

# COUNCIL Business Paper



**LISMORE**  
*City Council*

**JULY 20, 1999**



## NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the **SOUTHERN CROSS UNIVERSITY (Z Block)** on TUESDAY, JULY 20, 1999, at 6.30pm and members of Council are requested to attend.

(See Program of Events and map attached - entry via Rifle Range Road)

(Ken Gainger)  
GENERAL MANAGER

July 13, 1999

## PROGRAM OF EVENTS

- 4.30pm Arrival and Welcome
- 4.45pm Shuttle Bus Tour of Campus
- 5.15pm Return to Z Block
- 5.30pm Light Meal  
Meet Members of Senior University Staff
- 6.30pm Council Meeting Commences
- 9.00pm Break for Tea and Coffee
- Close - Refreshments available



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CITY OF LISMORE

NOTICE OF RESCISSION MOTION

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

*That the motion moved to re-establish "Nuclear Free" signs within the City of Lismore be rescinded. (Minute No. 200/99)*

COUNCILLOR J F Crowther

COUNCILLOR I R Gates

COUNCILLOR M H King

DATE June 30, 1999

A petition containing 183 names has been received by Council requesting the signs be re-erected.

(99-10796: S244)

## CITY OF LISMORE

### NOTICE OF MOTION

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

- 1. Council approach Byron Shire Council to seek their support for a new north-eastern corridor (LCC decision 14/7/98) to replace the Lismore to Bangalow Road (MR65).*
- 2. Council seek Byron Shire Council's support in making a joint approach to the RTA and Minister for Roads to seek support and funding for the construction of the new north-eastern main road corridor.*
- 3. Council seek interest to establish a multi-party committee to lobby for the new Main Road 65 and its funding.*

Comments by Councillor Swientek: For submission to Byron Shire Council and the RTA.

#### Proposal for a New North-east Corridor

Lismore City Council must pursue its preferred proposal to a new north-eastern corridor with vigour. We need to network with Byron Shire Council (and even with other councils and groups) to seek their support for an improved north-eastern road corridor.

#### Road Safety:

The recent fatalities in the centre of Clunes and on the outskirts of Bexhill are sobering and tragic reminders of what is clearly an inadequate and inappropriate Main Road. The recent overturning of a diesel tanker near the railway viaduct in the Byron Shire and the regularity and frequency that heavy trucks and vehicles overturn or have accidents on this road is further glaring evidence that this road has reached its use by date.

The increasing volumes of traffic on this road and the anticipated increases, combined with the "heavy" nature of this traffic all point to the inappropriateness of this road for the nature of this traffic.

The fact that this traffic traverses through our growing villages of Bexhill and Clunes and through the community of Binna Burra clearly shows that heavy vehicles and increasing through traffic flows must be directed through a new and minimally intrusive corridor.

#### Long Term Solution Needed:

Bollards, chicanes and the traffic control devices in Clunes and Bexhill are obviously necessary in the short term to reduce public risk of accidents but they will be short term solutions only. As traffic grows on an inadequate road the potential for more accidents and greater risks will grow exponentially.

A future upgraded Pacific Highway will mean more traffic used to efficient and faster travel times will more likely become frustrated, increasingly impatient and more likely to take risks on a road designed for the nineteenth century and not the twenty-first century.

Social & Economic Benefits:

The growth and attraction of Byron, Tweed and south-eastern Queensland have been so significant that it would be very short-sighted of Lismore not to take advantage and not to work hard to link into this demographic and economic behemoth.

The Pacific Highway upgrade will bring us closer to these communities but our own current inadequate Main Road 65 may well jeopardise and certainly will minimise our opportunities in taking advantage of this upgrade.

To truly integrate into these expanding economies we “must” have a safe and efficient road corridor and not one with 65 curves and bends traversing through two major villages.

Advantages for our Villages:

The obvious advantages to these villages is environmental and social benefit; less air and noise pollution and increased road safety. Both these villages are on the eastern side of Lismore and would be more attractive as discreet village areas that are closer to the coast, especially Byron Bay. They would offer a premium lifestyle choice that is quiet and secluded from the hurly burly of heavy traffic and would be more attractive to live in for existing and potential residents. This would stimulate growth and interest for Lismore as a residential area offering alternatives. It will stimulate our housing and construction industry.

Economic Advantages:

A more comfortable, direct and time efficient journey from the Pacific Highway to Lismore will mean:

1. More tourists and more coaches likely to want to travel through Lismore.
2. More business and industry opportunities for Lismore. It will make us more competitive with neighbouring areas to offer our produce, manufactured goods and services to these rapidly growing population and economic centres.
3. Greater interest from Tweed and Byron residents to utilise our industries and services such as health, legal, entertainment and educational sectors.
4. More opportunities for Byron residents to utilise our airport.
5. Safer and more efficient motoring for Lismore’s residents accessing the coast and the north-east and vice versa.
6. Making Lismore closer in time to the coast will make Lismore a more attractive residential option for those who cannot find suitable or affordable housing in Byron but want quick, safe and easy access to that coast.

A New Road Lobby Group:

It is imperative for Lismore to lobby strongly and effectively for an injection of State and Federal money towards this new north-eastern Main Road proposal.

The successful nature of the Summerland Way Promotions Committee in obtaining funds for the Summerland Way shows why it is important we eventually seek co-operation from not only Byron Shire Council but as many local government areas as possible and as many business and community groups as possible to form a **New Main Road 65 Committee** to commence lobbying for State and Federal support for this project.

Lismore must not allow itself to become a slow growth backwater bypassed by tourists and business opportunities who will find getting to and from here too treacherous, too long and winding to bother connecting with us. We must facilitate our connection with main growth centres and traffic corridor to our north-east and we must do it with haste and resolve.

