

Notice of Council Meeting



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **TUESDAY, DECEMBER 14, 2004, at 6.00p.m.** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

December 7, 2004



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary meeting, November 9, 2004

Public Access Session

Mr Michael Baker re Satinwood Drive land reclassification

Mr Frank Howell re LEP 12 reclassification

Ms Therese Crollick re committee structure

Public Question Time

Condolences

Disclosure of Interest

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Altering Order of Business

(Consideration of altering the order of business to debate matters raised during Public Access).

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Strategic Plan Summary

Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic development	Build Lismore's reputation as a regional city for residents, businesses, education providers, health services and government.	<ul style="list-style-type: none"> ▶ Champion education ▶ Promote health facilities ▶ Support regional agriculture ▶ Promote cultural life ▶ Promote Lismore as a legal centre ▶ Support for sport
	Increase regional economic development, tourism and job creating investments.	<ul style="list-style-type: none"> ▶ Promote regional development ▶ Develop tourism ▶ Support businesses ▶ Pursue CBD revitalisation ▶ Assist in job creation ▶ Assist in creating new income opportunities
Quality of Life	Make Lismore a safe, healthy and caring community in which to live.	<ul style="list-style-type: none"> ▶ Increase social cohesion ▶ Support villages ▶ Provide community services ▶ Encourage sustainable development ▶ Promote recreation and leisure
Leadership by Innovation	Lead the region by demonstrating innovative practices in governance, customer service, communication, consultation, virtual amalgamation and financial management.	<ul style="list-style-type: none"> ▶ Lead the region ▶ Increase revenue from grants ▶ Improve customer service ▶ Consult the community ▶ Update technology ▶ Provide user pays services ▶ Privatised selected services ▶ Share assets and resources
Natural Environment	Preserve and rehabilitate Lismore's natural environment.	<ul style="list-style-type: none"> ▶ Provide sustainable land use planning ▶ Improve catchment management ▶ Conserve and repair the environment
Infrastructure	Further enhance Lismore's transportation, parking and pedestrian networks.	<ul style="list-style-type: none"> ▶ Improve transport systems ▶ Improve roads, cycleways and footpaths ▶ Assist with public transport ▶ Assist airport operations ▶ Support fleet operations
Water and Waste Cycle	Educate our community and lead the state in water and waste-cycle management.	<ul style="list-style-type: none"> ▶ Manage stormwater drainage systems ▶ Manage water and sewage ▶ Manage the waste stream and reduce waste

Notice of Motion

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

Councillor Irwin moves

That staff prepare a Street Tree Master Plan which addresses issues in regard to a tree replanting and maintenance policy and program.

Comment

This has been discussed with Martin Soutar, who suggested this approach to the problem of street trees.

Staff Comment

Manager-Parks & Recreation (Martin Soutar)

The development of a Street Tree Master Plan will require significant resourcing. From past experience, the development of a Street Tree Masterplan requires the input from qualified, landscape architects, heritage advisers, horticulturists, arborists, planners and the community. In the case of the City of Sydney, the Street Tree Master Plan has been in the making for over two years and has yet to be signed off. This was also the case for Mosman Council where I had worked.

There are two options available to have the Master Plan developed. Either in-house using existing staff members who are capable of producing the document or by the use of a consultant.

Using existing staff is preferable, as we would have better control over the documents path. However, significant time and resources would be required to have the time spent on its development. Given current workloads it will be some time before work could commence.

Using a consultant would be beneficial from a time point of view, however, funding will be required for the project and there is often the time required to revise and make changes to the document where Council does not agree with the consultant's point of view.

The funding of the development of a Street Tree Master Plan can be considered during the 2005/06 Budget process.

(04-12743: S332,S453)

Notice of Motion

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

Councillor Swientek moves

That a report be prepared to show how Council can ensure that all new child care establishments in residential zonings be required to submit a development application and hence go through a public consultation process when seeking approval.

Comment:

Currently child care establishments of less than 5 are not required to submit development applications yet their establishment may have undesirable consequences for other parties and under current regulations councils are powerless to do anything about them.

Staff Comment

Manager-Planning Services

A report could be prepared which would contain the information below.

Lismore Local Environmental Plan contains the following definition:

- child care establishment*** means a building or place used for the purpose of caring for or supervising children which:
- (a) caters for more than five under school age children who are not related to the owner, and
 - (b) may include an educational function, and
 - (c) may operate for the purpose of gain, but does not include a building or place providing residential care for those children.

Such establishments are required to obtain development consent, and are advertised for public comment, before commencing in a Residential 2(a) Zone.

Child care establishments for five or fewer under school age children do not require development consent. Generally they have minimal impact and are regarded in the same manner as many other home occupations which do not require development consent.

The definition in the Lismore LEP is based on the requirements of the Environmental Planning & Assessment Model Provisions, so that this definition is common to many LEPs across the State. This is consistent with the State Government's current planning reforms which seek to standardise many planning provisions across the State.

Legally it may be possible to alter the LEP definition so as to require consent for smaller child care establishments, but such an amendment to the LEP is not supported as small child care establishments have minimal impact.

However, should Council resolve to prepare such an amendment it could be included in the next general amendment to the LEP. Public exhibition of an amending LEP would indicate the amount of public and industry support. Because of the length of time required for LEP amendments the provision would not come into effect until approximately 12 months from Council's resolution to prepare an LEP amendment.
(04-12790: S370)

Report

Subject	58 Satinwood Drive. Amendment 18 Lismore City Local Environmental Plan 2000
File No	S781
Prepared by	Planning Services
Reason	For Council to consider the report under s.68 of the Environmental Planning and Assessment Act 1979
Objective	For Council to determine whether to adopt the draft L.E.P
Strategic Plan Link	Does not relate to the strategic plan
Management Plan Activity	Strategic Planning

Overview of Report

The report discusses an amendment to Lismore City Local Environmental Plan 2000 to enable a dwelling to be erected on a lot in a rural residential estate. The subject lot, which was originally intended to be jointly owned by residents and to contain rainforest and cabinet timber regeneration only, instead remained in the ownership of the developer. It was subsequently resubdivided, part being amalgamated into adjoining lots and part, comprising 1.5ha, being the subject of this report. There are no significant planning issues associated with granting a dwelling entitlement to this lot. There are a number of resident objections and allegations of corruption. The objections do not warrant rejection of the application and the allegations have been investigated by the General Manager and found to be without foundation. It is recommended to amend the LEP to enable a dwelling on this allotment.

Subject land:	Lot 3 DP 876486, 58 Satinwood Drive, McLeans Ridges
Applicant:	Newton Denny Chapelle Consulting Surveyors and Planners
Owner:	SJ Whalley
Purpose:	To amend Lismore City Local Environmental Plan 2000 to enable a dwelling to be erected on the subject land.
Locality:	Refer to map.

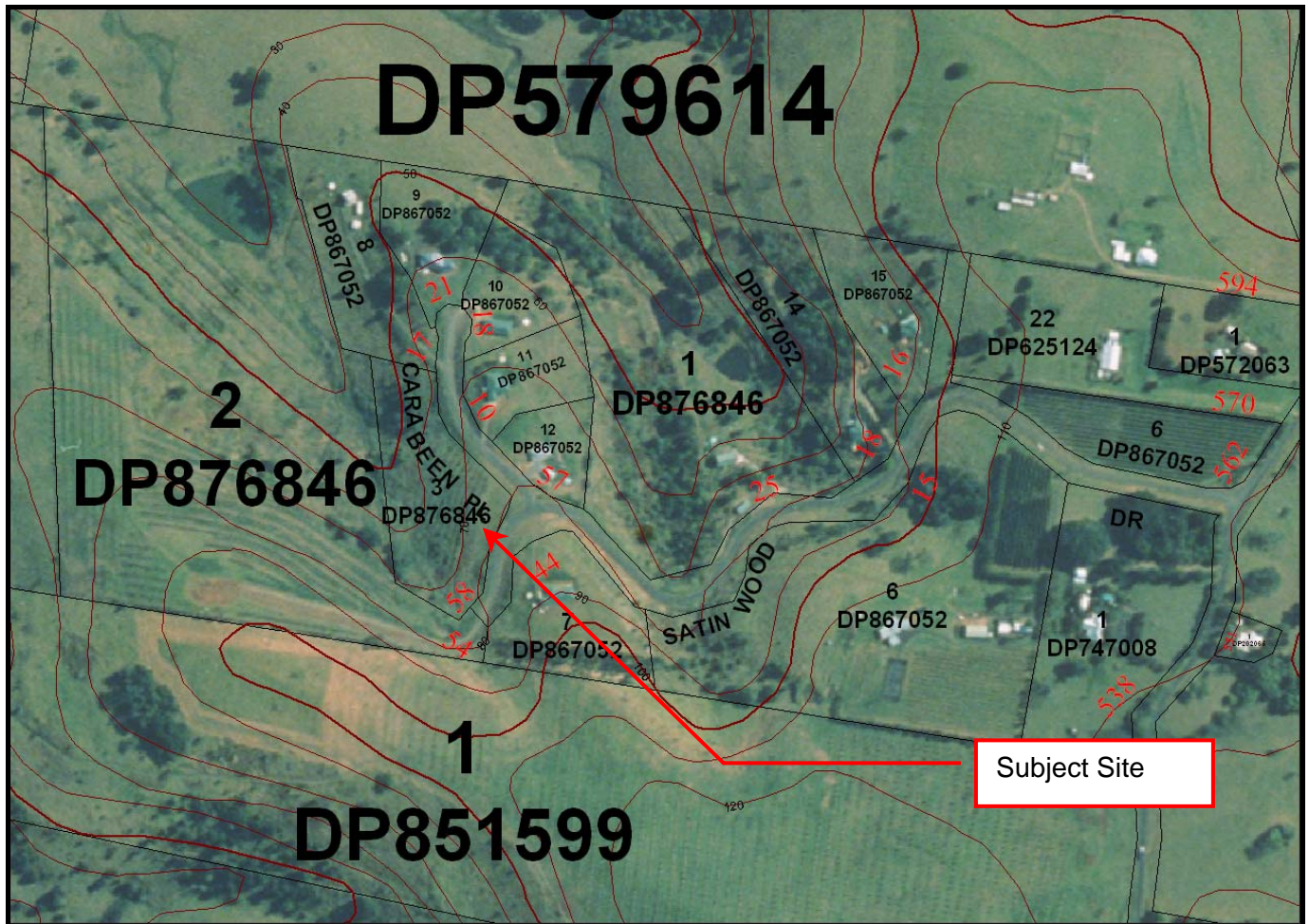
Background

In July 1995 Council considered a Development Application for a rural residential subdivision under the provisions of Clause 15 of the Lismore City Local Environmental Plan 1992 as it then was. Staff recommended refusal of the application due to the constraints on the site. Council resolved:

"That Council defer consideration of DA 95/120 pending the submission of an amended application which reduces the number of lots and is designed to suit the topography of the site."

The amended application reduced the number of lots and incorporated the land that was unsuitable for development into a community lot. The method of title was later changed from community title to Torrens Title with the common lot to be jointly owned by all the residential lot owners in the development as tenants in common. Council approved the amended application in August 1995. That approval created Lot 16 (the community lot) and Condition 22 relevantly stated:

"Lot 16 is to be used for the purposes of rainforest and cabinet timber regeneration only and does not have an entitlement for a dwelling house or further subdivision."



Contour Map and Aerial Image

The developer then amended the application by splitting the subdivision into two stages. Various other minor amendments were made to the consent that are not relevant to this report excepting that the numbering of the conditions changed (22 became 23). At the time that the first stage was completed and the Linen Plan released part of the community lot was created. It was acknowledged by the developer that there was no dwelling entitlement at this stage. Nothing was done at this time to give the owners of the residential lots being released a share of the community lot. Thus, Lot 16 was created, but was retained in the ownership of the developer.

A further amendment to the consent was then approved under delegated authority. In this amendment the developer abandoned Stage 2 consisting of 5 rural residential allotments. The developer proposed to incorporate all of the community lot partly into one of the rural residential lots and the remainder into the residue lot. For reasons not made clear on the file, staff at the time required the creation of Lot 3 (formerly part of lot 16) as a separate entity whilst the remainder of Lot 16 was incorporated into a residential lot and the residue lot. Lot 3 (the subject land) did not have a dwelling entitlement. Condition 21 (formerly 23) gave effect to this and is set out as follows:

"Lot 3 is to be used for the purposes of rainforest and cabinet timber regeneration only and does not have an entitlement for a dwelling house or further subdivision."

Clause 15 that enabled this rural residential subdivision was subsequently deleted from the 1992 LEP.

In May 2001, a development application was lodged by Aspect North, Consulting Surveyors and

Planners, on behalf of the original developer to re-subdivide Lots 2 and 3 to give Lot 3 a dwelling entitlement. Planning NSW refused to grant concurrence to the SEPP 1 objection and Council's planning staff refused the application under delegated authority.

Lot 3 was then sold to the current owners. An application to modify the original subdivision approval was lodged by Newton Denny Chapelle, Consulting Surveyors and Planners, on behalf of the new owner. This modification was intended to give Lot 3 a dwelling entitlement by deletion of Condition 21. As the enabling clause from LEP 1992 no longer existed the current provisions of Lismore City Local Environmental Plan 2000 applied and the application could not be approved. Planning staff under delegated authority refused this application.

Both of these applications were refused for legal reasons as opposed to merit reasons. There is no mechanism available under the current planning instruments to enable a dwelling to be erected on this allotment.

Current Situation

On meeting with planning staff, the new owner's consultants were advised that the only way in which a dwelling could be erected on the allotment was to amend the LEP. An application to amend the LEP was subsequently lodged with Council. Council at its meeting of 14 October, 2003 resolved under s.54 of the Environmental Planning and Assessment Act 1979 to prepare a draft amendment to the LEP.

The Department of Urban Affairs and Planning (as it then was) was notified of the decision to prepare a draft plan. Council consulted with NSW Agriculture and DLWC (as they then were). These agencies had no objection to the proposal.

Due to the unusual nature of this amendment Council could not use its delegations to place the plan on exhibition. The Department was required to issue a s.65 certificate to enable the exhibition of the plan.

Comments

Council is unable to use its s.69 delegation in this instance as the circumstances of the LEP fall within the exceptions outlined in the Director General's Delegation to Councils for LEP preparation.

Financial Services

Not required.

Other staff comments

The LEP amendment proposal was referred to City Works, Environmental Health, Building Services and Lismore Water. No significant issues were raised by these sections of Council.

Public consultation

The draft plan was exhibited in accordance with S.66 of the Act.

The exhibition resulted in eleven submissions, ten of which objected to the proposal and one in support. The submission in support provided the opinion that the lot was overgrown and not maintained because nobody lived there. Allowing a house on the lot would enable maintenance and this would be beneficial to the residential character of the locality.

A summary of the main points from the submissions objecting to the amendment is as follows:

- Planning staff had assured them that a dwelling could not be erected on the lot;
- The owner purchased the land in the knowledge that a dwelling was not permissible under the local environmental plan;

- Children's safety could be compromised due to increased traffic from the additional dwelling;
- The land should be used for rainforest regeneration only, as originally approved;
- The environmental consequences are unknown;
- Sewerage will run down the gully;
- Wildlife will be affected by increased clearing and traffic;
- There is not enough water in the local dam to supply another house;
- Want the open space retained;
- Loss of visual amenity;
- Questions the validity of the consultants report;
- Low purchase price paid by the developer;
- Tree removal will occur to erect the dwelling;
- Questions the alleged problems with maintenance of the property;
- A member of Council staff owns the property;
- Council staff will benefit from this amendment to the LEP;
- Various allegations of corrupt behaviour by staff.

Comment on Submissions: The issues raised in the submissions can be broken down into two distinct categories, these are those raising environmental issues and those raising procedural or corruption issues.

As regards the procedural issues raised, there appears to be some level of confusion amongst the writers of the submission letters as to the difference between a development application and an amendment to the LEP. Planning staff have taken a consistent approach with respect to this allotment and the permissibility of a dwelling on it. The advice, written and verbal, given to two different planning consultants and both owners of the property and to the objectors has been that a dwelling cannot be erected on the lot under the current provisions of the LEP. A DA and a s.96 application to enable a dwelling on this lot have both been refused under delegated authority. The only mechanism to enable a dwelling on this allotment is to amend the LEP.

There also seems to be an amount of misinformation about the ownership of the land and this has led to allegations about staff promoting this amendment for personal gain. There is one member of staff who has declared an interest in this matter and has referred the assessment of the amendment to the Group Manager City Works. No member of staff has any other personal involvement in this application and no member of staff has any financial involvement. The allegations of corruption have been referred to the General Manager for investigation. The General Manager has responded to these allegations and a copy of his response has previously been forwarded to all Councillors by email

The remaining merit issues relate to the impact on the environment and values of land. There will not be a significant loss of habitat for threatened species. It is acknowledged that there will be a loss of grazing area for wallabies, however this is not a large area and will not be detrimental to the survival of the species. There may have to be some trees removed to enable the erection of a dwelling, again the loss of this vegetation will not have a significant environmental or visual impact. There is some potential for a loss of views, however this loss is not significant given the scope of the vista available and the fact that the site forms part of an approved rural subdivision.

Council's Environmental Health Office is satisfied that on site effluent disposal can be achieved on this allotment without adversely impacting on the environment.

