

300/02 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Items 8, 10.
(Councillors Irwin/Roberts)

Item 8 – Ms B Williams

301/02 **RESOLVED** that the advice be noted and the Traffic Advisory Committee consider strategies other than policing to address these issues.
(Councillors Roberts/Irwin)
(02-11141,11142: S353,R1701)

Item 10 – Intersection of Conway/Carrington Streets, Lismore

302/02 **RESOLVED** that –

- 1 Work be carried out to prevent right-turn movements from Carrington Street into Conway Street and to prevent traffic on Carrington Street travelling through the intersection.
- 2 The issue of pedestrians crossing Conway Street, between Carrington and Molesworth Streets, be listed as an issue for the forthcoming workshop on Woodlark Street/CBD traffic flows.
- 3 Prior to work being undertaken, consultation be carried out with public transport operators.

(Councillors Roberts/Irwin)
Voting against: Councillors Chant, Hampton and King.
(R7307,R7303)

DOCUMENTS FOR SIGNING AND SEALING:

303/02 **RESOLVED** that the following document be executed under the Common Seal of Council:-

Subdivision Plan – Taccori to Council

The plan relates to a transfer of land at the Nimbin Caravan Park between Council and Mr Joseph Taccori. The agreement provides for an exchange of land only. This will provide council with additional useable camping area within the caravan park.
(Councillors Swientek/Irwin)
(02-12480: D02/423,P16084,P15919)

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

CONFIRMED this 10TH day of DECEMBER, 2002 at which meeting the signature herein was subscribed.

ACTING MAYOR

Appendix 2

Clauses and guidelines applying to the sale of Council land

Community land cannot be sold – it must first be reclassified as operational land. To do this, there must be a public hearing as indicated in the following extract from the

Local Government Act 1993:

29 Public hearing into reclassification

- (1) A council must arrange a public hearing under section 68 of the *Environmental Planning and Assessment Act 1979* in respect of a proposal in a draft local environmental plan to reclassify community land as operational land as if it had received and decided to deal with a submission as referred to in that section that the land be so reclassified.
- (2) A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution

30 Reclassification of community land as operational

30. (1) A local environmental plan that reclassifies community land as operational land may make provision to the effect that, on commencement of the plan, the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:
 - (a) any reservations that except land out of a Crown grant relating to the land, and
 - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (2) A provision referred to in subsection (1) has effect according to its tenor, but only if the Governor has, before the making of the local environmental plan, approved of the provision.

32 Reclassification of land dedicated under sec 94 of the Environmental Planning and Assessment Act 1979

32. (1) A council may resolve that land dedicated in accordance with a condition imposed under section 94 of the *Environmental Planning and Assessment Act 1979* is to be reclassified as operational land.
- (2) A council may make such a resolution only if it is satisfied that the land has been found to be unsuitable for the provision, extension or augmentation of public amenities and public services because of any one or more of the following:
 - the size of the land
 - the shape of the land
 - the topography of the land
 - the location of the land
 - the difficulty of providing public access to the land.

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- (3) The council must specify in the resolution the grounds on which it is satisfied the land is unsuitable.
- (4) Before making the resolution, the council must give public notice of the resolution. The public notice must specify a period of not less than 28 days during which submissions may be made to the council.
- (5) The net proceeds of sale by a council of any land dedicated in accordance with a condition imposed under section 94 of the *Environmental Planning and Assessment Act 1979* must be dealt with under that section as if those net proceeds were a monetary contribution paid instead of the dedication.

34 Public notice to be given of classification or reclassification by council resolution

- (1) A council must give public notice of a proposed resolution to classify or reclassify public land.
- (2) The public notice must include the terms of the proposed resolution and a description of the public land concerned.
- (3) The public notice must specify a period of not less than 28 days during which submissions may be made to the council.

47G Public hearings

- (1) In this section, public hearing means any public hearing required to be arranged under this Part.
- (2) The person presiding at a public hearing must not be:
 - (a) a councillor or employee of the council holding the public hearing, or
 - (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.
- (3) Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

Environmental Planning and Assessment Act 1979 No 203

68 Consideration of submissions

- (1) Where:
 - (a) a person making a submission so requests, and
 - (b) the council considers that the issues raised in a submission are of such significance that they should be the subject of a hearing before the council decides whether and, if so, what alterations should be made,

the council shall, in the prescribed manner, arrange a public hearing in respect of the submission.