COUNCILLOR F F Swientek

DATE 7/7/99

STAFF COMMENT BY GROUP MANAGER - CITY WORKS:

The Bangalow Road is this Council's most important road and will continue to become strategically more important as the Pacific Highway is progressively upgraded around the Burringbar Range diversion. The continued population growth between Ballina and Brisbane ensures that the future of Lismore will be heavily dependent on quick and effective road access to these markets.

Council staff have already had discussions with the RTA with the intention of having the Bangalow Road rebuilt on a new realignment which closely follows the rail corridor. While it is agreed that the best option is to construct an entirely new road along a new alignment away from the villages, funding the works is the major stumbling block. Expected cost is in excess of \$20M.

Funding of this magnitude is a political decision outside the normal RTA upgrading expenditure.

Constructing Bangalow Road along a new alignment will require a political solution and agreement for funding scenarios over several years. Alternatively it could be built by a contractor on a BOOT (Build, Own, Operator and Transfer) scheme on behalf of the RTA.

Either way it will require considerable political pressure to have the Bangalow Road constructed on a new alignment.

**Note:** The proposed new route for the Bangalow Road starts at Boatharbour Bridge and follows existing road reserves near the railway line before connecting the existing Bangalow Road near Nashua. A topographic map showing the proposed route and a long section showing the relatively flat grades will be available for inspection at the meeting.

COMMENT BY MANAGER-STRATEGIC PLANNING:

The strategic importance of a new Main Road 65 is acknowledged, both for Lismore's future development and the improvement of the amenity of villages bisected by the current road.

The criteria for identifying a route should be wider than avoiding villages and achieving flat grades. It will also be important to avoid fragmentation of good agricultural land and viable farms, and remnant native vegetation and habitat areas; all social, environmental and economic factors should be fully considered before a new route is determined.

If the identification of a new route for Main Road 65 is to be seriously pursued then all stakeholders should be involved at the earliest opportunity. As well as Byron Shire, this could include representatives of land owners in the affected area and relevant Government Departments (e.g. Land & Water Conservation, Agriculture, NPWS).

CITY OF LISMORE

NOTICE OF MOTION

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

*That the Mayor and Lismore City Council issue a public apology for greatly exaggerating the real increase in actual road funding available in Council's budget for 1999/2000 in media release issued June 30, 1999 reported in the Northern Star, Saturday, July 3, 1999.*

COUNCILLOR F F Swientek

DATE July 7, 1999

COMMENT BY COUNCILLOR SWIENTEK:

Lismore City Council is a public body that is accountable to its ratepayers. There is an obligation on Lismore City Council to report its deliberations fairly and truthfully. We should not be in the business of putting "spin" on Council's decisions nor giving ratepayers a false sense of spending more on roads than we actually are intending to do even before elections - nay, especially before elections.

Lismore City Council's Media Release of June 30 claims among other things the following:

1. "Lismore City Council will spend an extra \$860,000 on roads."
2. "The decision to allocate extra funding to roadworks comes in response to growing community concern over the deteriorating state of Council's roads."
3. "Many of our roads have been damaged as a result of the high rainfall over the past five months, and extra funding is recognition that our ageing road network is in urgent need of repair."

Now on careful analysis we can see there is an exaggeration factor of 103% on the actual extra amount specifically addressing our "damaged ageing road network".

1. Total claimed extra expenditure on roads - \$860,000	\$858,900
2. CBD <u>Footpath</u> upgrade	100,000
3. Trinity College <u>Pedestrian</u> underpass	155,000
4. Councillor computers (not yet decided)	80,000
5. Airport Drive reconstruction (last year's allocation)	<u>100,000</u>
<u>Total Pedestrian/not allocated or previous allocated</u>	\$435,000
Total <u>Extra</u> for road rehabilitation	<u>\$423,900</u>
Exaggeration Factor	103%



CITY OF LISMORE

NOTICE OF MOTION

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

*That Lismore City Council become an official sponsor of the East Timor Mercy Ship Project and contribute \$200 as financial support.*

COUNCILLOR      D J Roberts

DATE              July 5, 1999

STAFF COMMENT BY GROUP MANAGER-CORPORATE & COMMUNITY SERVICES:

This request does not comply with the objectives, guidelines or eligibility criteria for miscellaneous S.356 donations under Council Policy 1.4.13. Notwithstanding this non-compliance, Council could resolve to make a donation and reduce the amount to be distributed to local community groups (currently being voted on by Councillors). A further option would be to fund the donation from the Mayor's Discretionary Donation Fund.

(99-11229: S140)

Subject/File No: LISMORE CITY COUNCIL ON-SITE SEWAGE AND WASTEWATER  
MANAGEMENT STRATEGY  
(TK: S245)

Prepared By: Environmental Health Officer - Tony Kohlenberg

Reason: Presentation of Council's Sewage and Wastewater Management Strategy.

Objective: Council to determine placing the strategy on public exhibition.

Management Plan Activity: Environmental Health

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Background:

Amendments to the Local Government (General) Regulations requires Council to prepare a Sewage Management Strategy for the 1999/2000 financial year.

To address these regulatory reforms the issue of on-site sewage management was divided into two (2) components being:

- (1) Development of a Management and Implementation Strategy - Lismore City Council, and
- (2) Development of a technical Development Control Plan (DCP) Performance Standards for Sewage Management Systems - regional program.

In relation to (1) above, Council at the meeting of February 2, 1999, formally adopted the recommendations nominated within the Report "Matters for Determination - Preferred On-Site Management and Implementation Strategy".

In regard to (2) above, Lismore City Council has been instrumental in the co-ordination of the regional group of Councils in the development of a technical DCP based on performance standards for Sewage Management Systems.

The regional approach entailed the engagement of a consultant to fulfil the obligations of a brief relevant to the Richmond Tweed Regional Councils.