Conclusion

There are two options available to Council in dealing with this application: approve the amendment or maintain the status quo and leave the allotment without an entitlement.

There would be little impact by maintaining the status quo. The owner knew the allotment did not have an entitlement when purchasing the property so any financial loss would have had to have been expected. There would be a minor difficulty in enforcing maintenance of the property if there is no dwelling located on the lot, however Council has enforcement measures available to ensure the property does not become a harbourage for vermin.

Approval of the proposal would enable a dwelling to be erected on the site. There are no significant environmental impacts in approving a dwelling on this site. Planning staff consider that there are no planning issues of import associated with this amendment.

Because of the unique set of circumstances associated with the creation of this allotment there will be no precedent set for accepting further spot rezonings for allotments without dwelling entitlements. On balance there is no good reason to refuse the amendment.

Recommendation (PLA31)

- 1 Adopt draft LEP Amendment No. 18 to amend Lismore City Local Environmental Plan 2000 to include an enabling clause for a dwelling on Lot 3 DP 876486, 58 Satinwood Drive, McLeans Ridges; and
- 2 Forward the report to the Minister for Infrastructure, Planning and Natural Resources together with a request that the Minister make the Plan.

Report

Subject	Draft LEP amendment No. 12 – review of 6(a) recreation zoned lands and reclassification of certain Council owned property from Community to Operational
File No	S849
Prepared by	Strategic Planner and Manager Special Projects and Properties
Reason	Present report to Council following deferment of November 9, 2004
Objective	Council's adoption of LEP Amendment No. 12
Strategic Plan Link	Quality of life
Management Plan Activity	Strategic Planning

Overview of Report

Report outlines site specific land use options for land proposed for reclassification and supports previous report on this LEP amendment.

Background

At the Council meeting of November 9, 2004 Council deferred determination of Draft LEP Amendment No. 12 pending the provision of additional detail in regard to areas proposed for reclassification. The original November meeting report is included as Attachment 1, for completeness and clarity. The additional information requested is included in this report.

Council will recall that the review of open space was originally initiated by a direction from the Minister. This was in response to a Council amendment to the open space acquisition clauses in the Lismore LEP. Clause 70 provides that Council must acquire private land zoned 6(a) Recreation if the owner of the land makes a request in writing. Clause 71 enables Council to defer acquisition if it is reviewing the zoning of the land. A review of private lands zoned 6(a) was a condition of the Minister's agreement to include clause 71 in the LEP.

That review was subsequently expanded to include all lands zoned 6(a) as well as Council owned lands classified as community land. The proposed reclassifications from community land to operational land have been put forward for a variety of reasons. In some cases the land has been dedicated in the past to Council to fulfil open space requirements as part of a residential subdivision. Many of these date back to the 1980s when Council did not have specific criteria for acceptance of such areas. Consequently some of these sites are too small or steep to be considered as usable open space appropriate for community use. These areas can become a maintenance liability for Council.

In some cases reclassification is proposed to allow access to an adjoining property or the disposal of a small part of the land which is not suitable for recreational use. Unfortunately the classification provisions in the Local Government Act are not flexible enough to enable the reclassification of part of a land parcel. To permit these proposals to proceed the whole of the parcel must be reclassified.

In these circumstances the land would then be reclassified back to community land once the right of way or boundary adjustment has been completed.

The following table identifies all Council owned lands that are recommended for reclassification from 'community land' to 'operational land' together with reasons for the proposed reclassification and an assessment of the most appropriate future use of the site.

Schedule 6 Classification and reclassification of public land as operational land	
Locality of Goonellabah	
Address	Site assessment and possible future use
23 Allambie Drive	<ul style="list-style-type: none"> • Site considered too small for recreational use and has on-going maintenance • More suitable lands for recreation exist in immediate locality • Site abuts Kadina School and is used for pedestrian access • Sale of lot and creation of narrow pathway would not be desirable for safety reasons. • Ownership of lot could be transferred to Kadina School, alternatively would remain in Council ownership.
38 Allambie Drive	<ul style="list-style-type: none"> • An elevated area abutting existing residential lots near the power lines does not have a high nexus with the remainder of the site. Council slashes this area and it would be better developed for residential use. The area represents approximately 16% of the total lot area. • The majority of this site has been developed for, and will continue in community usage. • The majority would be reclassified back to 'community land' after subdivision.
11 Andrews Crescent	<ul style="list-style-type: none"> • Site considered too small and steep for recreational use and has on-going maintenance. • If the site were to be sold, a pathway would be retained to provide continuity of access between Andrews Crescent and Kathryn Drive.
269 Ballina Road	<ul style="list-style-type: none"> • Site considered too small for recreational use and has on-going maintenance. • This lot has a width of only 10m and may be sold to adjoining land owners or may be developed commercially as a wood lot by Council in a joint partnership arrangement
51 Deegan Drive	<ul style="list-style-type: none"> • Site considered too narrow for recreational use and has on-going maintenance. • Site has potential to be included in development of adjoining vacant properties.
15 Lee Crescent	<ul style="list-style-type: none"> • Land considered not suitable for recreation use. • Possible residential usage but constrained by location of coaxial cable. • Draft DCP 48 prohibits use of site for vehicular access to land to the north.
22 Northcott Drive	<ul style="list-style-type: none"> • Site considered too small for recreational use and has on-going maintenance • Approach for purchase made by adjoining landowner • .Alternatively may have possible residential usage.
30 Spring Valley Drive	<ul style="list-style-type: none"> • Site considered too steep for recreational use and on-going maintenance • Fully developed, larger neighbourhood park nearby at corner of Sunrise and Spring Valley Dr. • Possible residential usage.

11 & 11A Sunnybank Avenue	<ul style="list-style-type: none"> • Site considered too small and steep for recreational use and on-going maintenance • Possible residential usage • Pathway along northern boundary to be retained to provide access to future subdivision.
116 Mountain View Drive	<ul style="list-style-type: none"> • Site considered too steep for development as a recreational park and has on-going maintenance • Approach for purchase has been made by adjoining landowner. • Alternatively possible residential usage.
23 Pindari Crescent	<ul style="list-style-type: none"> • Lot is severed by Pindari Crescent. • The large area is to remain as public open space and the small 280m² area to be sold to adjoining owner who has maintained area for a long time. • Large area to be reclassified to community land following sale of small area.
7 Parkwalk Drive	<ul style="list-style-type: none"> • Site considered too small to be developed for recreational use and has on-going maintenance • Possible residential usage.
1 Lancaster Drive and 2 Centenary Drive	<ul style="list-style-type: none"> • Regional Library site should have "operational land" classification.
15a Holland Street	<ul style="list-style-type: none"> • Reason for reclassification is to rectify boundary encroachment. • Reclassification, will allow sale of small area (approximately 2m wide) of land required by adjoining industrial shed. • Land will be reclassified back to 'community land' after boundary adjustment is finalised.
260 Oliver Avenue	<ul style="list-style-type: none"> • Part of lot forms part of Centenary Industrial development. • Lot severed by extension of Oliver Ave. • Not required for recreational use in industrial estate.
Locality of Lismore	
Address	Site assessment and possible future use
Clyde Campbell Car park, 44 Molesworth Street	<ul style="list-style-type: none"> • Land is used for carparking. • Reclassification will allow Council to consider future airspace options for site.
Locality of Lismore Heights	
Address	Site assessment and possible future use
28 Weemala Street	<ul style="list-style-type: none"> • Unsuitable shape and size (297sq m) for recreational use. • Possible sale to adjoining owner or may be developed commercially as a wood lot by Council in a joint partnership arrangement.
45 William Blair Avenue	<ul style="list-style-type: none"> • Council has been approached to sell park to provide access to adjoining undeveloped residential land. • An alternative park has been proposed as part of future development.
37 Millar Street	<ul style="list-style-type: none"> • Is inappropriately classified and forms part of adjoining rural zone • Not suitable to be developed for recreational use.
Locality of South Lismore	
Address	Site assessment and possible future use
97 Caniaba Street	<ul style="list-style-type: none"> • Land not suitable for recreational purposes • Possible future industrial area, being inside the levee protection.

Locality of East Lismore	
Address	Site assessment and possible future use
15 Ballina Street and 13 Ballina Street	<ul style="list-style-type: none"> • Site is bounded by commercial development and has main road frontage. • There are many possible usages including possible lease to adjoining owner. • Site in close proximity to other parks such as Heritage Park and Riverbank.
27 Felicity Drive	<ul style="list-style-type: none"> • Council has been requested by adjoining landowner to provide access over site.. • Council can not register a right of way over the existing access track if the land remains 'community land'. • Part of area may have potential for up to 2 residential lots. • Habitat areas will be reclassified back to 'community land'.
Locality of North Lismore	
Address	Site assessment and possible future use
1, 1A, 2, 3, 3A, 3B, 12, 14, 16 Winterton Parade and 62A, 62B, 62 Lake Street	<ul style="list-style-type: none"> • Land is in open pasture setting • Flood hazard category prohibits residential use. • Site is being considered as part of the 'Regional City Plan'.

It should be recognised that prior to the disposal of any land, the Council must resolve to sell same prior to the application of Council's seal on the transfer documents. The reclassification of land does not of itself automatically lead to the disposal of the lot. It should further be understood that irrespective of the classification of a parcel of land, its use is subject to its zoning. Before the zone can be changed there is a statutory period of public consultation followed by a Council resolution.

Comments

Financial Services

From a financial perspective, one of the main reasons for undertaking this process of reclassification on most of these properties is to minimise Council's maintenance costs on properties that are considered inappropriate as recreational parks. In simple terms, this allows an already 'tight' Parks & Recreation budget to be better expended on parks and facilities that offer greater attraction to a wider range of users and at the same time, potentially generating additional rate income of approximately \$777 per residential block.

Other staff

Council's Parks Coordinator has inspected all sites proposed for reclassification and has provided input into the process.

Public consultation

Details of the public consultation, including the public exhibition and public hearing, are contained in the previous Council report of November 9, 2004.

Conclusion

The additional information provided in this report does not lead staff to vary the conclusion in the previous report of November 9, 2004.

The five land parcels which are recommended to remain as Community land as an outcome of the public consultation process will also be rezoned to 6(a) Recreation Zone as part of this amendment.

Each of those five sites is currently zoned 2(a) Residential Zone. A copy of LEP Amendment No 12 is included as Attachment 2 to this report.

With respect the submissions requesting Council reclassify land at Crozier Field, Oakes Oval, Goonellabah Leisure Centre and the Left Bank Café to Operational, such changes would require re-exhibition of the entire amendment. It is therefore considered that these matters would be more appropriately addressed by considering them in the next general review of the LEP.

Recommendation (PLA01)

That Council:

- 1 Adopt LEP Amendment No. 12 as per Attachment 2 to this report.
- 2 Use its delegations under section 69 of the EP& A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan.
- 3 Request a further report to be submitted on the reclassification to community land of:
 - 38 Allambie Drive, Goonellabah,
 - 23 Pindari Crescent, Goonellabah,
 - 15a Holland Street, Goonellabah, and
 - 27 Felicity Drive, East Lismorefollowing completion of the relevant matters as outlined in this report.
- 4 Consider the requests to reclassify land at Crozier Field, Oakes Oval, Goonellabah Leisure Centre and the Left Bank Café to operational land in the next general review of the LEP.

Report

Subject	Council committee structure
File No	S36
Prepared by	General Manager
Reason	Establishment of Strategic Plan.
Objective	To improve Council's committee structure.
Strategic Plan Link	Leadership by innovation
Management Plan Activity	General Manager's office

Overview of Report

Councillors conducted two workshops on the committee structure and this report presents the outcomes from these workshops. The proposal is for one standing committee consisting of 12 councillors and a rationalisation of the current committees.

Background

Council has held two workshops to discuss Council's committee structure. At the conclusion of the last workshop there was support for the concepts presented (standing committees and policy advisory groups) with questions raised about the scope and membership of the policy advisory groups.

There was an acknowledgement of a need to ensure that the Strategic Plan remained in focus and standing committees were seen as fulfilling this role.

There was support for reviewing the scope and structure/membership of the existing committees with this review to focus on directing the committees to strategic issues identified in the Strategic Plan and ensuring appropriate membership.

Whilst it would be possible to further workshop these matters, given the concern expressed by a number of councillors for a resolution of this issue, this report is presented for consideration.

Standing Committees

Having regard to the views expressed by councillors on the role of the standing committees, it is proposed that just one standing committee be formed to oversee the implementation and development of the Strategic Plan.

Name: *Strategic Plan Standing Committee*

Membership: *12 councillors*

Meeting: *Bi-monthly*

Scope:

- To oversee the implementation of the Strategic Plan.
- To develop initiatives to implement the Strategic Plan.
- To respond to requests to develop new strategies.
- To initiate reports and gain advice from policy advisory groups.

- To create policy advisory groups.
- To monitor the performance of policy advisory groups.
- To report to Council bi-monthly with recommendations on strategic and policy issues.

The issue of one standing committee was canvassed at the workshop. The advantages were seen as:

- Maximise the input from the diverse views of councillors.
- Minimise extra costs associated with creating standing committees.
- More efficient use of councillors' time.
- Ensure consistent implementation of the Strategic Plan.
- Clear reporting lines for policy advisory groups.

The main disadvantage was seen as the lack of opportunities for councillors to specialise, and the subsequent benefits that would flow from such specialisation. This perceived disadvantage may be overcome by councillor involvement in the policy advisory groups.

Proposed Policy Advisory Groups

As indicated earlier, there was general agreement that:

- The scope of existing committees needed to be reviewed.
- Membership guidelines needed to be developed which identified the skills Council was seeking.
- Not all the existing committees needed to be continued – some could be amalgamated, some could become reference groups.
- Two new advisory groups (community services and environmental) were supported.

Proposed Policy Advisory Groups

Detailed below are the proposed policy advisory groups, indicating the incorporation where relevant:

Policy Advisory Groups	Current Equivalent Committee
Economic Development	LEDAB
Airport	Aerodrome
Roads	Roads Management
Sport & Recreation	LDSA
Wayiganna	Wayiganna
Community Services	
Sustainable Environment	Civic Pride

Scope of Committees

Some example of proposed advisory groups were presented to the last workshop with revised "scopes". All proposed advisory groups with revised scopes are attached to the business paper.

Membership

This element is seen as critical to the success of the Policy Advisory Groups especially as they move to a more strategic focus.

Council's current policy is that Council committees will have no more than 10 members which includes a maximum of three councillors.

Membership criteria will vary from one Policy Advisory Group to another depending upon the scope of the Group. In some, Council may require a broad range of skills, in others specialised knowledge or a combination of both.

It is stressed that selections should be made on a skills basis, having regard to the criteria set for the Policy Advisory Group.

This matter of membership will be determined by Council. Attached is proposed membership for the new Policy Advisory Groups.

Timing of New Membership

Upon determination of a new committee structure, the current membership (councillors and public) shall be dissolved and invitations for public membership advertisements be placed in early February with appointment by Council on the recommendation of the Strategic Plan Steering Committee in March.

Continuing Committees

In addition to the Policy Advisory Groups the following committees will be maintained:

- Traffic Advisory
- General Manager's Performance Review

Council shall also continue to rely on a number of sunset committees:

- Art in the Heart Advisory Panel
- Clunes Wastewater Committee
- Goonellabah Recreation & Leisure Centre

Reference Groups

The following committees will be reformed as reference groups:

- Art Gallery
- Masters Games
- Tourism
- Public Transport
- Nimbin Water Supply

As indicated at the workshop, the scope of the reference groups will be to provide community feedback on specialised issues.

Comments

Financial Services

Not required.

Other staff comments

Group Manager-Business & Enterprise

The strategic plan of Council should direct the activities of the Standing Committee and the Standing Committee should set the agenda for the Policy Advisory Groups (PAGs). The Standing Committee will have the power to create additional PAGs that further support either the strategic initiatives of the Council not currently addressed or the strategic initiatives that arise over time. The Council has charted a course through the strategic plan and the Standing Committee provides an opportunity to take a more active role in the processes that achieve strategic outcomes.

Councillors may or may not choose to attend Standing Committee meetings and there may be scope to limit attendance to areas of interest.

Nevertheless Councillors will have access to all minutes and reports of the Standing Committee and will be able to monitor directly the performance of PAGs and to seek further inputs with the concurrence of the Standing Committee. The more informal nature of committee meetings is expected to allow for greater interaction and information transfer than the Council meeting process. These steps are all intended to provide better information and consequent decision making.

Public consultation

No direct public consultation has been held. The concept has received wide media attention and has been the subject of one independently organised public meeting.

Conclusion

Councillors have expressed concern about the proposed changes, however there is support for an improvement to Council's committee structure, there is support for the core principles of the Strategic Plan and there is an acknowledgement that councillors have an obligation to focus their efforts on matters of policy development and strategic planning. On this basis some change is essential and because these changes are within the Council's power, it would be both prudent and reasonable to introduce a new structure on the basis that its performance is able to be critically reviewed and varied, if necessary, after a settling-in period. In this way the concerns of councillors and some members of the community can be tested against real rather than perceived results and outcomes. This approach strikes the balance between do nothing and change everything. Twelve months would be a reasonable period over which to evaluate performance.