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- (2) A report of the public hearing shall be furnished to the council and the council shall make public the report.
- (3) The council shall consider the submission and the report furnished pursuant to subsection (2) and may make any alterations it considers are necessary to the draft local environmental plan arising from its consideration of submissions or matters raised at any public hearing.
 - (3A) An alteration made by a council pursuant to subsection (3) need not relate to a submission.
 - (3B) The council may (but need not) give public notice of and publicly exhibit, wholly or in part, a draft local environmental plan that has been altered pursuant to subsection (3). The provisions of this section and sections 66 and 67, with any necessary adaptations, apply to any such exhibition of a draft plan, but not so as to require a further certificate under section 65.
- (4) The council shall, subject to and except as may be provided by the regulations, submit to the Director-General:
 - (a) details of all submissions,
 - (b) the report of any public hearing,
 - (c) the draft local environmental plan and the reasons for any alterations made to the plan pursuant to subsection (3), and
 - (d) a statement:
 - (i) to the effect that the provisions of sections 66 and 67 and this section relating to public involvement in the preparation of the draft plan have been complied with,
 - (ii) specifying the environmental planning instruments and directions under section 117 that have been taken into consideration,
 - (iii) giving details of any inconsistency between the draft plan and any instrument or direction referred to in subparagraph (ii) and the reasons justifying the inconsistency, and
 - (iv) giving details of the reasons justifying the exclusion of provisions of the draft plan under subsection (5) or the exclusion from the application of the draft plan of any land under that subsection.
- (5) In submitting the draft local environmental plan, the council may exclude certain provisions of the draft plan or exclude part of the land from the draft plan, or both (in this section referred to as the deferred matter) which, in its opinion, require or requires further consideration but which should not prejudice the consideration by the Director-General and the Minister of the draft plan as submitted.
- (6) The council may subsequently take action under this section in respect of the deferred matter, without having to publicly re-exhibit that deferred matter, as if it were a draft local environmental plan.
- (7) More than one public hearing may be held in respect of any submissions, and one hearing may be held in respect of more than one submission.

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(8) The regulations may make provision for or with respect to the conduct of a public hearing.

LEPs and Council Land – Best Practice Guideline – DUAP (now planningNSW)

This guideline applies in “instances where a council proposes to change the planning controls that apply to land in which it has or has had an interest”. Its purpose is to avoid a conflict of interest or the appearance that Council is affording itself special treatment. Council must ensure that its financial interests in the property do not bias its decisions as regulator, and that any proposal is objectively assessed. Extracts from this guideline follow:

Section 23 of the Environmental Planning and Assessment Act 1979 (the Act) allows the Director-General of the Department of Urban Affairs and Planning (now planningNSW) to delegate certain powers to councils. At present the Director-General delegates to some councils the ability to exercise local environmental plan (LEP) preparation powers under s.65 and s.69 of the Act.

Councils are allowed to exercise these powers in the preparation of LEPs* that apply to land that is owned or controlled by Council and is the subject of an undertaking between Council and the purchaser (referred to from here on as *council land*), if they comply with this guideline.

Where a council exhibits a draft LEP that applies to *council land* this guideline requires additional information to be included. The aim of this is to make clear Councils interest in the land and the reasons why the draft plan is being prepared. This makes the plan preparation process more open and allows the community to assess proposals with a full appreciation of all relevant information. Information must be exhibited in a clear manner and must be informative, without being overwhelming.

The following information must be included in the material displayed during exhibition:

1. Statement of Councils interest, including:
 - the nature of Council's interest (e.g. owns the land freehold);
 - when, why and how Council acquired an interest in the land; and
 - for land previously owned or controlled by Council, whether any aspect of the LEP formed part of the agreement to dispose of the land, and the terms of any such agreement.
2. Purpose of the draft LEP. The following must be addressed:
 - why the draft LEP is being prepared;
 - how the draft plan will affect planning controls;
 - what prompted preparation of the draft LEP.
3. Anticipated development. The following must be addressed:
 - what actual physical or operational changes may result?
 - is the draft LEP being prepared to permit a particular proposal?
4. Financial implications. Council must at least provide:
 - An indication of the magnitude of any financial gains or losses.
 - Where an agreement for sale or lease of the land has been made, at least state that this is the case and provide basic details of the agreement.
5. A copy of this guideline must be included in the exhibition.

After the LEP has been made or a decision taken not to proceed with a draft LEP, everyone who made a written submission must be notified in writing. Notification must be sent within 14 days of the decision and must include an explanation of how the issues raised in the submission were addressed and the reason for council's decision.

**Note that the preparation of amending LEPs refers to the process undertaken to alter the zoning, classification, planning controls or matters for consideration relating to one or more parcels of land.*

ATTACHMENTS –

Full listing of properties affected by the ‘Review of 6(a) (Recreation) zoned land’ report

1. Council land recommended to be rezoned 6(a).
2. Council land recommended to be rezoned to 7(b) Habitat, 5 (Special uses) or 2(a) Residential.
3. Council land recommended for sale.
4. Council land with no action recommended.
5. Council land that requires additional action.
6. Privately owned land currently zoned 6(a) that should be rezoned.
7. Private land to be retained as 6(a).
8. Private land required for current recreation.
9. Private land required for future recreation.