The regional technical component is included as a fundamental component of Council's Strategy.

The Lismore City Council's Draft On-Site Sewage and Wastewater Strategy (copy separately attached) consists of the following components:

**Section 1** - Introduction to Lismore City Council On-Site Sewage and Wastewater Strategy.

**Section 2** - The Richmond Tweed On-Site Regional Sewage and Wastewater Strategy

Part A - Assessment /Design Guide Document

Part B - Design Document

Part C - Site assessment Report Procedures

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**Section 3** - Approval to Operate a Sewage and Wastewater Management System- Implementation and Management strategy.

**Section 4** - Community Information Document

Manager - Finance & Administration Comments

Not required

Other Group Comments

Not required

Recommendation (PLA44)

- 1 That the “Draft Lismore City Council On-Site Sewage and Wastewater Management Strategy” be placed on public exhibition for a thirty (30) day period; and
- 2 That a further report be provided to Council after the exhibition period in order to gain Council’s formal adoption of the Strategy.

Subject/File No: PROVISION FOR SECURITY SERVICES AT VARIOUS COUNCIL ASSETS - T99033

Prepared By: CONTRACTS OFFICER - Chris Allison

Reason: Council consideration of the security contract

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

Management Plan Activity: Client Services

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Background:

There are currently a number of different arrangements for security services of the various Council buildings/assets in operation throughout Council. In addition, provision was made to include the Lismore CBD Safety Patrols and safety camera monitoring as part of the new contract. It was proposed under this contract to include as many assets in the new contract as possible and provide for a higher level of co-ordination of the services.

Tenders were advertised to close on June 22, 1999 in The Northern Star, Sydney Morning Herald and Brisbane Courier Mail.

It is intended that the new contract will incorporate twenty five Council assets/locations, with the tender being written with the option to award as a single contract for all the security services of the assets or as separated parts to provide Council with the most advantageous solution. The services to be provided under the contract include alarm monitoring (where fitted), security patrols, money escort, duress alarms, after hours telephone answering and two-way radio monitoring, unlocking and locking of gates at various locations and safety patrols and camera monitoring in the CBD.

The assets included in the tender are as follows:

Administration Offices Goonellabah	Laurie Allen Community Centre
Old Municipal Offices	Molesworth House
Blakebrook Quarry	Crematorium/Lawn Cemetery
Koala Child Care Centre	Lismore After School Care
Lismore Central Business District	Neighbourhood Centre
Oakes Oval	Oakes Oval Precinct
East Lismore Treatment Works	Waste Facility Offices
Gingerbread House Day Care	Works Depot - Brunswick St
Lismore City Library	Goonellabah Library
Public Toilets Lismore - CBD	Lismore Airport Terminal
Works Depot - Block B	Goonellabah Community Centre
Lismore Art Gallery	Tourist Information Centre
South Lismore Treatment Works	

The tender document was written after discussions with all asset managers, Council's Crime Prevention Officer and other relevant Council staff. It was decided that a co-ordinated approach to security services would offer Council an improved service delivery model, a higher level of reporting and allow Council to set codes of conduct and performance standards for the Contractor(s) and the contractor's staff. Should Councillors wish to examine the tender specification, a copy will be made available at the Council meeting.

Options:

Fourteen copies of the tender document were sent to potential tenderers, with responses received from three companies. Of these, two companies tendered for all of the assets listed, with the remaining tenderer tendering for selected parts of the contract.

The following tenders were received:

Summerland Security Service - Lismore based  
Nezerat Holdings (trading as North East Security) - Ballina based  
Group 4 Securitas - Brisbane based (one large contract in the Lismore area)

An initial evaluation was undertaken by Client Services and a summary of tenders prepared based on each asset. The summary was then provided to the asset manager to undertake the final assessment.

**Tender Evaluation**

The tender documentation defined six major areas by which each tender would be assessed. Tenderers were required to address compliance in each of these areas in their submissions.

Total Price	40%
Capability & Relevant Experience	15%
Service Delivery Model	15%
Staffing (including licencing & training programs)	15%
Compliance with Quality & Safety Plans	10%
Management & Financial	5 %

Attached is a summary of pricing of the tenders, by lump sum and schedule of rates and the evaluation of tenders.

Proposal:

Due to the similar nature of a number of the services, the logical separation of services within the contract would be to evaluate the CBD safety patrols and camera monitoring separately from the remainder of the services. All three tenderers were evaluated for all services excluding the CBD safety patrols and camera monitoring. Only Summerland Security and Group 4 Securitas were evaluated for the CBD safety patrols and camera monitoring.

# LISMORE CITY COUNCIL - July 20, 1999

## Provision for Security Services - T99033

The proposal is to accept the tender(s) most advantageous to Council. A summary of the preferred tenders is as follows.

### Alarm Monitoring, Security Patrols, Money Escort, Duress Alarms, After Hours Telephone Answering and Two-Way Radio Monitoring.