Recommendation (COR43)

- 1 Council establish a Strategic Plan Steering Committee consisting of all councillors.
- 2 The first meeting of the above committee be held in March 2005.
- 3 The following Policy Advisory Groups be established:
 - Economic Development
 - Airport
 - Roads
 - Sport & Recreation
 - Wayiganna
 - Community Services
 - Sustainable Environmentwith scope and membership as attached to the report.
- 4 The current membership of all committees be declared vacant, with the current members being thanked for their involvement.
- 5 Advertisements be placed in February calling for nominations to the Policy Advisory Groups and submissions reported to the first meeting of the Strategic Plan Steering Committee.
- 6 Other changes to the current committee structure as detailed in the report be adopted.

Report

Subject	Review of airport landing charges
File No	P9733
Prepared by	Craig Kelly, Group Manager - Business & Enterprise
Reason	Report required as a consequence of Council consideration of this matter in February 2004
Objective	To revise the existing Airport Landing Charges
Strategic Plan Link	Infrastructure
Management Plan Activity	Lismore Regional Airport

Overview of Report

Lismore City Council has resolved to support the reconstruction of the air travel market through a partnership arrangement with Regional Express Airlines (REX). This has seen the introduction of \$99 entry level fares to and from Sydney and the discount of landing charges on certain ticket classes.

These initiatives have shown a dramatic increase in passenger numbers at a cost to the General Fund of Council. When Council last considered this matter in February 2004 it resolved to review the arrangements in December.

The review shows that the airport revenue projections have not been met under the current arrangements and Council has the opportunity to address this by introducing a discounted landing charge across all ticket classes.

Background

Following the collapse of Ansett Airlines and with the impact of the September 11, 2001 terrorist attacks in New York, air travel across Australia and the world generally was in sharp and unexpected decline. This had particular implications for Lismore as Hazelton Airlines, an Ansett subsidiary, was the single carrier to this port.

Passenger services and numbers declined sharply and Council was approached by Regional Express (REX), the new operator into Lismore, with a proposal to address this decline. In short, REX aimed to substantially reduce fares through offering combined discounts of both the airfare and the landing charges levied by Council. Council was requested to forego landing charges as part of a contribution to this scheme.

At that time Council had recently constructed a new airport terminal on the forecast that the airport could be a self funding operation of Council. These forecasts did not foresee the events of September 11 or the collapse of Ansett. As a consequence of the decline in passenger numbers, the airport was no longer self funding and was being supported by the General Fund of Council. The proposition to waive landing charges would exacerbate this deficit, at least in the short term.

Council has considered this matter on a number of occasions over the past year and, while there was acknowledgement that support for such a proposal would require funding from the General Fund, there was a recognised need to do something to address the declining services and passenger numbers generally.

On July 8, 2003 Council resolved to make a one off reduction of 100% of landing fees for “everyday low fares” for a period of three months. Council resolved to review this initial step, with a view to installing a longer term programme from November 1, 2003 to June 30, 2004.

On October 14, 2003 Council considered the matter again and resolved to continue with the existing arrangements until February 2004.

On February 10, 2004 Council resolved to continue the programme on a month by month basis with a further review in November / December 2004, to ascertain if the projections included in that report were achieved. If the projections were not achieved, Council reserved the right to agree to an alternate programme to recover the costs of operating the airport.

Therefore Council has now had in place a programme of reduced landing fees for the period from August 2003 to date. This has been a significant dollar investment by Council and REX to improve passenger numbers through Lismore and the profitability of the route.

Key Projections from the February 2004 Report and Performance to Date

The report in February 2004 was predicated on a number of key projections that underpinned the programme going forward. There was a degree of uncertainty regarding these projections and the projections are reviewed below:

- Lismore to retain a total passenger load of 50,000 per annum
Lismore has exceeded this number of passengers on a pro-rata basis. With the estimated annual passengers now approximately 65,000.
- Of these 50% (or 25,000) will travel in classes “O”, “N” and “T”, i.e. Exempt from landing charges.
This projection has not been met. For the previous financial year these classes represented 57% of passengers, however for the period from July to September 2004 this has moved to 76%. Therefore an additional 19% of fares were allocated that did not have a landing fee. This has put the airport revenue budget \$20,000 behind forecast at September 30, 2004. The alternate view is that larger than expected numbers of low cost fares are now offered to and from Lismore.

Overall Outcomes of the Programme

- Financial cost to Council
It is difficult to estimate the actual income forgone from this process without detailed estimations based on forecast and actual passengers. The estimate prepared to date would put this subsidy at approximately \$250,000, with \$100,000 in the prior financial year and \$150,000 forecast for the whole of the current financial year.

- Passenger Numbers

Please see the enclosed graph for the passenger numbers from financial year 1996-97 through to an estimate for the current financial year. The programme has had a significant impact on overall passenger numbers with those passengers lost after Ansett now fully returned. This growth is not sustainable and it was forecast in February that the maximum annual market for Lismore may be 55,000. This was exceeded in the prior financial year and is likely to be again in the current year, however the underlying market remains at 55,000 to 60,000.

Total passenger numbers are a function of a number of variables including those discussed below.

- Services

When the programme was commenced Lismore had a number of services that were triangulated with Ballina. Since that time all but one service are now direct to and from Sydney. This has seen a major increase in capacity for Lismore. Apart from this, REX has also increased the number of scheduled services to and from Lismore, which increases availability of flights and potential for greater passengers.

- Fare Pricing

The initial programme saw an introductory fare of \$115 one way, including charges. This was revised to \$99 following negotiations with REX to keep all entry level fares in the Northern Rivers at the same price. Since this became effective in September 2003 the entry prices have generally remained consistent, however REX lowered the fare from Ballina to \$89 at the advent of Virgin and have since advertised a \$95 (\$99 ex Ballina) fare from Lismore for the quieter January 2005 period.

- Economic Activity

Passenger numbers are a good indicator of economic activity. The reasonably buoyant economic activity on the Northern Rivers has generally had a positive impact on demand for air services.

- Service Promotion

Councillors would generally recognise that REX have made a concerted attempt to promote their services within this region. Compared to the promotion of services by other carriers, REX has developed a strong profile through the advertising of their services through all forms of media. This has assisted with the recognition of the REX brand in the region.

- Jet Services at Ballina

In August 2004 Virgin Airlines introduced a midday jet service between Ballina and Sydney. This was expected to have a detrimental impact on passenger numbers flying from Lismore. After an initial slight decline, passenger numbers have again recovered reasonably well. It should also be noted that previously Ansett also operated a midday, full service, jet air schedule into Ballina. At this time Lismore handled 48,000 passengers and the Casino market was 8 – 10,000 passengers. Therefore there has been a historical co-existence between Lismore and a jet service to Ballina, albeit acknowledging that there is leakage from Lismore to this service.

At this time there appears to be grounds to forecast that the underlying market for Lismore should be retained at 55,000 passengers per annum with potential for a further 5,000 leisure or discretionary passengers. The overall market has changed radically over the past three years and the ability of Council to project with some certainty is difficult beyond the very short term.

Proposed Way Forward

The Council, in partnership with REX, has invested a significant dollar amount in the reconstruction of the Lismore air travel market. The reassuring aspect to this report is that passenger numbers have rebounded strongly and do not appear to be affected significantly by the advent of Virgin in this region. The difficult issue to address is how to increase the level of revenue to help reduce the impact on the General Fund, while retaining viable services and pricing. There is strong demand for \$99 fares at the moment, however these are retained at the consent of REX.

Councillors should note that the current landing charge for Lismore is \$11 per head (excluding GST).

Council options are reliant on general concurrence from REX. There are two alternatives canvassed:

- Variable charges across ticket classes

It was originally Council's intention to seek a variable charge across various ticket classes from a \$nil charge on the entry level fare stepping up to the full charge on the "business" fares. Unfortunately the booking system used by REX is unable to accommodate this variable charging regime. At present the charge is notionally recorded on all tickets and REX remits to Council only those charges that are due in accordance with the agreement.

Council is still able to pursue this option and it would need to strike a rate per class to provide an increase in the overall revenue. The landing charge could be struck as follows:

Fare Class	Current Charge	Proposed Charge
REX Flex	11.00	11.00
REX Biz	11.00	11.00
REX Saver	0.00	11.00
REX Net	0.00	0.00

This would extend the landing charges into the REX Saver category, which is not subject to landing charges at present. If it adopted this approach from January 1, 2005 the projected income for the six months to December \$98,000 would increase for the final six months to \$178,200 assuming passenger numbers remain at 60,000, the entry level fares remain at 46% of the total fares and the new programme is accepted by REX. There is likely to be a downward impact on passengers if fares are increased and if so the overall outcome for the second six months is more likely than not to be less than the \$178,200 projected.

Option 1

	Revised Estimate	Budget	Variance
Income (July – December)	98,270	137,500	(39,230)
Income (January to June) (30,000 * 54% @ \$11)	178,200	137,500	40,700
Total	276,470	275,000	1,470

- Flat rate across all classes

Council could revert to its former landing fee approach, which was a flat rate across all fares. The current published rate in the Fees and Charges is \$11 (Excl. GST). If passenger numbers held at 60,000 per annum, the airport could retain its self funding status (including debt repayment) with a landing fee of \$9.73 (excluding GST).

Council would reduce the level of subsidy from the General Fund with a flat fee across all fares of say, \$6.00. If this were applied from January 1, 2005 and passenger numbers for the second six months of the year held at 30,000, the revenue budget for the year would be exceeded by approximately \$3,000.

Option 2

	Revised Estimate	Budget	Variance
Income (July – December)	98,270	137,500	(39,230)
Income (January to June) (30,000 @ \$6)	180,000	137,500	42,500
Total	278,270	275,000	3,270

It is possible to continue to vary these options until an appropriate balance is struck, however an interim approach that seeks to redress the situation of the budget in the current year is an appropriate next step. This will give Council the opportunity to revisit this matter as part of the 2005-06 Management Plan process.

Competitor Assessment

Council must be mindful of the issues of operating the airport in a competitive environment and while not all airports have chosen to vary existing prices, all airports have faced similar financial circumstances. Equally, Council and REX are providing a contribution to the region, in the absence of train services, through the provision of large numbers of low cost air services. The retention of these low cost fares in a spirit of co-operation with REX provides a wider benefit.

Comments

Financial Services

The 2004/05 Budget for the Lismore Regional Airport has a deficit budget of \$308,500. Based on the reported passenger and landing fees received information, the deficit is trending towards an additional \$80,000 to \$90,000 loss. It is agreed that the recommendations adequately address this situation and the assumptions used are reasonable.

Beyond the current year, the question needs to be asked about the level of financial support Council is willing to provide to the Lismore Regional Airport. If passenger numbers of 60,000 per annum are maintained, a landing charge of approximately \$9.73 will be required to fund all costs associated with this facility. Considering the landing fees received for 2004/05 are equivalent to \$2.87 per passenger, this is a significant increase. Unfortunately, the impact of increased landing charges (and hence potential increased ticket prices) on passenger numbers is unknown and further research based on the recommended changes during the first part of 2005 may provide further insight.

As such, the approach to consider the appropriate landing charge for 2005/06 and beyond during the Management Plan process, is also supported.

Other staff comments

Not required.

Public consultation

This report was discussed at length with representatives of REX. Option one above, is REX's preferred option as this provides REX with greater scope to manage yields through the percentage of entry level fares. This also provides an incentive for REX to offer the maximum number of these possible fares. Having said this, REX has accepted the rationale for both options and supports the review outcomes.

Conclusion

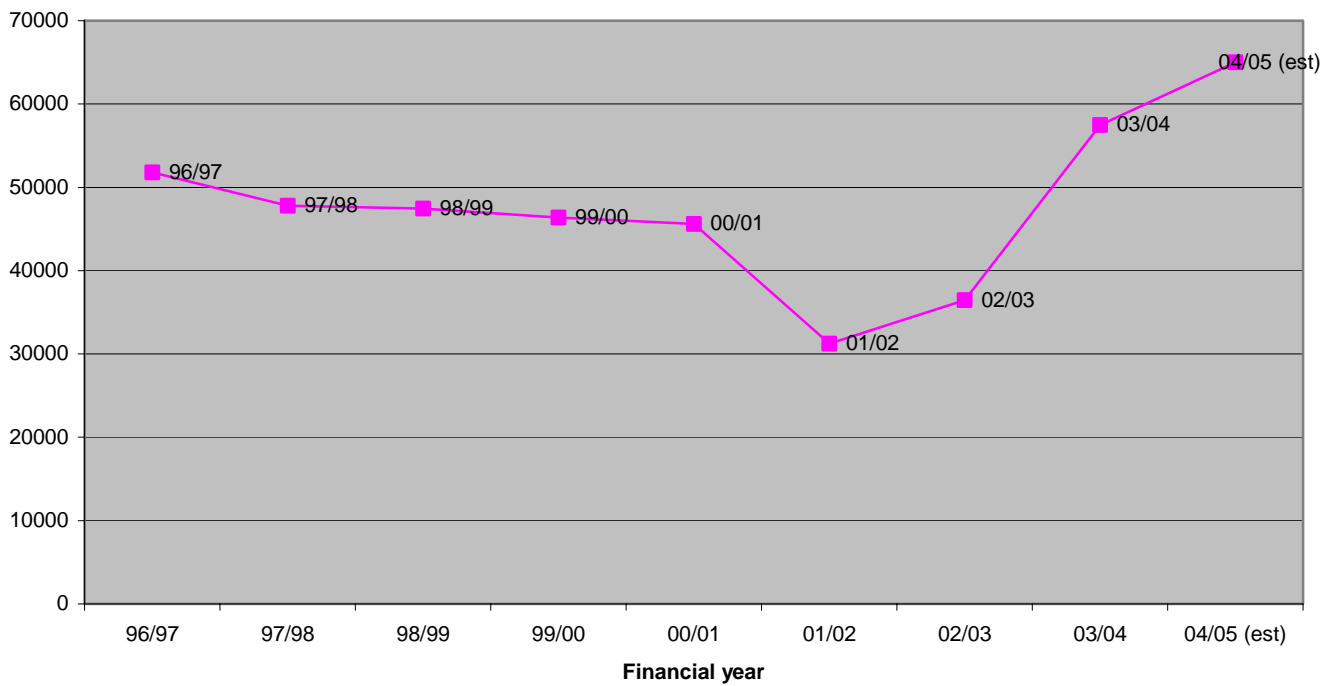
In principle I support the reasons for selecting option one as REX's preferred option. The difficulty Council has experienced from this approach in the past is the absence of control Council exercises over the allocation of seats to ticket classes. This is entirely in the hands of REX and from last year, fares not paying a landing fee have increased from 57% to 76%. There is a possibility (remote as it may be) that increasing allocations of these seats could continue. Despite providing a wider benefit to the region it does not provide adequate assurance that revenue budgets will be met. Alternately REX could increase fares and this will also impact on overall passenger numbers also adversely affecting the airport budget. Retaining passenger numbers is in the interests of both Council and REX and competitive pressure should dictate the overall fare structure.

For these reasons Option 2 is the recommended course of action.

Recommendations (ENT13)

1. Council congratulate REX on the outstanding success of the programme to date; and
2. Council adopt a landing charge of \$11.00 (excluding GST) with a \$5 (excluding GST) discount for the period from 1 January 1, 2005 to June 30, 2005.

Lismore Passenger Numbers



Report

Subject	Sale of surplus land - 30 Tweed Street, North Lismore
File No	P9589
Prepared by	Manager-Special Projects & Properties
Reason	To advise Council of change in circumstances.
Objective	To seek Council resolution to sell land.
Strategic Plan Link	Economic Development
Management Plan Activity	Special Projects & Properties

Overview of Report

Review of price and sale of Lot 3 in Deposited Plan 18057 being 30 Tweed Street to adjoining landowner.

Background

Following negotiations between adjoining landowners and Council, a resolution to sell Lots 3 and 5 in Deposited Plan 18057 at Tweed Street, North Lismore was adopted by Council at its ordinary meeting of February 10, 2004. The sale price that was negotiated for each of the two lots was \$20,000.00.

Despite the extensive negotiations which preceded the abovementioned resolution and the issue of a contract for sale, the transaction did not proceed as the purchaser would not sign the contract.

Further negotiations were entered into but the sale never proceeded and the prospective purchaser eventually advised Council that he had no further interest in the land.

More recently Council was approached by the other adjoining landowner who wished to purchase Lot 3 in Deposited Plan 18057. As a significantly reduced price was offered, Council obtained an independent valuation of the lot. Lot 3 in Deposited Plan 18057 was valued at \$12,500.00.

As the lot has no dwelling entitlement and is within the "High Flood Risk Area" it is considered that the valuation is reasonable.

Comments

Other staff

Financial Services

Given the negotiated sale price is consistent with the land valuation, each party will pay its own legal costs and the land is of no specific benefit to Council, the recommendations are supported.

Conclusion

The subject Lot 3 was purchased by Council as part of the Voluntary Flood Acquisition program and is of no specific benefit to Council, requiring regular site maintenance.

There are a limited number of prospective purchases for this lot which is isolated from other Council land holdings. The independent valuation ensures that Council realises best value for its asset.

Recommendation (GM01)

- 1 That the General Manager be authorised to conclude negotiations for the sale of Lot 3 in Deposited Plan 18057, being No. 30 Tweed Street, North Lismore for a sale price of \$12,500.00.
- 2 That the General Manager and Mayor be authorised to apply the common seal of the Council to the contract for sale of Lot 3 in Deposited Plan 18057, together with the relevant memo of transfer.
- 3 That upon transfer of Lot 3 in Deposited Plan 18057 to the adjoining owner, said lot be consolidated with other landowner holdings.

Report

Subject	State of the Environment Report 2004
File No	S392
Prepared by	Manager Environmental Health & Building Services – Tony Kohlenberg
Reason	Presentation of Council's Draft 2004 State Of The Environment Report
Objective	For the placement of the Draft 2004 State Of The Environment Report on public exhibition
Strategic Plan Link	Natural Environment, Water and Waste Cycle, Leadership by Innovation
Management Plan Activity	Environmental Protection & Enhancement: Full Fill Comprehensive State of the Environment Report

Overview of Report

The Local Government Act, 1993 highlights environmental responsibilities of Councils, including a requirement to *'have regard to the protection of the environment in carrying out its responsibilities and to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible.'* These provisions are closely linked to the requirements under the Act for Council to prepare a Comprehensive State of the Environment Report (SoE) in relation to the following sectors:

- Land
- Water
- Air
- Biodiversity
- Waste
- Noise
- Aboriginal Heritage
- Non -Aboriginal Heritage

The objective of this report is gain Council endorsement for the Draft 2004 State of the Environment Report to be placed on public exhibition for a two month period. After this time a further report will be provided to Council advising of comment and seeking adoption of the report and recommendations.

Background

Council's SoE Report 2004, is a comprehensive report as recognised under the provisions of the Local Government Act. Comprehensive reports are required to be produced every four (4) years. SoE Reports are produced to record environmental trends and conditions at National, State and Local levels.

SoE Reporting when integrated with other environmental management strategies should:-

- Provide regular scientifically sound information about the current condition of the environment;
- Evaluate the effectiveness of policies and programs developed to address environmental pressures;
- Assess progress towards achieving environmental target, standards and ecological sustainability;
- Integrate environmental information into policy and planning processes
- Identify current and emerging environmental issues and identify gaps in knowledge or data collection ; and

- Raise community awareness about the local environment and understanding of the environmental impacts and responses to address these impacts.

SOE reporting is intended to enable Councils to assess their environmental management responsibilities and actions. In addition it emphasises the need to analyse and review data already collected and provided, including data from State government agencies. The regulations state that Councils must consider their most comprehensive SoE Report when preparing draft management plans.

The report follows the format of an agreed and consistent set of indicators adopted by North Coast Councils. In 2000, the NSW Premiers Department co-ordinated a regional inter-government project to review and supply data for a core set of consistent environmental indicators for the North Coast Region. An agreed set of indicators was identified in a final report titled *“Regional State of the Environment for Local Government Areas reporting on the North Coast of NSW.”*

It is recognised that Council is not directly responsible for the management of all the environmental sectors and issues that are required to be addressed in the SoE report. Also, Council has limited resources and must be realistic in setting goals to satisfy environmental indicators. It is intended that Council in each subsequent report will progressively update data presented to enhance reporting. Much of the data presented in the 2004 report is in addition to the 2000 report and therefore can not be utilised for comparative purposes, but will be used to gauge environmental trends in the future.

The report lists recommendations in the various environmental sectors to address ongoing issues and gaps in Council's current management plan activities. SoE reporting is recognised as a significant corporate activity and resource allocation will be considered through the management plan process.

It is proposed that the draft 2004 SoE be placed on exhibition for a two month period. The document is to be

- a) exposed to Government Agencies, Industry Organisations, key environmental groups and
- b) the broader community.

It is proposed that the Draft 2004 SoE report be exhibited on Council's website and in hard copy form at key community locations (ie. regional library, village stores, etc.).

Financial Services

It is noted that where there is a specific funding requirement to implement a recommendation of the 2004 SoE Report which is not part of the recurrent budget, a funding submission will be made to the annual Management Plan process for consideration by Council at that time.

Other staff comments

Have been incorporated into the body of the Draft 2004 SoE report.

Public consultation

The Draft 2004 SoE will be placed on public exhibition for a two month period.

Conclusion

The Draft 2004 SoE should be placed on public exhibition with a further report to Council following exhibition.

Recommendation (PLA30)

1. That Council's Draft State of the Environment Report be placed on public exhibition for a two month period.
2. That a further report be provided to Council in March 2005 reporting on comment submitted to Council during the exhibition period.

Report

Subject	Draft Amendment No.15 to Lismore Local Environmental Plan – Trinity Drive, Goonellabah.
File No	S860
Prepared by	Planning Services
Reason	Close of LEP exhibition and preparation of preliminary estimates for road works.
Objective	Council's adoption of the draft amendment and endorsement of the proposed Planning Agreement
Strategic Plan Link	Quality of Life
Management Plan Activity	Strategic Planning

Overview of Report

This report recommends that Council proceed with the rezoning of land at the end of Trinity Drive subject to endorsing a legal agreement between Council and the landowners that would require the payment of a contribution towards upgrading of local road access.

Background

At its meeting of February 11, 2003 Council resolved to prepare an amendment to the Lismore Local Environmental Plan 2000 to rezone Lot 91 DP 1010714 Trinity Drive from 1(d) Investigation zone to 2(a) Residential zone, pursuant to section 54 of the *EP&A Act*. The amendment will enable the lodgement of a subdivision application for the creation of 11 residential lots. A copy of the draft amendment is included as a separate attachment.

The site represents part of the larger potential urban release area identified in the Lismore Urban Strategy. The current access to Trinity Drive via Ballina Road is not adequate to cater for future traffic generated by this development or by future development identified in the Strategy. An alternative access is required to facilitate the development of this area and to provide adequate levels of service as development proceeds. Accordingly Council resolved to prepare a site specific s94 Contributions Plan for local road upgrading prior to gazettal of Amendment No.15.

Relevant government agencies were consulted in accordance with the requirements of s62 of the Act and the amendment was publicly exhibited. However, current resources have not enabled the preparation of a Section 94 Plan to date. Consequently the amendment has not progressed to the gazettal stage.

The matter is now reported to Council because access route options to Ballina Road have been investigated and a preliminary estimate of costs for road works, including land acquisition and upgrading of existing roads, has been prepared. The preferred access route would link Woodlawn Avenue to the existing roundabout at the intersection of Rous Road and Ballina Road.

Preliminary cost estimates are as follows:

Modifications to existing roundabout	\$ 20,000
Land acquisition and compensation	\$1,400,000
Road construction and upgrading	\$ 490,000
Total	\$1,910,000

A contribution figure for Trinity Drive has been derived through an apportionment of costs for all residential development likely to occur in the area that will utilise this access route. This includes an estimated 400 lots that will be part of the future Trinity Drive release area as well as proposed subdivision to the east of Woodlawn Ave. The figure per lot for Trinity Drive has been calculated at \$4,230. This amount will be in addition to other s94 contributions that would otherwise apply to new subdivision including for urban strategic roads.

The preparation, exhibition and adoption of an s94 Plan will involve further time and resources thus further delaying the LEP process. To avoid this problem it is proposed that the LEP process be expedited by entering into a legal agreement with the owners which would bind them to a contribution of \$4,230 per lot prior to the release of the Subdivision Certificate. The agreement would be worded such that, if a S94 Plan is adopted before release of the Subdivision Certificate, the owners would pay the contribution amount nominated in the S94 Plan instead.

The use of legal agreements - known as "Planning Agreements" – to fund public infrastructure has been promoted by the State Government's Section 94 and Development Levies Taskforce. While DIPNR is considering amendments to the *EP&A Act* which will facilitate these agreements, there are currently no legal impediments to Councils entering into an agreement with landowners for purposes such as described above. The owner's representative has been consulted about this proposal and has indicated that they are agreeable to the arrangement. The agreement will need to be signed under the common seal of Council.

Comments

Financial Services

The proposal to have developers fund the full cost of future works, by either planning agreement and/or specific section 94 plan, is supported as without these developments the works would not be required.

It is important to note that at some stage, it will be necessary to complete these works in advance of all developer contributions being received. This issue needs to be carefully considered when assessing other rezoning applications and subsequent development applications for subdivisions as the significant cost may limit or delay Council's ability to undertake other important roadworks.

Other staff comments

City Works, Lismore Water and Environmental Health have previously assessed the proposal prior to preparation of the LEP Amendment. City Works has undertaken the assessment and cost estimates for the preferred alternative access route which has formed the basis for calculating the per lot contribution which will apply in the legal agreement.

Public consultation

The draft LEP Amendment was advertised and adjoining landowners in the area were notified by letter. No public submissions were received in response to the exhibition.

Conclusion

The only impediment to LEP amendment No.15 proceeding to gazettal is the lack of a s94 Contribution Plan. An interim solution is proposed through the use of a legally binding agreement with the owners to ensure that a contribution for local road upgrading is paid prior to release of the Subdivision Certificate. This will ensure that an equitable situation applies in regard to other landowners in the area who may lodge rezoning or subdivision applications in the future.

Although Council has resolved that all future rezoning of urban land in Lismore be by way of LEP Schedule with a 12 month sunset clause, draft LEP Amendment No 15 was prepared and exhibited prior to that resolution.

Recommendation (PLA34)

That Council:

1. Adopt LEP Amendment No.15 to rezone Lot 91 DP 1010714 Trinity Drive, Goonellabah from 1(d) Investigation Zone to 2(a) Residential Zone; and
2. Use its delegations under section 69 of the EP& A Act to forward a report to the Minister for Infrastructure, Planning and Natural Resources together with a request that the Minister make the Plan; and
3. Prior to forwarding the Plan to the Minister, that the common seal of Council be affixed to a Planning Agreement between Council and the owners of Lot 91 DP 1010714 Trinity Drive, Goonellabah that requires the owners to pay a contribution of \$4,230 per lot prior to the release of the Subdivision Certificate, unless an adopted s94 Plan for local roads is in place by that time.

Report

Subject	Amendment No.19 to Lismore Local Environmental Plan – 296 Stony Chute Road, Nimbin & 18 Dougan Road, Caniaba.
File No	S882
Prepared by	Planning Services
Reason	Completion of consultation with government agencies and public exhibition period
Objective	Council's adoption of LEP Amendment No.19
Strategic Plan Link	Quality of Life – Encourage sustainable development
Management Plan Activity	Strategic Planning

Overview of Report

This report advises on the outcome of the public exhibition of two rezoning proposals for Stony Chute Road, Nimbin and Dougan Road, Caniaba and recommends that Council adopt the LEP amendment and forward it to the Minister for gazettal.

Background

Précis

- Subject land:** Lot 4 DP 1048778
296 Stony Chute Road, Nimbin

Applicant: Balanced Systems Planning Consultants

Owner: I Chaussivert

Proposal: Community Title subdivision to create 26 rural living lots and one neighbourhood lot under Community title and one residue lot under Torrens title.
- Subject land:** Lot 1 DP 263257
18 Dougan Road, Caniaba

Applicant: Newton Denny Chapelle

Owner: W & V Sheaffe

Proposal: Village subdivision to create three lots.

At its meeting of March 9, 2004 Council resolved to prepare an amendment to the Lismore LEP to enable rural residential subdivision on Lot 4 DP 1048778, Stony Chute Road, Nimbin and village subdivision on Lot 1 DP 263257 Dougan Road, Caniaba. The Stony Chute Rd. site has an area of 89ha and is located on the northern side of Stony Chute Road approximately 3km west from the Nimbin Road intersection. The Dougan Rd. site has an area of 6ha and is located to the south of Caniaba Road.

The rezoning submission for Stony Chute Road was lodged in accordance with the provisions of the Lismore Rural Housing Strategy (RHS) while the rezoning submission for Dougan Road was lodged in accordance with the Lismore Village Development Strategy (VDS). Both rezoning proposals have been combined into a single amendment - Amendment No.19.

The RHS provides that land approved for rural residential subdivision in accordance with the strategy shall be rezoned by way of inclusion within a schedule to the LEP. The Schedule includes a three year "sunset clause" together with conditions that ensure that any future development application for subdivision is consistent with the adopted Master Plan. The rezoning at Dougan Road is also proposed by means of Schedule to accommodate the requirement that the roundabout at the intersection of Dougan and Caniaba Roads be constructed prior to final linen plan release.

Consultation with Government Agencies

Following Council's resolution to prepare the Plan, both proposals were referred to relevant government agencies in accordance with the requirements of s62 of the *EP&A Act*. Where additional information or requirements been requested by these agencies these have been complied with.

Comments

Financial Services

On the basis that all road upgrading works will be funded by the developer, the recommendations are supported.

Other staff comments

Both proposals were originally assessed by City Works, Lismore Water and Council's Environmental Health section. Issues raised in the public submissions relating to traffic and safety have been further assessed by City Works and their response has been incorporated into this report and its recommendations.

Public consultation

The draft LEP amendment and master plans were publicly exhibited for twenty eight (28) days from September 20, 2004 to October 18, 2004. Owners adjoining both properties were also notified of the rezoning proposals by letter.

In response to the public exhibition a total of six submissions were received, four relating to the Stony Chute Rd. proposal and two to the Dougan Rd. proposal. Copies of the submissions are separately attached. A summary of the issues raised in the submissions, together with planning comments, is provided as follows:

Stony Chute Road:

1. Twenty six lots will generate significant additional traffic on to an already busy road (2 submissions)

Comment:

The proposal is located on Stony Chute Road approximately 3km from the intersection with Nimbin Road. The Traffic Impact Assessment report submitted with the rezoning submission estimates that the proposal will increase the existing daily traffic volume by 208vpd to 583vpd. This represents a significant increase.

Although Stony Chute Road has been upgraded by Council within the last 10 years, the upgraded width of the carriageway is 5.5m seal on 6.5m formation. Council's adopted Rural Housing Strategy (RHS) nominates a minimum standard of 6m seal on 8m formation.

The RHS states that where this standard of access does not currently exist, the landowner(s) will be required to enter into a legal agreement to bring the road up to an acceptable standard prior to the rezoning proceeding. The Traffic Impact Assessment report acknowledges that, while the increase in traffic volumes will not affect the existing level of service (A), there is a concern in terms of impacts on traffic safety. There is little scope for widening the existing carriageway without major reconstruction work. However it is considered that safety aspects could be significantly improved through the widening of the formation and existing culverts at key locations on Stony Chute Road. The extent of the proposed works needs to be documented by City Works and it is recommended that a "Planning Agreement" be prepared by which the landowner agrees to fund the formation and culvert widening works prior to the release of any subdivision certificate. The nature of the Planning Agreements is explained in the report on LEP Amendment No 15 which is a separate report in this Business Paper. The agreement will need to be signed under the common seal of Council before LEP Amendment No.19 is forwarded to the Minister.

2. The proposal will destroy the amenity of the area (1 submission)

Comment:

The part of the property in which the proposal is to be located is a small valley shielded from view from Stony Chute Road by a fairly prominent ridgeline. The area is also partly shielded from adjoining properties by topography and vegetation. Consequently it is not considered that the proposal will have a significant effect on the visual amenity of the area.

3. The proposal will place increased pressure on community infrastructure in Nimbin village (1 submission)

Comment:

Council's Contributions Plan provides for the upgrading of nominated community facilities and open space in Nimbin village. Section 94 contributions towards these facilities will be applicable at the Development Application stage.

3. The proposal could affect water levels in Cabbage Tree Creek. Council should supply water for domestic use (2 submissions).

Comment:

Individual lots will not be able to draw water from Cabbage Tree Creek as they will not have direct creek frontage and so will not enjoy riparian rights. Domestic water supply will be supplied by way of roof water harvesting and storage in rainwater tanks. In terms of connecting to the village supply, this is not supported for two reasons. Firstly the town supply can service a finite number of lots and new village development has priority over rural residential development in terms of access, and secondly, it would be uneconomical to provide a reticulated service to the site which is located some 5km by road from the village.

4. Egress has been marked on a neighbour's property without their consent (1 submission).

Comment:

A future subdivision application must comply with the requirements of Planning for Bushfire Protection and will require a bushfire safety authority under s100B of the Rural Fires Act. Where emergency egress over a neighbouring property is required so as to comply with these requirements, a right of carriageway will need to be established over that property to ensure that the access is maintained in a manner which will facilitate emergency evacuation. This will require the consent of such adjoining owners as may be affected.

5. A neighbouring property owner has invested in a long-term hardwood timber plantation which could create conflict with future residents (landscape changes resulting from harvesting, noise from portable mill, bushfire issues, etc) and could jeopardise the on-going operations of the enterprise (1 submission).

Comment:

The property that has been developed as a plantation is located to the north-east of the subject site. While it is adjacent to the site the two properties do not share a common boundary. Landowners who establish private forest plantations on their property are afforded some measure of protection under the Plantations and Reafforestation Act 1999 (PR Act). The Act provides an authorisation process for timber plantations to guarantee harvesting operations and to apply codified environmental standards to the establishment, management and harvesting operations. Plantations that do not exceed 30ha on the one property are classed as exempt farm forestry and are exempt from most requirements.

Authorised plantations and farm forestry are exempt from requirements under the EP&A Act and Local Government Act. The PR Act provides that councils may not issue an order under section 124 of the LG Act so as to prevent or interfere with the carrying out of plantation operations on an authorised plantation. Thus if future adjoining owners were to complain about harvesting operations, the operations would be protected providing the landowner was complying with the code of practice under the Plantations and Reafforestation (Code) Regulation.