Asset	Service	Annual Fee	Initial Capital Cost	Preferred Tenderer
Administration Offices	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
	Security Patrols	\$2,555.00		Summerland Security
	Money Escort	\$2,988.00		Summerland Security
After Hours Telephone & 2-Way Radio Monitoring	Telephone Answering & 2-Way Monitoring	\$ 365.00		Summerland Security
Blakebrook Quarry	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
Crematorium/Lawn Cemetery	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
	Gate Locking & Unlocking	\$2,650.00		Summerland Security
Gingerbread House Day Care	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
	Monitor Duress Alarms	Included above	\$365.00	Summerland Security
	Money Escort	\$2,988.00		Summerland Security
Goonellabah Community Centre	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
	Security Patrols	\$1,825.00		Summerland Security
Goonellabah Library	Monitor Duress Alarms	Included as part of Community Centre monitoring	\$365.00	Summerland Security
Koala Child Care Centre	Security Patrols	\$1,825.00		Summerland Security
Lismore Airport Terminal	Security Patrols	\$4,380.00		Summerland Security
Lismore Art Gallery	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
	Money Escort	\$2,190.00		Summerland Security
	Monitor Duress Alarms	Included above	\$365.00	Summerland Security
Lismore City Library	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
	Monitor Duress Alarms	Included above	\$365.00	Summerland Security
Molesworth House	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
Municipal (Old) Offices	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
Neighbourhood Centre	Security Patrols	\$ 912.00		Summerland Security
Oakes Oval	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
Oakes Oval Precinct	Security Patrols	\$2,600.00		Summerland Security
Public Toilets Lismore CBD	Security Patrols	\$8,190.00		Summerland Security
Tourist Information Centre	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
	Money Escort	\$1,248.00		Summerland Security
	Monitor Duress Alarms	Included above	\$365.00	Summerland Security
Waste Facility Offices	Security Patrols	\$3,640.00		Summerland Security
Wastewater Treat. Works - East Lis	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
Wastewater Treat. Works - South Lis	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security
Works Depot - Brunswick St.	Security Patrols	\$2,372.00		Summerland Security
Works Depot - Wyrallah Rd.	Monitor Alarm & Maintenance	\$ 550.00		Summerland Security

### CBD Safety Patrols and Camera Monitoring

Lismore Central Business District	Safety Patrols	\$70,185.00		Group 4 Securitas
	Camera Monitoring	\$35,105.00		Group 4 Securitas

With regard to the initial cost of installing duress alarms at the various locations, discussions have been held with Human Resources and it was agreed to meet these costs from the Risk Assessment Budget.

All asset managers were provided with a copy of the tender summary together with the tender pricing.

**Security Services** (excluding CBD safety patrols and camera monitoring)

Nezerat Holdings (trading as North East Security) tendered the lowest price, however Summerland Security scored higher in the overall evaluation. This was due in principal to the proposed service delivery offered by the tenderer, such as quicker response times to alarm activation (in particular duress alarms) and innovation in the logging of security patrols using scanners rather than "calling cards" placed in the various doors.

**Security Services** (CBD safety patrols and camera monitoring only)

Group 4 Securitas tendered the lowest price and scored higher in the overall evaluation.

Discussion with Group 4 Securitas revealed that the company proposed to employ and train local labour to fulfil their obligations under the contract. Group 4 Securitas currently have the security contract for the Lismore Campus on Southern Cross University.

The company have further advised that they propose to open an office in Lismore if they gain a contract with Lismore Council.

Implementation:

It is intended to commence the contract on August 1, 1999 for a three year period with an option to extend the contract for a further one year period.

Manager - Finance & Administration

I understand that all Budget Managers have been advised of the likely cost associated with this service and that there is sufficient funding within existing budgets for this purpose.

In relation to the CBD street patrols and camera monitoring, the recommended service will cost approximately \$105,000. Based on the street patrol costing \$70,000 and the camera monitoring costing \$35,000, "potentially" we have saved \$30,000 from Council's and \$35,000 from the CBD ratepayers' contribution towards these services in 1999/2000. A better assessment of any savings can be made after the service has been operating for six months or so. It is proposed that any savings will be reported to Council as part of the December budget review so the funds can be effectively applied.

From an overall perspective, it is difficult to evaluate the savings of contracting this service in total as previously security services have been arranged on an 'ad hoc' basis. The pleasing aspects of the proposed arrangement is that, based on the assessment criteria, we have the best price, a quality service and the contractor can deliver.

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Public Consultations

There has been extensive ongoing public consultation as part of the Lismore City Safe Program.

Other Group Comments

All Asset Managers and relevant Council staff were consulted prior to completion of the tender documents to obtain input into the security requirements of each asset.

Conclusion

Council can contract out the provision of security services of the various Council assets and maintain a high level of service for a reasonable cost.

Recommendation (GM05)

1. That the contract for the provision security services (alarm monitoring, security patrols, cash escorts, duress alarms monitoring, after hours telephone answering service and two-way radio monitoring only) be awarded to Summerland Security Services for the lump sum amount of \$47,697.00 per annum, subject to annual indexation rises. The contract is for a three year period with an option to extend the service for a further one year period.
2. That the contract for the provision security services (CBD Safety Patrols and Camera Monitoring only) be awarded to Group 4 Securitas for the lump sum amount of \$105,288.00 per annum, subject to annual indexation rises The contract is for a three year period with an option to extend the service for a further one year period.



(c) Nimbin Pool

Nimbin Pool is currently included with the Caravan Park in a Management Contract. This contract expires at the end of 1999 but the terms of the Contract allows Council to remove the pool from the Contract after the end of the 1998/1999 swimming season without penalty. The Contract was arranged in this manner to allow Council to sell the Caravan Park should it resolve to do so. Although water quality in the Nimbin Pool has been adequate over the past season, the current contract operator does not have specialist pool operation training. The inclusion of Nimbin Pool in a pool management contract would separate it from the Caravan Park operation and bring it under the control of a specialist pool operator. The separation of the pool from the caravan park Contract has the potential to increase cost of operating the pool as the operator would no longer be resident in the adjacent Caravan Park so travelling expenses would be incurred. None-the-less it was decided to include Nimbin Pool in a three (3) part management tender.

The tender document was set up with separable part contract so that Council could let a separate contract for the management and operation of each pool or combination of pools whichever was the most advantageous to Council.

Information

Four tenders were received as follows:

1. Bryan Kelly tendered only for the Memorial Baths.
2. Total Swim Management tendered for each pool.
3. Mark and Gail Cummings tendered for each pool.
4. Australian Leisure Management made a qualified tender stating that they were only interested in a contract for all the pools.