6. House sites are located on land subject to slippage (1 submission).

Comment:

Council's constraint mapping indicates that parts of the property have been subject to slumping of 'slight severity'. A small part of the site is identified as subject to slumping of 'moderate severity' however this area is located away from any proposed house sites. At the subdivision stage the applicant will be required to submit a Geotechnical Investigation Report certifying that each lot is suitable for building purposes and classifying each lot in accordance with the Australian standard for residential slabs and footings.

Dougan Road:

1. Concern over the current condition of Dougan Road which is wide enough for a single vehicle only. What upgrading works will be required? (1 submission).

Comment:

Dougan Road will be required to be upgraded to a 5m wide seal on 1m wide gravel shoulders from its intersection with Caniaba Road to a suitable access point to proposed lot 3. The proposed subdivision is supportable only on the basis that these works are carried out prior to the release of the subdivision certificate. To ensure that the applicant is fully aware of these requirements, and that the condition is applied at subdivision application stage, it is recommended that draft LEP Amendment No 19 be modified to include this requirement. The LEP amendment also contains a condition requiring the upgrading of the intersection of Dougan and Caniaba Roads prior to Subdivision Certificate release. Upgrading of this intersection is also a condition of consent for village subdivision in the Perradenya estate. Thus the Dougan Road subdivision would be able to proceed when this condition is fulfilled by the other developer.

2. Concern over effects on water quality - the site has steep slopes which drain to a gully that provides a back-up water supply for a neighbouring property (1 submission).

Comment:

A wastewater assessment report has been provided with the rezoning submission identifying sites suitable for the disposal of household wastewater. Constraints for disposal apply due to soil and slope, however the report demonstrates that systems can be designed to take account of these constraints and enable wastewaters to be disposed of satisfactorily. A more detailed assessment and design will be required at the development application stage for individual dwellings on the lots.

3. The ridge area to the south of the property supports koalas. How will the proposal affect these and other native fauna and flora? (1 submission)

Comment:

Most of the property is cleared except for a small area of remnant dry rainforest vegetation located in the southern part of the site. A flora and fauna assessment accompanying the submission has determined that the area is not core koala habitat as defined under SEPP 44. However the remnant is recognised

as important habitat for native fauna and the applicant has lodged a Vegetation Rehabilitation Plan which proposes weed removal and enhancement planting with suitable native species. Implementation of the Vegetation Rehabilitation Plan will be a requirement of a future subdivision application and it is recommended that this requirement be included as a condition in the relevant LEP schedule.

4. Domestic animals can affect livestock on neighbouring farms. Will domestic animals be restrained in specially fenced yards (1 submission).

Comment:

No restriction on the keeping of domestic animals is proposed. This is not considered appropriate given that the site represents part of the Caniaba Village Investigation Area and will eventually become part of the village as this area is developed over time.

5. How will household rubbish be disposed of? (1 submission)

Comment:

Northern Rivers Waste provides a garbage pickup service to Caniaba village but there is currently no service to properties in Dougan Road. Once Dougan Road has been upgraded to the required standard, property owners will be able to make application for a waste disposal service.

Conclusion

A number of pertinent issues have been raised in submissions. Some of these issues should be addressed through further amendment to the draft LEP prior to it being forwarded to the Minister for gazettal. These include requirements for upgrading of Dougan Road and implementation of the Vegetation Rehabilitation Plan for the Dougan Road site. A copy of the draft LEP incorporating these proposed amendments is attached to this report. In relation to the issue of road upgrading for Stony Chute Road, the most appropriate mechanism to address this matter is through a "Planning Agreement" between Council and the proponent. Such agreement will ensure that the required works on Stony Chute Road are undertaken prior to release of the Subdivision Certificate.

Recommendation (PLA34)

That Council:

- 1 Adopt LEP Amendment No. 19 as attached to this report; and
- 2 Use its delegations under section 69 of the EP& A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan, and
- 3 Prior to forwarding the Plan to the Minister, affix the common seal of Council to a Planning Agreement between Council and the owners of Lot 4 DP 1048778 Stony Chute Road, Nimbin that requires the owners to fund the formation and culvert widening works in Stony Chute Road prior to the release of the Subdivision Certificate, and
- 4 Adopt the Master Plan for the Stony Chute site as exhibited with the LEP amendment.

Report

Subject	Draft Lismore Local Environmental Plan Amendment No.24 – 9 Livotto Drive, Richmond Hill
File No	S896
Prepared by	Planning Services
Reason	Receipt of rezoning submission
Objective	Resolution to prepare draft LEP amendment for public exhibition.
Strategic Plan Link	Quality of Life – Encourage sustainable development
Management Plan Activity	Strategic Planning

Overview of Report

This report advises Council of the receipt of a rezoning submission to permit the rural residential subdivision of land in Livotto Drive, Richmond Hill and recommends that Council proceed with the preparation and exhibition of a draft LEP amendment.

Background

Précis

Subject land:	Lot 80 DP 1058639 9 Livotto Drive Richmond Hill
Applicant:	Newton Denny Chapelle
Owner:	RG, AM & SL Livotto
Proposal:	Rural residential subdivision to create 14 rural residential lots

Council is in receipt of a rezoning submission that seeks an amendment to the Lismore LEP to enable subdivision of Lot 80 DP 1058639, 9 Livotto Drive, Richmond Hill for rural residential purposes. The amendment will permit the lodgement of a Development Application to create 14 rural residential allotments ranging in size from 2933m² to 3.45ha. A copy of the proposed subdivision plan is attached separately. The submission is lodged in accordance with the provisions of the Lismore Rural Housing Strategy (RHS) 2002.

The site has an area of 12.73ha, and is located adjacent to an existing 1(c) Rural Residential area in Livotto Drive. Access to the proposed 14 rural residential lots is to be provided by extending Livotto Drive.

The site is located within one of the preferred localities identified in the RHS as having potential for closer rural settlement. As there is no adjoining land identified as having potential for rural residential development in the RHS, there are no issues concerning integration of access, etc.

The RHS provides that all land approved for rural residential subdivision in accordance with the strategy shall be rezoned by way of inclusion in a schedule to the LEP. The Schedule is to include a three year “sunset clause” together with such conditions to ensure that any future application for subdivision is consistent with the adopted Master Plan.

Comments

Financial Services

Not required

Other staff comments

City Works

The internal road construction should be consistent with the existing construction of Livotto Drive. This is a 6m wide seal with kerb and gutter rather than the 6m seal on an 8m formation as proposed within section 3.3.2.

Vehicular accesses to individual lots will be required to be sealed, not gravel, as proposed in the rezoning submission. While the above issues can be conditioned at the DA stage, they should be identified as not being in accordance with likely requirements for the development of the land.

The proposed road layout and connectivity will need to comply with the Planning For Bushfire Protection Guidelines and may require amendment to ensure compliance. As the development will be referred to the Rural Bushfire Service for comment during s62 consultations these issues will be addressed at that stage.

Environmental Health

The site has constraints for development primarily due to topography such as slope and existence of waterways. This impacts on design and construction needs for wastewater disposal and stormwater discharge however engineering solutions are available. The Environmental Health Unit raises no objection to the proposed rezoning.

Lismore Water

Rous Water is the water supply authority for the area. The application will be referred to Rous Water for comment as part of Council’s consultations under s62 of the EP&A Act.

Public consultation

Opportunity for public consultations will be provided during the public exhibition period for draft LEP amendments. The statutory minimum exhibition period is twenty-eight (28) days.

Conclusion

Amendments required by City Works have been discussed with the applicant who has agreed to make the necessary changes to the application prior to it being placed on public exhibition. In other respects the proposal complies with the requirements of the Lismore Rural Housing Strategy and can therefore progress to the consultation and exhibition stages.

Recommendation (PLA32)

That Council:

- 1 Prepare an amendment to Lismore Local Environmental Plan 2000 to include of Lot 80 DP 1058639 Livotto Drive, Richmond Hill in Schedule 4 pursuant to section 54 of the EP&A Act 1979.
- 2 Advise the Department of Infrastructure, Planning and Natural Resources that Council intends to use its s65 and s69 delegations and that it considers that the preparation of a Local Environmental Study is not necessary.
- 3 Consult with relevant Government and other agencies pursuant to s62 of the EP&A Act.
- 4 Advertise the draft LEP amendment for a period of twenty-eight days following consultations with Government agencies.
- 5 Exhibit the proposal as a Master Plan for adoption by Council prior to gazettal of the LEP amendment.

Report

Subject	Development Control Plan No. 48 – Land at West Goonellabah
File No	S897
Prepared by	Planning Services
Reason	The need to provide detailed guidelines for future development of land located between Southern Cross University and Invercauld Road.
Objective	Council's resolution to exhibit the draft DCP.
Strategic Plan Link	Quality of Life – Encourage sustainable development
Management Plan Activity	Strategic Planning

Overview of Report

This report outlines the need for a new DCP for undeveloped land located between Southern Cross University and Invercauld Road and recommends that the draft Plan be placed on public exhibition.

Background

A draft Development Control Plan (DCP) has been prepared for the undeveloped 2(a) Residential lands located between Invercauld Road, Cynthia Wilson Drive, Southern Cross University and Ballina Road. The lands are significantly impacted by a number of constraints including slope, koala habitat, bushfire hazard and stormwater issues. These constraints need to be recognised in the design of any future subdivision or development proposal for the area. As a number of landowners are involved, a coordinated approach to subdivision layout is also required, hence the need for a site specific DCP for the area.

The site is part of a larger area that was previously covered by DCP No.32 – West Goonellabah. At its meeting of October 14, 2003 Council repealed DCP No.32 given that it was prepared 10 years ago and had been overtaken by subsequent legislative changes. The previous DCP contained development concepts and road layouts which would not be achievable under State Environmental Planning Policy No.44 – Koala Habitat Protection. When Council repealed DCP No.32 it acknowledged the need to prepare a new DCP for those areas supporting koala habitat that are zoned for residential purposes.

The new draft DCP identifies the major physical and environmental constraints applying to the site and the matters that must be addressed in any future development application. The draft DCP also provides for a link road connecting Parkwalk Drive and Kellas Street in the north to Highfield Terrace and Cynthia Wilson Drive in the south. The primary purpose of this road is to provide an alternative means of road access and egress for new lots created within the DCP area. This applies particularly for those sites which have access to Invercauld Road. The current standard of the intersection of Invercauld Road and Ballina Road is unsatisfactory and is not capable of accommodating additional traffic generated by new development in this area. The DCP road layout provides alternative access to Ballina Road via both William Blair Ave. and Kellas Street. This will assist in reducing pressure on the Invercauld Road intersection.

A copy of the draft DCP is included as a separate attachment.

Comments

Financial Services

Not required.

Other staff comments

City Works, Lismore Water and Council's Environmental Health Section have been consulted throughout the preparation of this DCP.

Public consultation

There is a statutory requirement for draft DCPs to be publicly exhibited for a minimum period of twenty eight (28) days. Given that the exhibition period would include the Christmas/New Year period, it is recommended that the exhibition period be extended to two months. It is also recommended that a copy of the draft Plan be sent to all landowners within the DCP area inviting them to comment.

Recommendation (PLA33)

That Council:

- 1 Exhibit draft Development Control Plan No.48 for a period of two months; and
- 2 Forward a copy of the draft DCP to all landowners who own land in the DCP area.

Report

Subject	Expansion of the Clunes Wastewater Committee
File No	S288
Prepared by	Anu Atukorala – Manager Lismore Water
Reason	Responding to Council Resolution
Objective	To expand the Clunes Wastewater Committee (CWC)
Strategic Plan Link	Water and Waste Cycle
Management Plan Activity	Wastewater

Overview of Report

In October 2004 Council resolved to expand the Clunes Wastewater Committee (CWC) prior to revising the Site Options Report regarding potential sites for a treatment plant.

This report recommends expansion of the CWC by appointing seven additional community representatives from the 15 that have applied.

Background

Council, at its meeting on October 12, 2004 Council resolved as follows:

“189/04

1. *A moratorium on the EIS process be put in place pending a Council resolution giving authority to proceed.*
2. *That the CWC be expanded to include representative stakeholders from Clunes and other areas.*
3. *Council advertise and letter drop the appropriate areas to invite representatives from the Wilsons River and Coopers Creek catchments to join the CWC.*
4. *Council at its December meeting consider the nominations and appoint additional members to the CWC.*
5. *The SKM Stage 1 Site Options Report and any other options be reviewed by the expanded CWC and the results be reported to the Council for determination of the next steps.*

In accordance with the Council resolution, advertisements calling for nomination were placed in the Northern Rivers Echo and the Northern Star newspapers and Australia Post were requested to carry out a bulk (1500) letter drop in Wilson and Coopers Creek catchments areas including Clunes, Eltham and Bexhill. A copy of the nomination form and the information leaflet enclosed is given in Attachment A.

15 applications were received and are given in Attachment B, with a summary of their reasons to join the Committee.

Comments

At present there are seven active community representatives, namely, Chrissi Claff, Jack Claff, John Drysdale, Jim Edwards, Colin Johnston, Noel Johnston and Kate Thomas. Leigh Davison from Southern Cross University also participates as a technical advisor. Mayor Merv King, Cr David Tomlinson and Cr Vanessa Ekins represent Council. Chris Hennessy represents the Department of Energy Utilities and Sustainability (DEUS). The CWC makes decisions based on the “consensus” decision-making model and not on the number of votes counted.

There are three others who are designated as “interested parties” who do not participate but are kept informed of the process via mail outs of the agendas and minutes of meetings. They are Terry Hackett, Peter Maguire and Malcolm Try.

Council staff and Mark Stalhut (Project Manager) from the Department of Commerce (DoC) service the Committee, but do not participate in the decision making process.

Proposed Criteria for making appointments to the New Committee

1. Size of the Committee

In the past the ideal size of this committee has proven to be about twelve community representatives plus the three councillors. A committee that is too large often becomes frustrated with the length of time taken to reach decisions. However, given the interest shown, it may be appropriate to consider a committee of 14 community representatives. Note that if the new committee selects alternative sites, the makeup may have to be increased or varied to allow for neighbours of those sites to be part of the committee as well.

Accordingly it is recommended that, of the 15 applicants, seven be appointed to the CWC, while the others should be appointed as “interested parties”. This group would get agendas and minutes of the meetings so that they are aware of the CWC processes and decisions (as it currently happens with the three others in this group).

2. New representatives from Clunes

Although the October resolution specifically refers to Clunes, it is recommended that no additional community representatives from the Clunes village be appointed to the CWC at this time. This is on the basis that there are already seven representatives from the village of Clunes.

There were two applications from the village of Clunes, William Scott and Graeme Hancock. These people should be appointed as “interested parties”.

3. Catchment and village-based representation

When calling for nominations, Council placed particular emphasis on ensuring that there is adequate representation from both the Wilson River and Coopers Creek catchments.

3.1 Coopers Creek Catchment

There were three nominations from the Coopers Creek catchment, namely; Selwin Bryant, Kevin Hogan and Hugh Gallagher. It is recommended that Selwin Bryant and Kevin Hogan be appointed to the CWC. Hugh Gallagher, from Byron Shire, is to be appointed as an “interested party” member.

3.2 Wilson River Catchment

The majority of nominations were from the Wilson River Catchment.

Applicant	Village	Recommended Appointment
Keith Ainsworth	Eltham	CWC <i>(Reason – proximity to Wilson River)</i>
Gary Ball	Eltham	<i>Interested Party</i> <i>(Reason – has expressed interest in reuse of effluent).</i>
Jan Maxwell	Johnston Road, Clunes	CWC <i>(Reason: proximity to Sullivan property)</i>
Judi Body	Bexhill	CWC <i>(Reason - (neighbour of alternate site)</i>
Tom Headley	Bexhill	<i>Interested Party</i> <i>(Reason - represent the SCU's, Centre for Eco Technology)</i>
The following five have nominated as a group		
Brian Fergus	Johnston Road, Clunes	<i>Request the group to nominate two persons to be on the Committee and the remaining three to be appointed to interested parties.</i>
Rod Gibson	Johnston Road, Clunes	
Simon Payne	Boatharbour Road, Eltham	
Jeremy Shand	Eltham	
John Smits	Tildon Drive, Clunes	

This would mean that there would be five representatives from the Wilson River catchment, four from the Eltham/Johnston Road area and one from the Bexhill area.

Other staff comments

Not required.

Conclusion

Nominations were called for the expansion of the CWC. 15 nominations were received. It is recommended that seven members be appointed to the CWC and eight be appointed to the interested parties group. The final make up of the committee would be as follows:

Existing members	7
Councillors	3
New committee members from Wilsons River catchment	5 (Johnston Road/Eltham 4 and Bexhill 1)
New committee members from Coopers Creek catchment	<u>2</u>
Total	17

If the new committee selects alternative sites, the makeup may be changed by Council to allow for neighbours of those sites to be part of the committee as well.

Recommendation (ENT12)

- 1 That the following be appointed to the Clunes Wastewater Committee:

Selwin Bryant
Kevin Hogan
Keith Ainsworth
Jan Maxwell
Judi Body.
- 2 That the group of five others, consisting of Brian Fergus, Rod Gibson, Simon Payne, Jeremy Shand and John Smits, who made a joint submission be requested to nominate two representatives.
- 3 William Scott, Graeme Hancock, Hugh Gallagher, Gary Ball, Tom Headley and the three remaining members of the group nomination referred to in Recommendation 2 above be appointed to the “interested parties” group.

Report

Subject	Crime Prevention Plan
File No	S717
Prepared by	Lilian Gomez
Reason	To identify future directions and develop Crime Prevention Strategies to be implemented in Lismore between 2005-2009
Objective	That Council endorses the 2005-2009 Crime Prevention Plan
Strategic Plan Link	Strategic Priority: Quality of Life
Management Plan Activity	Community Services

Overview of Report

The first draft of the 2005-2009 Crime Prevention plan was presented to Council in September and deferred to allow the introduction of amendments suggested by the NSW Attorney General's Department. This second draft incorporates the changes suggested to meet the requirements of AG's.

Background

During 1998, the Crime Prevention Division of the NSW Attorney General's Department implemented the Safer Towns and Cities Project. Following some trial work done in Orange and Bega, the Department called for expressions of interest from Local Governments wishing to take part in the program. Lismore City Council was one of five local governments that received funding under the first round of grants.

To develop the Crime Prevention Plan in accordance with the Attorney General's Department's funding agreement, a specific model of development needs to be followed. Crime Prevention Plans that meet the Attorney General's model requirements can be endorsed as "Safer Community Compacts".

Having its initial Crime Prevention Plan endorsed by the Attorney General has enabled Council to access the Safer Communities Development Fund for the last five years. The Fund has been established to provide financial assistance to resource crime prevention strategies.

The first Crime Prevention Plan has been fully implemented and independently evaluated by Southern Cross University.

The Lismore Crime Prevention Plan has the overall aim '**to create a safer environment for all members of the community in the Lismore Local Government Area**'.

The development of this second Crime Prevention plan has been informed by extensive consultation with the community and local service providers as well as action evaluation of strategies included in the previous plan following its completion. This document has strong links with Lismore City Council's Strategic Plan and with the Community and Social Plan and reflects the issues and strategies identified in both documents.

Comments

Financial Services

Not required.

Other staff

Not required.

Public consultation

The following is a list of organisations contacted in the compilation of the 2005-2009 Crime Prevention Plan. This list is not exhaustive; consultation and partnership enhancement will be ongoing components of the Plan. Consultations, which also informed the Plan, were recently held to compile the Lismore City Council Community and Social Plan.

- Aboriginal Community Justice Group
- Wayiganna Aboriginal Advisory Committee
- Regional Violence Prevention Specialist (NSW AG's Dept)
- Local Community (Goonellabah Women's Group)
- Young people at Acmena Detention Centre
- Department of Housing
- SCU – Centre for Children and Young People
- Northern Rivers Multicultural Interagency
- CASACS
- Lismore Family Support
- PCYC
- Women Up North
- Lismore Women and Children's Refuge
- Lismore Women's Health Centre
- YWCA
- Northern Rivers Community Legal Centre
- Community Connections
- Community Services Department of Lismore City Council
- Department of Juvenile Justice
- Northern Rivers Health Service
- Richmond Local Area Command Police
- Centrelink
- Department of Community Services
- Anti-violence Project
- Nimbin Neighbourhood Centre
- Lismore Neighbourhood Centre
- ACON

Conclusion

A new five year Crime Prevention Plan is required to replace the initial Plan and its 12 month extension. Endorsement from Lismore City Council and the Attorney General's Department is essential in order to continue the valuable work undertaken into the complex issue of crime prevention.

Recommendation (COR46)

- 1 That Council endorse the attached draft five year Crime Prevention Plan.
- 2 That the draft Crime Prevention Plan be placed on public exhibition for a period of 42 days.

Report

Subject	Koala Child Care Centre – fee structure review
File No	P17488
Prepared by	Wendy Adriaans, Manager - Community Services
Reason	To provide information to Councillors
Objective	To seek Council endorsement of the proposed fees increase
Strategic Plan Link	Quality of Life
Management Plan Activity	Koala Child Care Centre

Overview of Report

This report provides justification for the proposed increase in fees to take effect from January 2005. The report shows the increase in fees is warranted, yet still places Koala Child Care Centre on a comparable footing with other child care centres in Lismore.

Background

Koala Child Care Centre is a long day care centre located in Oliver Avenue, Goonellabah. The service operates on a balanced budget, where revenue from parent fees and government subsidies matches expenditure. Council's financial support of Koala is minimal, comprising a contribution toward the service support (ABC) costs.

Koala provides quality child care and is regarded as a benchmark child care centre within NSW. In August 2004 Koala underwent accreditation conducted by the National Childcare Accreditation Council Inc, achieving 33/35 high quality ratings across all quality areas. This was achieved due to Koala's highly skilled and dedicated staff.

All child care centres are required to meet industry regulations, including the maintenance of staff to child ratios. Current staffing ratios are as follows:

0 – 2 years	1 staff to 5 children
2 – 3 years	1 staff to 8 children
3 – 5 years	1 staff to 10 children

Due to the high staff input, the 0 – 2 year category is the most costly age group within a centre, and therefore many centres do not cater for this age group because it is not profitable. However, there continues to be a strong demand for child care services in this age group which must be supplied.

The current fee structure at Koala is a flat rate of \$43 per day, however the older children in the centre are in essence subsidising the younger children. It is proposed to introduce a tiered pricing structure that more accurately reflects the costs associated with each age grouping:

Age group	Proposed fee / day
0 - 2 years	\$47.00
2 - 3 years	\$45.00
3 - 5 years	\$44.00

This fee structure represents a general increase of 2.33% from \$43.00 to \$44.00 per day.

In order to ensure Koala remains competitive with other Lismore child care centres, a cost comparison follows. It should be noted that in addition to highly qualified staff, Koala provides all meals and refreshments, sunscreen and sunhats. (It is estimated that providing meals amounts to \$4.00 per child per day.)

Centre	Age group	Cost per day	Inclusions
Care-Ring	0 - 5 years	\$43.50	No meals No hats, sunscreen only in the afternoon
Me and My House	0 – 2 years	\$41 - \$43	No meals Hats, sunscreen
	3-5 years	\$39 - \$41	
Blinky's	0 – 2 years	\$46 - \$48	Meals, hats, sunscreen
	2 – 3 years	\$44 - \$46	
	3 – 5 years	\$41 - \$43	
ABC Learning Centre	0-2 years	\$51	Meals, no hats, sunscreen
	2-5 years	\$46	
Koala (proposed)	0 – 2 years	\$47	Meals, hats, sunscreen
	2 – 3 years	\$45	
	3 – 5 years	\$44	

It would be in the best interests of both staff and parents to implement the cost increases at the commencement of 2005 to ensure a smooth transition and minimise any confusion. In order to achieve this and comply with the mandatory 28 period of advertising that such a fee increase warrants, it has been necessary to commence advertising from 13 December 2004.

The Koala Parent and Community Advisory Panel was consulted regarding the proposed fee increase and panel members agreed unanimously to implement the new fee structure in January 2005.

Comments

Financial Services

While utilisation of the facility is being maintained at planned levels, the cost of providing a quality service has increased. As a result, the balanced budget expectation will not be achieved unless corrective action is taken.

Basically, the options include either the reduction in service quality or an increase in fees. As the service quality and accreditation provided by Koala is seen as a distinct advantage, no change is suggested, however, there is capacity to change the fee structure and increase fees without significantly affecting competitiveness. Logically, the option to change the fee structure and increase fees is recommended.

In regards to advertising the revised fee structure effective from 10 January 2005, due to time constraints, it was necessary to commence advertising this arrangement prior to consideration by Council. Council will need to formally adopt the advertised structure in 2005.

Other staff comments

Not applicable.

Conclusion

The child care industry is highly regulated and very competitive. In order for child care centres to continue to operate as businesses they need to be managed effectively, operating with fee structures that allow a positive financial status yet remaining competitive with other centres. The high costs of caring for the youngest age group, 0 – 2 years, should be reflected in the pricing structure to assist in budgeting for the overall operations of the centre.

Recommendation

That Council advertise the proposed fee structure to commence in 2005.

Age group	Proposed fee / day
0 - 2 years	\$47.00
2 - 3 years	\$45.00
3 - 5 years	\$44.00

Report

Subject	Keen Street reconstruction update
File No	WJM:LM:R7317
Prepared by	Group Manager – City Works
Reason	Upgrade Keen Street
Objective	To update councillors of the progress to date and the input from shopkeepers and landlords.
Strategic Plan Link	Infrastructure
Management Plan Activity	City Works

Overview of Report

Council at its October Meeting agreed to reconstruct Keen Street (Woodlark to Magellan) during the first two weeks of January 2005.

This report is to update councillors of the progress to date and the input from shopkeepers and landlords.

Background

Council's 2004/05 Management Plan identified \$2M to upgrade the CBD streets and lanes. Keen Street, between Woodlark and Magellan Streets, has been nominated for reconstruction using a similar layout to Molesworth Street.

On October 19, 2004 Council resolved as follows:

1. That the reconstruction of the Keen Street pavement (Woodlark to Magellan Streets) take place during January 2005, subject to consultation with stakeholders, and that the street be closed to all non-construction traffic during that period.
2. Council adopt a design layout that includes stainless steel gutter and bollards with tree locations similar to Molesworth Street, and that this plan be widely circulated to interested parties for information and seeking comments on the details.
3. Council invite expressions of interest from persons wishing to create an on-street eating area in this section of Keen Street on the basis that the successful applicant will be expected to construct and finance the facility to a similar standard to that in Molesworth Street.
4. As work proceeds outside the Conservatorium we minimise any damage to the building.

Update on Progress

- All the water mains have been replaced ahead of schedule.
- Contractors and equipment have been co-ordinated to start work on January 2, 2005.
- A Pugmill has been hired and will be set up in Blakebrook Quarry during the week of December 13, 2004, ready for work on January 2, 2005.
- All the major components of street furniture have been ordered to ensure delivery in January.
- Landscape supplies and plants have been ordered.

Update on community input

Council has conducted a number of community meetings with the business people of Keen Street, the latest being Wednesday, November 24 at the Lismore Library in Magellan Street. Twenty (20) business people attended along with a number of Councillors and staff. Council staff have identified that 57 businesses exist in this section of Keen Street.

At all the meetings there has been majority acceptance that Keen Street needs upgrading. Early January was seen as the time of the year when the road closure would have the least impact on the majority of businesses. A small number of business operators would have preferred other dates.

The only real area of concern is that a number of businesses are concerned at the loss of parking within the street and would like to reduce the number of trees planted to maximise the number of carparks available for customers. A petition signed by 27 Keen Street business people expresses similar concerns and has requested the retention of 2hr centre parking in the street. A number of businesses took the time to write concerning the loss of parking.

Addressing the parking issues

The landscape plan of Keen Street was initially promoted on the basis that it would be the same as Molesworth Street, (ie, landscaped pedestrian facilities at both ends and a landscaped central pedestrian crossing). Central parking is dispersed with landscaped islands of sufficient size to allow the growth of significant trees.

Molesworth Street as constructed -

- 10 islands with trees 36 centre carparks 3 cars between tree plots

Keen Street as currently designed -

- 9 islands with trees 37 centre carparks 3 & 4 cars between tree plots

Keen Street alternative design -

- 7 islands with trees 39 centre carparks 4 & 5 cars between tree plots

Clearly the above figures show a direct relationship between the number of carparks and the number of trees. However, the aesthetic impact of reducing the number of tree plots is substantial. Reducing the tree plots from nine (9) to seven (7) gives only two (2) extra carparks.

However, the impact on the streetscape is dramatic and best described in percentage terms –

- Increase in carparks of $2 / 37 = 5.4\%$ increase
- Reduce the tree plots by $2 / 9 = 22.0\%$

This level of reduction in trees and green foliage is certain to have a major impact on the overall streetscape. In comparison, the two (2) car spaces saved will make little difference.

It is therefore very difficult to depart from the currently designed plan without having a major impact on the overall streetscape.

Good use of ratepayers' money

1. Lismore City is the hub of the North Coast and will remain in that role for many years to come. This is going to create a lot of change including new developments and increased traffic and associated congestion problems. The expansion of Lismore Square to almost double its present size will certainly impact on the CBD and how business is conducted in the future. Creating a pleasant environment for customers will increasingly become a major factor. Hence the large number of trees, the widened footpaths, the bollards, etc, all designed to improve the amenity - not just for today but for the next 40-60 years.
2. The reconstruction of Keen Street is being funded by all ratepayers who should reasonably expect to see some major changes to the street given that \$1.5M of discretionary funds is being expended to improve Keen Street and the CBD. Unless the streetscape can be improved dramatically, it will be very difficult to justify the expenditure of substantial amounts of ratepayers' funds.

Parking

Parking is clearly the major concern for all the CBD businesses, not just those located in Keen Street. The nature of housing development and the type of employment in regional country centres will ensure that people in this region remain very dependent on the use of privately owned motor vehicles. This phenomenon is unlikely to change in the near future unless there are huge changes in the availability of fuel or enormous, long-term fuel cost increases.

Parking and traffic congestion will have a major impact on where people choose to spend their money. This project reduces the number of parking spaces by approximately 30, however 60 new spaces are being created within the critical 200m-300m walking distance from the shops. This will in part compensate for the lost spaces. A further 30 spaces will become available in January with the relocation of the school buses from the Crowther Carpark which is within easy walking distance of Keen Street.

Onstreet dining

Initially two shops have expressed a desire to construct onstreet dining in this section of Keen Street. The Satay Hut is planning to proceed and is currently seeking advice from Council in conjunction with the proposed reconstruction. However, this does not stop construction of other onstreet dining areas at a later stage.

Comments

Financial Services

Current estimate is \$1.5M and is budgeted in the 2004/05 management plan.

Other staff

Not required.

Public consultation

Last consultation November 24 - meeting with Mayor and Councillors.

Conclusion

See recommendation.

Recommendation (GM04)

- 1 That Council reaffirm its intention to proceed with the construction of Keen Street (Woodlark to Magellan Streets), commencing the first two weeks of January 2005.
- 2 That the design of Keen Street (Woodlark to Magellan Streets), be as shown on the attached plan (ie, incorporating landscaping islands at each end and around the centre pedestrian crossing as well as nine (9) landscaped islands for trees).
- 3 The centre parking on Keen Street be set at 1hr for a trial period of 12 months.
- 4 In recognition of the need to increase parking around the CBD, proposals be prepared for the 2005/06 management plan identifying:
 - a) cost to construct parking on land already identified for future parking (ie, extension to Crowther Carpark)
 - b) options for future development of carparking in the city centre.

Report

Subject/File No	Purchase of Council plant – T25008
Prepared by	Fleet Manager - Col Starr
Reason	To inform Council of purchases of major plant items.
Objective	To seek Council's approval for the purchase of two (2) new 4x2 Tipping Trucks.
Strategic Plan Link	Infrastructure – Support fleet operations
Management Plan Activity	1.12 - Plant Operations

Overview of Report

The Roadworks section of City Works is replacing 2 only 4x2 tipper trucks for use in the urban areas of Lismore. The trucks being replaced already have a commitment for sale from a previous tender. 3 trucks were tendered from 3 suppliers, all of whom are based in Lismore area. Evaluations were held of the 3 trucks tendered, the result is shown in the recommendation at the end of this report.

Background

Tenders closed on November 18th 2004 for the supply of two (2) new 4x2, Tipping Trucks for Roadworks construction and maintenance work.

Lismore City Council's Roadworks currently operate with three (3) of these types of trucks, all being Isuzu FVR900 Medium wheelbase tippers, two are to be replaced by 4x2 tippers (This tender) and one has been upgraded to a 6x4 tipper (Tender 24028 October 2004).

The two 4x2 tippers in this tender will normally be based for works within the urban environment of roadworks maintenance & construction areas.

At times these trucks, as are all of LCC's trucks, required for additional duties, i.e. carrying of debris from storm or flood damage, movement of aggregate (Both clean and pre-coated) to stockpile sites with Lismore areas for future construction jobs, etc. As Lismore has a large amount of development on ridge top areas, the selection of truck engine power and gear selection / ratios are important, especially when working on the steeper slopes, the existing trucks are fitted with 170kW engines and 6 speed gearboxes, it is felt that the upgrade to a minimum of 190kW and 9 speed gearbox will benefit production without a major increase in cost.

A commitment was made by Lismore Council to sell the existing trucks (115 & 116) to the winning bidder (Valley Motor Auctions) from the previous tender (T24027), also there has been a time limit set for supply of the new trucks complete with tipping bodies being 22nd April 2005. A penalty for non delivery by that date was set at \$1,200.00 per vehicle per week due to the release of existing trucks and hire of temporary trucks.

There were a total of 3 trucks offered from 3 dealerships in this tender to supply the new vehicles. Two of the three trucks tendered (Isuzu & Volvo) had optional differential locks available, whereas the UD did not.

Trucks and Tipping bodies 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 T25008'**

	Truck & Tipping Bodies	Supplier
1.	UD NissanPK265/Obieco & Peak bodies	Southside Agencies of Lismore NSW
2.	Isuzu FVR950HD / Obieco	Northern Rivers Isuzu of Lismore NSW
3.	Volvo FL619E/Obieco-	Volvo Truck & Bus Northern Rivers of Alstonville/Lismore NSW

With the exception of the Volvo (Engine 8kW lower than specified), the truck tenders offered were within the minimum specifications as listed by LCC staff.