The unweighted dollar tenders are shown in the following table:

TABLE 1

<b>TENDERER</b>	<b>Mem Baths</b>	<b>Lake</b>	<b>Nimbin</b>	<b>All</b>
Estimate	\$63,000	\$22,000	\$22,000	\$107,000
Bryan Kelly	\$60,000.00			
Total Swim Management	\$69,734.00	\$19,480.00	\$19,480.00	\$108,694.00
Cummings Mark & Gail	\$60,000.00	\$33,333.00	\$33,333.00	\$126,666.00
Aust. Leisure Management				\$210,000.00

Tender EvaluationNimbin Pool

Initially it was necessary to determine if the management of Nimbin Pool would be let under as part of this proposed contract. The cost of managing and operating the Nimbin Pool is \$6,500.00 per annum under the current combined contract for the pool and caravan park. The lowest cost tender received to manage and operate the pool on a stand alone contract is \$19,480.00.

The outcome of this comparison is a recommendation to Council that it not let the management and operation of Nimbin Pool under the contract proposed in this tendering process and that the pool and caravan park remain a single contract for at least the next swimming season.

With the exclusion of Nimbin Pool the tender from Australian Leisure Management was set aside for further consideration as it was a tender for all pools.

Memorial Baths

The analysis of the tenders for the operation of the Memorial Baths resulted in a very close outcome. The following table shows the results of the analysis.

TABLE 2

**MEMORIAL BATHS**

SELECTION CRITERIA		Bryan Kelly		Total Swim Management		Mark & Gail Cummings		Australian Leisure Management	
Price	60%	10	60	8.9	53.4	10	60	No Tender	0
Capability & Experience	15%	7	10.5	6	9	6	9	0	0
Staffing	10%	4	4	8	8	6	6	0	0
Quality and Safety	10%	5	5	8	8	5	5	0	0
Management & Finance	5%	5	2.5	7	3.5	5	2.5	0	0
<b>TOTAL POINTS</b>		82		81.9		82.5		0	

Although Total Swim Managements tender was some ten percent (10%) higher in cost than Councils pre-tender estimate, the company is ahead in the performance criteria. Given the closeness of scores in the analysis, Total Swim Management are considered to offer the best value for money offer to Council.

In making the comparison of tenders, pre-tender face to face interviews with Bryan Kelly and with Mark and Gail Cumming were relied upon to help assess the non monetary tender criteria.

During the 1998/1999 swimming season, Total Swim Management incurred an unacceptable level of customer complaints at the Baths. This resulted solely from the manner of the then pool manager Gary Fielder, who at the time was a partner in the company. Gary has now sold his interest in the company to his partner Ian McDowell-Jones, the current operator of the Splash Factory. In addition to winning the Memorial Baths Management Contract for the 1998/1999 season, Total Swim Management also bought the Splash Factory business. Ian McDowell-Jones has advised that he would move to the position of Manager at the Memorial Baths should Total Swim Management be awarded the Contract.

Having had a years experience at the Memorial Baths, Total Swim Management have identified the social issues that require addressing and have demonstrated that they are pro-active in their efforts, of particular interest is their decision to engage and train a Koori pool operator, Jason King and their work thus far with Koori's at the Splash Factory. Ian McDowell-Jones has advised that Jason King would work at the Memorial Baths should they win the contract.

The higher priced tender by Total Swim Management will allow the company to both open and close the pool with two staff members to safeguard against the assaults of the previous season.

#### Lismore Lake Pool

The analysis of the Lismore Lake Pool is quite straight forward as demonstrated in the table below:

TABLE 3

#### **LISMORE LAKE POOL**

SELECTION CRITERIA		Bryan Kelly		Total Swim Management		Mark & Gail Cummings		Australian Leisure Manag	
Price	60%	No Tender	0	10	60	5	30	No Tender	0
Capability & Experience	15%	0	0	6	9	6	9	0	0
Staffing	10%	0	0	7	7	6	6	0	0
Quality and Safety	10%	0	0	8	8	5	5	0	0
Management & Finance	5%	0	0	7	3.5	5	2.5	0	0
<b>TOTAL POINTS</b>		0		87.5		52.5		0	

Only Total Swim Management and Mark and Gail Cummings tendered with both the price and all other criteria being in favour of Total Swim Management.

#### Combination of Memorial Baths and Lismore Lake Pools

If Council could let both the Memorial Baths and the Lismore Lake Pool to the same contractor a financial and operational advantage would accrue to Council as it would only deal with one (1) contractor. A further analysis of the combined respective tenders for the Memorial Baths and the Lismore Lake Pool was undertaken and is shown in the table below.

TABLE 4

#### **MEMORIAL BATHS & LISMORE LAKE POOL**

SELECTION CRITERIA		Bryan Kelly		Total Swim Management		Mark & Gail Cummings		Australian Leisure Manag	
Price	60%	No Tender	0	9.5	57	9	54	No Tender	0
Capability & Experience	15%	0	0	6	9	6	9	0	0
Staffing	10%	0	0	7	7	6	6	0	0
Quality and Safety	10%	0	0	8	8	5	5	0	0
Management & Finance	5%	0	0	7	3.5	5	2.5	0	0
<b>TOTAL POINTS</b>		0		84.5		76.5		0	

This analysis shows the tender of Total Swim Management to be ahead of Mark and Gail Cummings in both price and capability.

Unlike the stand alone analysis of the Memorial Baths tenders, the final score is well in favour of Total Swim Management

#### Manager - Finance & Administration Comments

Tender - Nimbin Pool : If we choose to accept one of the tenders offered, it would cost Council at least an additional \$10,000 per annum on top of what we already pay for no significant increase in service levels. As such, it is agreed that the current arrangement should be maintained and this facility withdrawn from the tender.