An evaluation panel comprising of Messrs Col Starr (Fleet Manager), Chris Allison (Contracts Officer), Dean Baldwin (Engineer – Urban Roadworks section), and Harry Wilson (Supervisor – Urban Roadworks) 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 Tipping Body evaluations are listed in **'Attachment B'**

Key Points to Consider:

- Best combination of engine power, gear selection availability, rear axle ratios for gradability.
- Purchase best possible combination of truck and tipping body 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 working with minimal maintenance and repair time.
- Functionality of tipping body to suit specific urban tasks.
- Availability of optional 'Differential Lock' for the rear axle when working in slippery sites.

Comments

Group Manager – City Works

Trucks provide an essential resource for Council's road maintenance and construction activities. The existing trucks have reached a point where it is economical to replace them.

This report has followed a thorough assessment procedure and I support the recommendations.

Manager-Finance & Administration Comments

Funding is available in road plant reserves for the replacement of this machine, with the 2004/05 Management plan having available \$300,000.

Conclusion

The LCC Roadworks crews have an important role within Council, they construct and maintain the entire road system in this Council's area, which also are Council's largest assets.

The ability to be able to carry out all of their duties with LCC fleet with minimum downtime is important, especially during normal duties and the occasional flood and storm damage occasions.

Consultation with the users of these trucks (Urban Roadworks – City Works Group) resulted in the replacement trucks to be equal in physical size and carrying capacity to the current trucks being replaced, but to have higher engine power and a larger range of gear selections to enhance production efficiency, especially when working on job sites which are on steep inclines.

Reliability is critical for all of the Lismore City Council fleet due to the minimum number of fleet vehicles being supported and used by LCC operations.

Back-up support is another important factor to be considered, prolonged downtime due to lack of manufacturer or dealer support overloads the available time frame for the closure of roads during construction and maintenance.

While cost of the trucks is important, the operational needs are also equally important, and as the lifespan of these trucks with Lismore City Council will be a minimum of 8 years, the ability to be able to use the trucks for those 8 years with minimal interruptions is paramount, which is why the trucks which have a higher capability to continue working without stress failures were favoured.

Another fact to consider is that the differential between the recommended trucks and the lowest price trucks is not excessive when divided over the 8 years lifespan.

The purchase of these trucks will maintain the efficiency of the crews using them.

Staff Involvement:

Acceptance of any proposed vehicle purchase by operating staff is important as it enhances a long operating life. Keeping this fact in mind, City Works – Roadworks section and LCC Fleet staff have inspected the available trucks.

All of those staff and users who inspected those trucks available were convinced that the Isuzu is the better purchase for the LCC application as required, especially when fitted with the optional differential lock to each vehicle.

Recommendation (GM02)

Council purchase two (2) only **Isuzu FVR950HD** trucks with the **Obieco** Tipper bodies and optional differential locks as tendered (T25008) from **Northern Rivers Isuzu of Lismore** for the cost of \$249,844.00 including GST (\$124,922.00 each).

Report

Subject	Strategic Plan 2004-2012
File No	S371
Prepared by	Manager – Communications and Community Relations
Reason	To seek adoption of plan by Council
Objective	To assist in achieving a strategically focused Council
Strategic Plan Link	Replaces existing Strategic Plan
Management Plan Activity	Corporate Relations

Overview of Report

The Strategic Plan 2004-2012 has been publicly exhibited and comments received have been taken into account in the report, resulting in minor alterations. The adoption of the draft strategic plan with minor changes is recommended.

Background

In 1996, Lismore Council undertook the 'Towards 2020' Strategic Planning process which resulted in a strategic plan that has guided Council decision-making to date. In preparing the current strategic plan, Council engaged an independent consultant to assist in carrying out comprehensive community consultation, program review and scenario planning to ensure the strategic direction was both representative and imaginative, whilst providing continuity with the many existing Council services and current projects. Council's consultation process included a resident satisfaction survey, a series of community workshops and a survey in which all residents were invited to rank issues in order of importance. Results of these initiatives were included in a *Community directions* issues paper and presented to newly-elected Councillors in March 2004. In determining strategic priorities for Lismore, Councillors reviewed the issues that emerged from public consultations and developed a number of future scenarios to describe Lismore's future, based on likely trends. Councillors have also assessed Council's progress in following the previous 2020 Strategic Plan.

It is important to note that the formulation of the strategic plan has been run in conjunction with the finalisation of the Council's Social and Community Plan, State of the Environment Report, and the review of the City's Economic and Marketing plans which are currently under way. This has been undertaken to ensure that all plans share a common intent and purpose.

The strategic plan was finalised by councillors in a series of workshops in 2004 and placed on public exhibition during November 2004.

The plan identifies **six** areas that will guide and focus Council activities over the coming years:

- Regional City Economic Development
- Quality of Life
- Leadership by Innovation
- Natural Environment
- Infrastructure
- Water and Waste Cycle

Once adopted, the strategic plan be reflected in the reporting structures to Councillors and the public, including management documents and budgets.

Public comment from exhibition

A total of 6 submissions were received. One of the submissions was from Mr Ian Oelrichs the Chair of the Northern Rivers Regional Development Board, which commended the Council on the very high level of ownership both within the Council and the community. The remaining submissions, including that from the Council's own Community Services section, pointed out that Aboriginal and Torres Strait Islander people were not mentioned in the draft strategic plan, and suggested that page 7 be altered accordingly. As the omission was purely an oversight, it is suggested that the draft plan be amended accordingly. No other changes of significance have been necessary as a result of the exhibition period.

Comments

Financial Services

Not required.

Other staff comments

Addressed above.

Public consultation

An extensive communication and public consultation process accompanied the strategic planning process, including several community focus groups, extensive public surveys, public exhibition and media promotion.

Conclusion

The strategic plan presented to Council represents, as much as it is possible to do so, a concise and valid summary of the direction of the community that Lismore residents would like to see developed in the future. It is therefore appropriate that it be adopted as Council's strategic plan, replacing the existing document.

Recommendation (GM01)

That the document 'Strategic Plan 2004-2012' be adopted as Council's updated strategic plan, including specific reference to the Aboriginal and Torres Strait Islander community.

Report

Subject	Rating option – land owner contributions towards upgrading local roads
File No	S384
Prepared by	Manager – Finance & Administration, Rino Santin
Reason	Resolution 121/04
Objective	To provide Council with the information requested
Strategic Plan Link	Leadership by innovation, Infrastructure
Management Plan Activity	Financial Services

Background

At its July 13, 2004 meeting, Council resolved that a report be brought to Council on the practicality of imposing a special rate variation or something similar on land owners in a specific geographic area who are prepared to pay for the upgrading of their local road(s).

The purpose of this report is to canvass the rating option on the basis that: -

- a) the land owners are willing to contribute to the upgrading works through an increase in their rates for this specific purpose, and
- b) the intention is to seek approval for an increase in the Council's maximum approved rate income by a Special Rate Variation (SRV), to allow land owners to pay for these works in addition to their recurrent rates, and
- c) Council would borrow to fund the works and have the land owners effectively repay the loan via a special rate.

Scenario

As a guide, if \$100,000 was borrowed with loan repayments over an eight (8) year period, and the land owners 'receiving the benefit' were charged a special rate equivalent to the loan repayments, the cost per annum would be \$16,800.

Council would need to submit an SRV application to the Minister for Local Government to seek approval to increase the 'notional yield', the maximum approved amount of rates to be levied by \$16,800.

If successful, Council would then need to determine how to collect the rate with the only option being to levy a 'special rate' on the land owners 'receiving the benefit'.

As there are many variables with this type of scenario, 'Attachment A' has been produced to reflect a range of amounts borrowed, interest rates, repayment periods and repayment amounts.

Issues

The following are the key issues, some of which were discussed at the Rating Structure Workshop held August 24, 2004: -

- While not conclusive, it is unlikely that the Minister for Local Government will approve an SRV for less than \$100,000, as it would be such a small percentage increase (0.54%) in the notional yield and even a smaller percentage (0.16%) of Council's total budget. The response may well include the suggestion to reallocate the funds from within the existing Budget.
- An absolute prerequisite is that the SRV would need to clearly display strong support by the land owners paying the special rate.
- The amount of special rate payable by each land owner is determined by the total land value within the defined area 'receiving the benefit'. Some land owners may consider the fact this is based on land values and not any other consideration, inequitable. This can be partially offset by having a base charge on all properties to generate up to 50% of the total income to be derived from the special rate.

To assist with understanding the impact of the special rate on land owners, a worked example (Attachment B) for Muller & Willis Roads has been prepared. As can be seen, regardless of factors such as frontage, usage, willingness to pay, ability to pay and any other variable, all land owners would be rated varying amounts under this method. Predictably, the inclusion of a 50% base rate narrows the range of amounts rated.

Other staff comments

Rating Services Co-Ordinator

The issue here is whether or not Council seeks to gain additional revenue from rates to pay for these road works. If that is the case, Council must apply to the Minister for Local Government through a Special Rate Variation application for an increase in its income over and above that allowed through the rate pegging process.

From various discussions and seminars I have attended involving representatives of the Department, it would appear that approvals for increases in rate income are given after consideration of a Council's financial circumstances, the projects proposed and the support of the ratepayers concerned.

In this instance, what is being suggested, without discussing the merits or otherwise of what is proposed, is as pointed out in the body of the report, a small increase in Council's revenue. It is my view that the Department when looking at these issues will reach the conclusion that within Council's budget there is room to accommodate this project and that in all likelihood a Special Rate Variation would not be approved.

Conclusion

On balance, given that it is unlikely that the Minister for Local Government would approve a Special Rate Variation application for say less than \$100,000, which reasonably equates to approximately \$600,000 in works, the absolute prerequisite that it (SRV) would need to have strong land owner support, and difficulties associated with equitably levying a special rate, it is considered that this option is not a practical solution.

While the option to pursue an SRV is not supported, the levying of a special rate in some circumstances may be appropriate. As such, when Management are developing the policies in regards to a) the funding and sealing of low priority roads when residents are prepared to contribute funds and b) funding low priority roads, (Council 8/6/04 106/04-2 & 106/04-3) the option of levying a special rate should be considered.

Recommendation (COR42)

- 1 That Council not pursue the rating option of seeking approval for a Special Rate Variation to levy a special rate on land owners in a specific geographic area who are prepared to pay for the upgrading of their local road(s).
- 2 That when developing the policies in regards to -
 - a) the funding and sealing of low priority roads when residents are prepared to contribute funds and
 - b) funding low priority roads,
the option of levying a special rate be considered.

Report

Subject	November 2004 – investments held by Council
File No	S178
Prepared by	Principal Accountant – John Hartley
Reason	Required under Clause 16 Local Government (Financial Management) Regulations 1999, Local Government Act 1993, and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	N/A
Management Plan Activity	N/A

Overview of Report

Council investments as the 30th November 2004 total \$32,653,869 (final values of funds held under cash management are not available until after the month end, the amounts reported are the balances as at 24th November 2004).

Interest rates have remained steady over the period of November 2004 at 6.08% in comparison to 5.43% for November 2003. Rates are expected to remain steady over the December 2004 period.

Background

The Local Government Act 1993, Clause 16 Local Government (Financial Management) Regulations 1999 and Council's Investment policy requires a monthly report be provided to Council on investments. The report is to include the source and amount of funds invested, terms of performance of the investment portfolio over the preceding period and a statement of compliance in relation to the Local Government Act 1993.

Due to timing issues the final value of some investments is not available within the required reporting timeframe, therefore an estimate will be provided based on the investments held at the time of the report. This balance will be confirmed to Council at the following ordinary meeting.

Report on Investments

- *Confirmation of Investments – 31th October 2004* \$32,595,168

The amount is \$20,000 higher than estimate reported in the November meeting due to additional valuation movements in the cash managed funds.

- *Estimate of Investments – 30th November 2004* \$32,653,869

Some variation is expected on the final balance as some investments are held in Managed Funds. The final valuation of these funds is not made until the end of the month. The current rate of return on investments for November 2004 was 6.08% compared to 5.43% for the same period last year. Indications are that rates will remain steady in the short term with some increase expected in the 2005.

A summary of Council's investments in graphical form has been included in the attachments.

Comments

Financial Services

Included in the body of the report

Other staff comments

N/A

Public consultation

N/A

Conclusion

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993 Regulations and Council's investment policies.

Recommendation (COR44)

The report be received and noted.

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON NOVEMBER 17, 2004, AT 10.00 AM.

Present

Councillors Merv King (*Chairperson*) and John Hampton, Ms Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Messrs Michael Baldwin (*RTA*), together with John Daley (LUO), Bill Moorhouse (*Group Manager–City Works*) and Bill MacDonald (*Co-Ordinator-Traffic & Law Enforcement*).

TAC101/04 Apologies

An apology for non-attendance on behalf of Councillor Jenny Dowell, Mr Thomas George and Mrs Wendy Johnson were received and accepted, and leave of absence granted.

TAC102/04 Minutes

The Minutes of the Traffic Advisory Committee Meeting held on October 20, 2004, were confirmed.

Disclosure of Interest

Nil

Business Arising

Nil

Correspondence / Reports

Thomas George, MP; forwarding correspondence on behalf of Ms A Andrews requesting that Whian Whian Road be upgraded to improve road safety following a vehicle accident on August 3, 2004.

An inspection of the road revealed that several warning signs already existed in the area in question. These included a 'narrow road' symbol sign and 'caution heavy vehicles' plate beneath, and a 'winding road' symbol sign and 'next 2km' plate underneath. These signs were considered adequate to advise motorists of road conditions ahead. Apart from widening the road there was little else that could be done.

TAC103/04 **RECOMMENDED** that Ms Andrews be advised that the existing signage was considered adequate. (04-12599:R3453)

S Lamont; requesting the speed limit and traffic signage for Tuntable Creek Road be reviewed.

Mr MacDonald advised that he had met with Mr Lamont, the Principal of Tuntable Creek Primary School, and another parent to discuss issues relating to traffic conditions on the road. Concerns were raised regarding the proposed upgrade of the next section of the road and the probability that speeds would increase as a result. It was noted however, that previously upgraded sections, although sealed, were still relatively narrow and winding and had not significantly contributed to increased speeds. It was suggested that rather than introducing a lower speed limit, 'winding road' symbol warning signs erected at each end, would be sufficient to warn motorists.

S Lamont (Cont'd)

The Principal requested that an edge line be painted on the road to define the through road edge from the sealed carpark area in front of the school and also that the times on the School Zone signs be changed to read 7.30a.m. to 9.00a.m., and 2.00p.m. to 3.00p.m. as the school starts and finishes outside normal school hours. Mr Baldwin advised that the school would need to write direct to the RTA to request approval for the variation of the times. The school has been advised accordingly.

TAC104/04 **RECOMMENDED** that '*winding road*' symbol warning signs with km plate beneath be erected on Tumble Creek Road between Paterson and Arkinstall Roads, and at the other end south of Tumble Falls Road.

TAC105/04 **FURTHER RECOMMENDED** that an edge line be painted on the road edge of Tumble Creek Road to define the parking area in front of the school.

(04-11545:S352,R3305)

P Harridge; expressing concern for the safety of children and wildlife on Rosebank Road and seeking a reduced speed limit.

The road had been inspected prior to the meeting and it was noted that the speed limit was appropriate given the roadside development. Whilst a speed bump existed on the road within the Rosebank Village area in a 60 kph zone, this would not be appropriate in an area of higher speeds. Further investigation would be made into whether or not wildlife and animal warning signs were required.

TAC106/04 **RECOMMENDED** that the writer be advised the existing speed limit was considered appropriate and that further investigation would be carried out to determine the need for wildlife and animal warning signs.

(04-11596:R3704)

General Business

Intersection of Magellan / Brewster Streets, Lismore

Concern had been expressed by a local resident about the number of accidents that have occurred at the above intersection. As it would appear that some motorists were not giving way at Brewster Street when travelling along Magellan Street, the need for a centre median and additional '*Give Way*' sign was considered appropriate.

TAC107/04 **RECOMMENDED** that a concrete median and additional '*Give Way*' sign be installed on the eastern leg of Magellan Street, at its intersection with Brewster Street. (R7319,R6007)

No. 36 Rous Road, Goonellabah – Driveway Access

Ms C Taylor had raised concern about driveway access since the installation of the pedestrian refuge on Rous Road. The location of the refuge was considered appropriate in terms of general vehicular and pedestrian traffic flows. However, in light of the concerns raised, it was suggested that further discussion take place with Ms Taylor to ascertain the extent of problems being experienced and whether or not a change in driving habits might assist in reducing the current problems. It was also suggested that a further site investigation take place to ascertain if there are any other locations that may be more appropriate.

TAC108/04 **RECOMMENDED** that in the short term, the site be monitored and, if necessary, further investigation take place to ascertain any other location that may be more appropriate.

(R6610,P8848)

Timed Parking – Rear of Former Council Chambers, Molesworth Street

The Lismore Croquet Club had requested consideration be given to introducing timed parking at the rear of the former Council Chambers in Molesworth Street. There was a mixed view as to whether or not the area in question should remain as open parkland or continue as a public carpark as is currently the case. It was pointed out that in order for any restrictions to be enforced, the area would need to be reclassified as public carpark.