Tender - Lismore Lake Pool : Currently Parks & Reserves and Water/Sewerage staff manage, maintain and operate this facility. It has been stated in the report that these sections are agreeable with the contracting of this facility as it will allow them to focus on core activities and remove them from areas where they do not have the expertise. It is understood that sufficient funds exist within existing budgets to accommodate these costs.

Joint Tender - Memorial & Lismore Lake Pool - It is agreed that the logical approach to the tender of these facilities is to treat them as 'one'. The benefits associated with this approach include, a quality service from a known contractor, by dealing with the same contractor administration is reduced, and there is an opportunity to negotiate on the price.

Based on these assumptions, the recommendations are supported.

#### Manager - Business Development Comments

The proposal to not include the Nimbin Pool in the proposed contract is supported as it allows Council most flexibility in future options for both the pool and the caravan park.

#### Public Consultations

Not required.

#### Other Group Comments

##### Manager - Parks & Reserves:

I concur with the contents of this report entirely. The lake pool is not considered by Parks staff to be a core activity nor are our staff trained pool attendants. By employing specialist contractors for such a service Council is greatly reducing the risk associated with any liability that may arise out of the water quality issue. In addition this arrangement should result in an increase in the level of service which has in the past been hampered by award employment conditions and lack of appropriately trained staff. In summary I support the recommendation.

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### Conclusion

Although the value for money comparison for the Memorial Baths is very close, the combination of the Memorial Baths and Lismore Lake Pool clearly shows in favour of Total Swim Management.

Total Swim Management has addressed the public relation problems of the past season and have shown some initiatives which will help improve relations with, and management of, the Koori patrons.

It is recommended that the contract for the Management and Operation of the Memorial Baths and the Lismore Lake Pool be let to Total Swim Management.

The call for tenders included a clause that said "Council may at its sole discretion offer an extension to the term of the Contract".

It is recommended that Council reserve its right to extend the Contract should it so desire, instead of calling fresh tenders. This may be advantageous at the Memorial Baths where they may be closed or refurbished and require a season by season extension.

### Recommendation (GM04)

1. The contract for the management and operation of the Nimbin Pool not be let due to the unfavourable financial tenders.
2. The Nimbin Pool continue to be operated in conjunction with the Nimbin Caravan Park and the arrangement be reviewed as circumstances warrant.
3. The Contract for the Management and Operation of the Memorial Baths be let to Total Swim Management for the 1999/2000 and 2000/2001 swimming season. The term of this contract be extended by a further year to coincide with the term of the Lismore Lake Pool Contract if the baths remain open past the 2000/2001 swimming season.
4. The Contract for the Management and Operation of the Lismore Lake Pool be let to Total Swim Management for 1999/2000, 2000/2001 and 2001/2002 swimming seasons.
5. Council include a clause in the Contract allowing Council sole discretion to extend the term of the Contract as it sees fit.

Subject/File No: SKYLINE/DURHEIM ROADS UPGRADE EIS & SIS EXPRESSIONS OF INTEREST (PS: S642)

Prepared By: Group Manager Planning & Development - Phil Sarin

Reason: Inform Council of submissions to prepare EIS & SIS.

Objective: Council determination of consultant team.

Management Plan Activity: Development Assessment

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Background:

Council will recall that at its December meeting last year it considered a Mayoral Minute on the planned upgrading of Skyline and Durham Roads.

Council resolved, among other things, to defer the road upgrading pending, *“preparation of a Species Impact and Environmental Impact Statements on the road as currently proposed, preferably by the consultants who prepared the Review of Environmental Factors, given that they are already familiar with the area and the road.”*

As Council will be aware, an investigation into the handling of this project has been completed and recommends changes to the way Council deals with such projects in the future. Of particular relevance is the recommendation to use a completely independent and impartial third party(s) to undertake assessment and evaluation of significant projects that involve Council works of this kind. This advice is supported by Council’s legal advisers.

Bearing this in mind, notwithstanding Council’s resolution, expressions of interest were sought from local and regional consultants to provide a ‘fresh’ appraisal of the proposed road upgrade.

As the report shows one consortium does include consultants previously engaged by Council on this matter.

A considerable delay was experienced due the requirement to have the Director-General of the National Parks and Wildlife Service prepare guidelines for undertaking the SIS. This information was essential for consultants to be able to quote accurately on the extent of work.

Expressions of Interest Examination

Four expressions of interest were sought and received from local and regional consultants. They are summarised below:

Expression of Interest	Price
Gary Shiels & Assoc.	\$27,250
Walker & Newton*	\$44,753
Kinhill	\$44,950 Option 1 \$67,450 Option 2#
ERM Mitchell McCotter	\$56,280

\* Submission includes Geolink & Peter Parker, Environmental Consultant who have had previous involvement in the project. It should be noted that the invitation to submit an EOI did not specifically exclude consultants previously engaged by Council in relation to this project.

# Option 2 includes all work in Option 1 plus a six week Koala tracking program using radio transmitters and receivers.

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Consultant Team Composition:

**Gary Shiels & Assoc Team:** Gary Shiels & Assoc (Tweed Heads Office) - Planners  
 Ecos Environmental Consultants - Flora and Fauna Specialists  
 B Mackney & Assoc. - Civil and Environmental Engineers  
 Adrian Piper - Consultant Archaeologist

**Walker & Newton Team:** L Walker & Geolink - Planners and Engineers  
 Peter Parker - Environmental Consultant  
 Peter Brennan - Aboriginal Issues/SIS Review

**Kinhill Team:** Kinhill (Sydney office) - Planners, Engineers, Ecologist  
 James Warren & Assoc. - Environmental Scientist

**ERM Team:** ERM (Port Macquarie office) - Planners, Engineers, Environmental Scientists  
 Sandpiper Ecological Surveys - Environmental Consultant

An evaluation panel consisting of the Manager, Development Assessment and Group Manager-Planning and Development undertook the assessment of the expressions of interest. The EOI were assessed against five criteria, which were weighted, with the results shown on the following table.

<b>Evaluation Criteria</b>	<b>Weighting</b>	<b>Gary Shiels &amp; Assoc.</b>	<b>Walker &amp; Newton</b>	<b>Kinhill</b>	<b>ERM</b>
Total Price	50%	50%	17.9%	17.5% Opt1 0.00% Opt2	0.00%
Capability/Experience	15%	10%	12%	13%	13%
Appreciation of brief	10%	7%	7%	8%	9%
Methodology	15%	11%	10%	12% Opt 1 14% Opt 2	13%
Management/Timing	10%	7%	7%	6%	7%
<b>Total</b>	100%	<b>85%</b>	<b>53.9%</b>	<b>56.5% - 41%</b>	<b>42%</b>

Based on the above information Gary Shiels and Associates are ranked as the preferred consultant team.

A review of the capabilities of this consultant team has revealed that they have had extensive experience in local impact analysis of this type.

It should be noted that none of the EOI have an environmental/ecological consultant team that could be described as recognised 'Koala experts', however, the professional capabilities are there to undertake this aspect of the SIS assessment in accordance with guidelines from the NPWS Director-General.

As no specific budget allocation has been made for this project it will be necessary to use funds allocated to the actual road upgrade to fund the appointment of the consultant team to undertake the EIS and SIS.

Manager - Finance & Administration Comments

Funding comments included in the body of the report.

Other Group Comments

**Group Manager-City Works**

The recommendation is in accordance with the decision of Council last December.

Conclusion

The consultant team of Gary Shiels and Associates clearly emerges as the preferred choice based on the assessment undertaken by Council staff.

Recommendation (PLA48)

Council engage the services of the consultant team headed by Gary Shiels and Associates to undertake the Skyline/Durheim Roads EIS and SIS for the project fee of \$27,250.00.

Subject/File No: REVISION OF DEVELOPMENT CONTROL PLAN NO. 14 -  
RESIDENTIAL DEVELOPMENT  
(WS/HM: S461)

Prepared By: Manager-Strategic Planning - Helen Manning  
Environmental Health Officer & Building Surveyor - Warwick Sherring

Reason: To advise Council of changes to DCP No. 14 necessitated by changes to  
legislation.

Objective: To obtain an updated and simplified DCP.

Management Plan Activity: Strategic Planning

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### Background:

Development Control Plan (DCP) No. 14 - 'Residential Development' is a comprehensive guide for residential development in Lismore LGA. It includes requirements for external design, solar design and energy efficiency, open space provisions, landscaping, parking provisions and vehicular access, site works and erosion/sedimentation control.

Due to changes to the Local Government Act and the Environmental Planning and Assessment Act, certain aspects of DCP No. 14 are outdated and need to be amended to mirror the current legislation. At the same time opportunity has been taken to amend the DCP to overcome certain deficiencies. The opportunity has also been taken to insert relevant provisions of former Regulations under the Local Government Act, which have been saved under the amended Environmental Planning and Assessment Act, but which will cease to exist after July 1,1999, unless incorporated by individual Councils in Environmental Planning Instruments.

The changes proposed are specifically:

#### **1.5 How to Use this Plan**

Refer to there now being 9 'elements' due to the insertion of the new element of Drainage.

#### **1.6 Definitions**

Changes have been made to the definition of 'functional open space' and 'primary open space', in an attempt to clarify their meaning.

#### **2.1 External Appearance**

The objectives have been reworded in an attempt to reflect the current working objectives. A clause has been added to indicate to applicants that utilisation of an outbuilding for a use other than one ancillary to a residential use, requires Development Consent.

The clause referring to medium density development containing no more than 3 dwellings under a single roof is to be altered by ensuring that it applies to single storey development only.

Reference to the provision of supporting documents by Council has been deleted. There is very little demand for these documents. All documents referred to in the DCP are available from the Department of Urban Affairs and Planning, and that Department's address will be

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included in the DCP appendix. The exception is the “North Coast Design Guidelines”, a copy of which is to be appended to the DCP.

## **2.2. Building Height and Setback from Boundaries**

Minor rewording of objectives.

Clauses have been added to cover dwelling setbacks, previously included in the Regulations under the Local Government Act.

Reference to a building envelope has been deleted, as it has been found unnecessary and conflicted with the requirements of the Building Code of Australia.

## **2.3 Orientation and Resource Efficiency**

Minor changes have been made to clarify certain matters and to reflect legislative changes.

## **2.4 Open Space and Site Coverage**

Minor rewording to clarify definition of ‘habitable rooms’.

The reference to ‘Integrated’ development in the Table to this element is to be deleted, as such development is not defined in the DCP nor in the LEP. Amalgamation of requirements for dual occupancy and medium density development will simplify this Table.

## **2.5 Landscaping and Privacy**

A clause has been deleted regarding an exemption to landscaping, as it provided for a subjective assessment. This is considered undesirable particularly in a document that is to be interpreted by private certifiers.

## **2.6 Parking and Driveways**

Minor rewording to clarify location of carparking, to set out driveway requirements and to allow for the new DCP No. 28 ‘Subdivisions’ - ‘Vehicular Access’.

## **2.7 Drainage**

A new subsection to set out long standing Council policies on drainage matters.

## **2.8 Earthworks and Retaining Walls**

Rewording or new paragraphs included in an effort to clarify Council’s policy on cut and fill sites.

## **Guidelines for Submitting a Development Application**

Reworded to provide for legislative changes.

## **Further Information on Building Design and Layout**

Include the new name and address of the Department of Urban Affairs and Planning.