TAC109/04 **RECOMMENDED** that this issue be referred to Council for a decision as to what the future status of the area in question should be. (P6763)

Parking Facilities – Withers Street, Bexhill

Ms F Knight had requested consideration be given to formalising the parking arrangements in front of the Bexhill Public School. Mr MacDonald advised that he had met with Ms Knight and the school principal onsite to discuss the proposal, which involved the construction of an additional driveway and formalising the parking area within the school property. From a traffic safety perspective, the proposal has merit as all traffic would enter and leave in a forward movement. Council's Planning Section has indicated that a Development Application would be required and the principal has been advised accordingly. (R1106)

Loading Zone – Carrington Street, Lismore

R Dickson has suggested that a loading zone be introduced on the eastern side of Carrington Street, south of the new taxi shelter. Due to the construction of the new taxi shelter, areas for transport to unload goods has been reduced.

TAC110/04 **RECOMMENDED** that a Loading Zone be introduced on the eastern side of Carrington Street, between the taxi rank and Conway Street. (R7303)

Night-Time Taxi Rank – Woodlark Street, Lismore

Mr MacDonald advised that due to problems at night with the taxi rank on Keen Street adjacent to the Gollan Hotel and its close proximity to the food outlet and the number of people that congregate between the two, it had been proposed to establish a night-time rank on the northern side of Woodlark Street, west of Keen Street. The hours would be 7.00p.m. to 6.00a.m. and normal parking at other times.

TAC111/04 **RECOMMENDED** that a part-time taxi rank be introduced on the northern side of Woodlark Street, west of Keen Street, with the times of operation being 7.00p.m. to 6.00a.m. (R7329)

Wyrallah Road Public School

Results of a vehicle and pedestrian count taken at the intersection of Nielson and Elizabeth Streets were tabled at the meeting. The school had requested consideration for the installation of a marked pedestrian crossing or the provision of a crossing supervisor. Whilst the counts did not meet the warrant for a marked crossing, they came close to the requirements for a crossing supervisor. Mr Baldwin advised that the school should approach the RTA with a copy of the results and request that the school be included on the list for consideration in future funding programmes. The school has been advised accordingly. (R7434,R7459)

Pedestrian Traffic Control prior to Christmas – Woodlark Street, Lismore

Mr Daley enquired if traffic controllers would be provided at the Woodlark Street pedestrian crossing prior to Christmas. This strategy was implemented in 2003 and worked quite well in reducing congestion.

- TAC112/04 **RECOMMENDED** that traffic controllers be engaged to control pedestrian and vehicle movements at the Woodlark Street mid-block pedestrian crossing at least for the week prior to Christmas 2004 and earlier if required. (R7329)

Shade Trees in Clyde Campbell and Crowther Carparks

Mr Daley raised the issue of the lack of shade in the above carparks and suggested that additional and larger trees would encourage greater use of these areas.

- TAC113/04 **RECOMMENDED** that this matter be referred to Council's Roads & Parks Section for investigation and planting of appropriate trees as funds become available. (P20088,P9988)

Closure

This concluded the business and the meeting terminated at 11.30a.m.

CHAIRPERSON

**TRAFFIC AND
LAW ENFORCEMENT OFFICER**

Documents for Signing & Sealing

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

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

Recommendation

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

S88B – Request to vary restriction on use over Lot 43 in DP 1056756 at Palmvale Drive, Goonellabah

Council previously approved a building line variation for the proposed dwelling on this lot from 6m to 4.5m during the construction certificate application. As the restrictive covenants also contained a reference to the 6m building line Council has been asked to affix its seal to a variation to the S88b instrument to bring it into line with the construction certificate.

(04-12573: D03/833)

Section 356 Donations

a) Mayor's Discretionary Fund (GL2033.26)

Budget: \$2,700 To date: \$811.36

Jaime Whittingham, student of Trinity College – support to attend National finals of physical culture competition at Sydney Opera House – November 28 & 29, 2004 (04-12352: S164) \$150.00

Dylan Bundock, student of Lismore Heights Primary School - support to attend Australian Primary Schools Athletics Championships in Adelaide. (04-12188: S164) \$150.00

Wilson Park Public School – vacation care for secondary school students. (S164) \$100.00

b) City Hall Reductions in Rental – Policy 8.4.2 (GL2033.2)

Budget: \$8,100 To date:\$3,898.60

R.E.D. Inc. (people with disabilities) – 25% donation for Christmas function In accordance with policy. \$31.50

c) Council Contributions to Charitable Organisations**Waste Facility – Policy 5.6.1 (GL2033.15)**

Budget: \$6,000 To date:\$1675.07

Animal Rights & Rescue	\$11.00
Challenge Foundation	\$110.00
Five Loaves	\$41.36
Friends of the Koala	\$8.47
Life Community Op Shop	\$66.45
LifeLine	\$110.00
Salvation Army	\$77.00
Westpac Life Saver Rescue Helicopter	\$10.91

TOTAL: \$435.19

Recommendation

In accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed above are hereby approved for distribution.

Confidential Matters–Committee of the Whole

A Council may close to the public only so much of its meeting as comprises the receipt or discussion of any of the following:

Section 10A(2) – Local Government Act 1993.

- d) personnel matters concerning particular individuals;
- e) the personal hardship of any resident or ratepayer;
- f) information that would, if disclosed, confer a commercial advantage of a person with whom the Council is conducting (or proposes to conduct) business;
- g) commercial information of a confidential nature that would, if disclosed:
 - i) prejudice the commercial position of the person who supplied it, or
 - ii) confer a commercial advantage on a competitor of the Council, or
 - iii) reveal a trade secret;
- h) information that would, if disclosed, prejudice the maintenance of law;
- i) matters affecting security of the Council, Councillors, Council staff or Council property;
- j) advice concerning litigation, or advice, that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Recommendation

That the Council exclude members of the press and public from the meeting and move into Committee-of-the-Whole to consider the following matters:

Item	Section 339 Report – Senior Staff
Grounds for Closure	Section 10A(2) (a):
Public Interest	Discussion of this matter in an open meeting is inappropriate because it contains personnel matters concerning particular individuals.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE RUTHVEN COMMUNITY HALL ON TUESDAY, NOVEMBER 9, 2004 AT 6.33PM.

Present

Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Community Services Co-ordinator and Administrative Services Manager.

- 215/04 **Apologies/
Leave of
Absence** An apology for non-attendance on behalf of Councillor Hampton was received and accepted and leave of absence granted. Leave of absence was approved for Councillor Dowell for the period November 11-21, 2004.
(Councillors Crimmins/Graham)
- 216/04 **Minutes** The minutes of the Ordinary Meeting held on October 12, 2004, were confirmed.
(Councillors Irwin/Chant)
The minutes of the Extraordinary Meeting held on October 12, 2004, were confirmed.
(Councillors Crimmins/Dowell)

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

Condolence

Late Mick Carroll

On the October 12, 2004 the death occurred of Michael Carroll also known as Mick. Mick was predeceased by his wife Isabel, son Peter and daughter Gabrielle. He is survived by 8 children as well as 22 grandchildren and 16 great grandchildren.

Mick began working for Lismore Council in 1946 as a member of Council's road gang and was involved in the establishment of many of the streets of East Lismore.

Four years before Mick retired he also took on the roll of caretaker of the pound. He continued with this position of Poundkeeper until 1998.

This means that Mick had a 52 year association with the Council of Lismore. As keeper of the pound from its inception he became a very well known, respected and much loved identity of this city.

Mick's work with the Lismore community and Lismore City Council was greatly appreciated.

- 217/04 The Mayor moved that Council's expressions of sympathy be conveyed to the family of Mr Carroll and the motion was carried with members standing and observing the customary moment's silence.
(S75)

Disclosure of Interest

S459

Councillor Meineke declared a non-pecuniary interest in the report Noise Management in the Macadamia Industry. His company had minor input into the development of the code. He stated that the nature of the involvement of his company should not preclude him from participating in consideration of the matter.

Notice of Motions

Working With Asbestos and Fibro

- 218/04 Formal notice having been given by Councillor Irwin it was **RESOLVED** that –
- 1 Council adopt the measures of Holroyd and Ashfield Councils in regard to the dangers asbestos poses to home renovators.
 - 2 A report be provided to Council on how Council can implement an education campaign for home renovators on the dangers of asbestos.
 - 3 A report be provided on the feasibility of introducing bans on James Hardie products similar to those passed by State and National Local Government Associations.
(Councillors Irwin/Dowell) (04-11160: S369,S246)

Reports

LEP Amendment No. 12 – Reclassification of Land

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

- 1 Adopt draft LEP Amendment No. 12 as per Attachment 3 to this report, excluding the following lands:
 - 11 Andrews Crescent
 - 7 Camelot Road
 - 27 Felicity Drive
 - 19 Julie Crescent
 - 15 Lee Crescent
 - 116 Mountain View Drive
 - 10 Murray Street
 - 22 Northcott Drive
 - 7 Parkwalk Drive
 - 30 Spring Valley Drive
 - 11 Sunnybank Drive
 - 11 Toona Court
 - 45 William Blair Avenue
 - 8 Winchester Driveand not proceed with reclassification of these lands from Community to Operational but rezoning them as 6(a) Recreation, with the exception of 27 Felicity Drive and 45 William Blair Drive.
- 2 Use its delegations under section 69 of the EP& A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan.
- 3 A further report be presented to Council on 27 Felicity Drive and 45 William Blair Drive.
(Councillors Dowell/Irwin)

AN AMENDMENT WAS MOVED that consideration of this matter be deferred pending a further report.
(Councillors King/Graham)

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

Voting Against: Councillors Tomlinson, Ekins and Dowell.

- 219/04 **RESOLVED** that consideration of this matter be deferred pending a further report.
(Councillors King/Henry)
(S849)

Memorial Baths Redevelopment

A MOTION WAS MOVED that the report be received and –

- 1 That Council endorse that the inclusions set out in the “as currently designed” column of the table included in this report and the Memorial Baths Redevelopment budget be increased to \$8.75m.
- 2 That Council allocate \$69,000 for the provision of a school swimming programs assistance scheme together with the provision of lifeguards at the Lismore Lake Pool as set out in this report from Council’s operating budget.
- 3 The General Manager seek approval from the Department of Local Government to borrow additional loan funds for this capital works project as part of the 2004/05 Borrowing Program.
- 4 \$700,000 not be funded from the roads budget.
(Councillors Graham/Meineke)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That Council endorse that the inclusions set out in the “as currently designed” column of the table included in this report and the Memorial Baths Redevelopment budget be increased to \$8.75m, with the inclusion of the Optimum Option for shade and savings of \$197,000 being found from within the existing budget.
- 2 That Council allocate \$69,000 for the provision of a school swimming programs assistance scheme together with the provision of lifeguards at the Lismore Lake Pool as set out in this report from Council’s operating budget.
- 3 The General Manager seek approval from the Department of Local Government to borrow additional loan funds for this capital works project as part of the 2004/05 Borrowing Program.
- 4 \$700,000 not be funded from the roads budget.
(Councillors Dowell/Tomlinson)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, Ekins, Swientek, King, Chant, Crimmins, Graham, Henry and Meineke.

- 220/04 **RESOLVED** that the report be received and –
- 1 That Council endorse that the inclusions set out in the *as currently designed* column of the table included in this report and the Memorial Baths Redevelopment budget be increased to \$8.75m.
 - 2 That Council allocate \$69,000 for the provision of a school swimming programs assistance scheme together with the provision of lifeguards at the Lismore Lake Pool as set out in this report from Council’s operating budget.
 - 3 The General Manager seek approval from the Department of Local Government to borrow additional loan funds for this capital works project as part of the 2004/05 Borrowing Program.
 - 4 \$700,000 not be funded from the roads budget.
(Councillors Graham/Meineke)

Voting Against: Councillors Tomlinson, Ekins and Swientek. (P6768)

Noise Management in the Macadamia Industry

- 221/04 **RESOLVED** that the report be received and Council adopt the Draft Code of Practice for Noise Management of On-farm Processing of Macadamia Nuts.
(Councillors Meineke/Irwin)
Voting Against: Councillor Ekins.
(S234)

Social and Community Plan 2005-2009

- 222/04 **RESOLVED** that the report be received and Council adopt the Lismore Social and Community Plan 2005 – 2009 and the staff responsible for the development of the Plan be congratulated for their efforts.
(Councillors Irwin/Swientek) (S429)

Financial Report 2003/04

- 223/04 **RESOLVED** that the report be received and Council present to the public the 2003/04 Financial Statements.
(Councillors Swientek/Dowell) (S802)

Council Cultural Policy

- 224/04 **RESOLVED** that the report be received and Council adopt the attached Cultural Development Policy.
(Councillors Irwin/Swientek) (S857)

Management Plan Review 2003-2006–September Quarter 2004

- 225/04 **RESOLVED** that the report be received and its contents noted.
(Councillors Irwin/Swientek) (S4)

September 2004 Quarterly Budget Review Statement

- 226/04 **RESOLVED** that the report be received and –
- 1 Council adopt the September 2004 Budget Review Statement for General, Water and Sewerage Funds.
 - 2 This information be submitted to Council's Auditor.
- (Councillors Swientek/Meineke) (S880)

Tenders for the Renewal of Sewer Mains – Various Locations, Lismore

- 227/04 **RESOLVED** that the report be received and –
- 1 The contract for the renewal of sewer mains at various locations is awarded to Collex Pty Ltd at the rates submitted in Option A. (The estimated price of the works is \$513,283 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.
- (Councillors Dowell/Graham) (T25006)

Council Meetings and Public Contact Forums for 2005

- 228/04 **RESOLVED** that the report be received and the schedule of venues as outlined below be adopted –
- | | | |
|---------------------|------------|-------------|
| a) Council Meetings | March 8 | The Channon |
| | November 8 | Clunes |

b) Public Contact Forums:	March 21 June 20 September 19	Wyrallah Keerrong Tullera
c) City Contact Forums:	April 18 July 18	Library Meeting Room RSL Sports Club

(Councillors Dowell/Irwin) (S43)

Information Gathering Policy - Insurance Claims

- 229/04 **RESOLVED** that the report be received and Council adopt Policy No. 1.4.18 "Gathering Information".
(Councillors Irwin/Chant) (S187)

October 2004 - Investments held by Council

- 230/04 **RESOLVED** that the report be received and noted.
(Councillors Meineke/Swientek) (S178)

Disclosure of Pecuniary Interest Returns 2003/04

- 231/04 **RESOLVED** that the report be received and noted.
(Councillors Swientek/Graham) (S18)

Committee Recommendations

Traffic Advisory Committee 20/10/04

- 232/04 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Meineke)
(S352)

Documents for Signing and Sealing

- 233/04 **RESOLVED** that the following documents be executed under the Common Seal of Council:

S88B Instrument – Request to Vary Restriction as to user over Lot 64 in DP 730275 at 60 Beaumont Drive, East Lismore

Council is the beneficiary of a restriction as to use over the above lot which seeks to protect trees over 2m in height. As Council's adopted Vegetation Management Order covers this area the title restriction is redundant.
(04-11439: D03/888)

S88B Instrument – Request to Vary Restriction on use over Lot 26 in DP 830908 at Florence Street, Goonellabah

Council approved a dwelling in 1993 that was subsequently constructed but has a floor area less than that stated in the Restriction on Use. Although the previous beneficiary of the Restriction had signed a variation it was not valid and now requires Council to sign the variation. The dwelling is a good quality brick two storey home and the request should be supported.
(04-11709: P23726)

Sale of Lot 35, Bristol Circuit, Goonellabah

Council has negotiated an offer of \$120,000 for the purchase of Lot 35 in the next stage of the Bristol Circuit residential subdivision. The price is consistent with the value ascribed to the lot when the multi list agents visited the site.

(04-11482: P28714)

Sale of Lot 36, Bristol Circuit, Goonellabah

Council has negotiated an offer of \$115,000 for the purchase of Lot 36 in the next stage of the Bristol Circuit residential subdivision. The price is consistent with the value ascribed to the lot when the multi list agents visited the site.

(P28714)

(Councillors Dowell/Irwin)

Voting Against: Councillor Irwin.

Section 356 Donations

234/04 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed are hereby approved for distribution.

a) Mayor's Discretionary Fund (GL2033.26)

Budget: \$2,700 To date: \$2,275

Rotary Club of Summerland Sunrise Inc.

\$100.00

(04-8752: S164)

b) Banners – Policy 1.4.14 (GL2033.8)

Budget: \$700 To date: \$350

Lismore Ministers Fellowship

In accordance with policy.

\$145.00

(04-11572: S164)

c) Council Contributions to Charitable Organisations – Waste Facility – Policy 5.6.1 (GL2033.15)

Budget: \$6,000 To date: \$1,239.88

Animal Rights & Rescue \$26.91

Challenge Foundation \$56.25

Five Loaves \$40.45

Friends of the Koala \$7.78

Life Community Op Shop \$46.00

LifeLine \$110.00

Saint Vincent DePaul \$5.45

Salvation Army \$63.00

In accordance with policy. \$355.84

(Councillors Irwin/Crimmins)

Confidential Matters – Committee Of The Whole

235/04 **RESOLVED** that Council defer consideration of the **Section 339 Report – Senior Staff** to the next Council meeting.

(Councillors Irwin/Tomlinson)

(S386)

Closure

This concluded the business and the meeting terminated at 8.45 pm.

CONFIRMED this 14TH day of DECEMBER, 2004 at which meeting the signature herein was subscribed.

MAYOR

Council Minutes
November 9, 2004