In addition, a number of printing errors have been identified for correction and the legibility of some of the diagrams is to be improved.

The amending DCP is provided separately with the attachments to this Business Paper.

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Public Consultations

The amending draft DCP is to be publicly exhibited for twenty eight (28) days, as required by the Environmental Planning and Assessment Regulation.

Other Group Comments

Not required.

Recommendation (PLA47)

That as required by Clause 21 of the Environmental Planning and Assessment Regulation, Council resolve to amend Development Control Plan No. 14 - Residential Development by the preparation of Amendment No. 3 to Development Control Plan No. 14 - Residential Development.



2. These provisions date back to a time when kerb and gutter and footpaths were not required as part of a subdivision and there was no imposition of Section 94 charges aimed at funding an overall footpath strategy.

### Lismore's Footpaths

Goonellabah is primarily a newly developed area, in which all services including kerb and gutter and sometimes footpaths are constructed at the time the land is released.

In locations where the footpath is not constructed it is either deemed not to be required or is included in a long-term footpath plan that services a whole area for which Section 94 charges are levied.

In the older part of Lismore there is an extensive number of footpaths; most of which were constructed using Gasworks tar and many of which now need replacing with concrete or some other similarly durable material.

Council is unable to collect again for footpaths in these areas.

Districts such as East Lismore have extensive areas of houses that were built in the 1950's and 1960's when footpaths and kerb and gutter was not included in the original construction. Council is able to charge these owners in a similar manner to that outlined above.

### Driveways

Driveways can form part of both the footpath and kerb and gutter programmes. The Act has always been very clear in that the owner is responsible for maintaining the driveway in a satisfactory condition.

In Lismore this has been confusing as Council, in the past, has constructed driveways and supposedly has given a lifelong guarantee whereby Council Staff would maintain the driveway to the boundary of the block in perpetuity. The current situation is that Council Staff will carry out minor maintenance of the driveway adjacent to the road. The owner is responsible for all other works on the driveway.

### Current Programme

In recent years Council's footpath programme has not been substantial; the major aim being to create a footpath network along major pedestrian routes, particularly to Schools and local service facilities.

In Goonellabah, footpaths have been constructed along part of the Bruxner Highway and Oliver Avenue aimed at providing access to Schools and shops. These footpaths have been constructed using funds from the RTA Cycleway Programme, Council's Arterial Footpath Programme and Council's own funds allocated from the General Fund.

Review of Footpath Cost Recovery

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Legally, under Section 217 of the Roads Act, Council would be able to charge the landowner/s up to 50% of the cost of both footpath construction and kerb and gutter works should the work be carried out in front of their house, provided the footpath/kerb and gutter did not previously exist.

It is assumed that a contribution has been received if a footpath or kerb and gutter exists as Council's records do not indicate otherwise.

In practice this has not occurred for several reasons. Advice received to date indicates that Council may experience problems charging 50% of the cost of constructing the arterial footpath if a Section 94 levy has already been imposed for arterial roads, *ie, double-dipping*.

Where major works such as the reconstruction of the Bruxner Highway through either Goonellabah or South Lismore has occurred, the local residents have undergone a substantial period of extreme dislocation due to the construction. Council, at the time, agreed that it would be unreasonable to then impose a charge on these people for the kerb and gutter and/or a footpath.

Manager - Finance & Administration Comments

Sections 217 and 218 of the Roads Act 1993 allows for Council to recover not more than one-half the cost of paving, kerb and guttering and footways from the owners of adjoining land. The Act provides that the owner is liable for this cost and the amount is recoverable 'as if it were an unpaid rate'. As such, Council would always be able to recover the contribution.

From a financial perspective, the key points which require comments include -

- (a) Notification to the owner is essential prior to commencement of works that a contribution will be required and setting out any other terms. This will allow potential conflict to be identified and possibly resolved early.
- (b) The cost for which one-half is recovered should be based on the net cost to Council, *ie, total cost less grants/Section 94 levies*. This reduces the burden on the ratepayer and may make the proposition more palatable.
- (c) In all cases, the owner's contribution will be required to be paid within a reasonable timeframe, and will be pursued the same as any other debt.

Public Consultations Not required.

Other Group Comments

**Group Manager - Planning & Development**

I concur with the view that asking for a property owner to pay a charge where Section 94 contributions have already been collected for footpaths is not within the spirit or intent of a contributions plan.

Footpaths along arterial roads are required for the benefit of the whole community and need to be funded accordingly.

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Conclusion

The Roads Act allows Council to collect up to 50% of the cost of footpaths and kerb and gutter in front of a house provided neither were previously constructed. I believe it is only reasonable to collect this charge when there is a clear benefit to the ratepayer. In most cases where Council is constructing new footpaths or new roads which includes kerb and gutter, this utility forms part of a major road upgrade to carry substantially more traffic loads. In the case of footpaths, it is as part of an arterial footpath programme.

It is unlikely the property owner/s are particularly happy about having either of these activities in front of their house. They are almost certainly not happy about being asked to pay a contribution towards the construction cost. The suggested alternatives are -

1. charge up to 50%
2. charge a smaller amount (say) 25%
3. apply no charge where the works form part of an arterial footpath or major road upgrading.

A copy of Sections 217 and 218 of the Roads Act is attached as **Appendix 1**.

Recommendation (WOR17)

- 1 That Council charge property owner/s the full cost of driveway repairs and reconstruction in accordance with Section 218 of the Roads Act.
- 2 That Council charge property owner/s 25% of the cost of footpath and kerb and gutter works when it forms part of an arterial footpath or major road upgrading in accordance with Section 217 of the Roads Act. Actual charge will be 25% for property frontage and 12.5% for side boundaries.
- 3 That where Council carries out upgrading works at the request of the property owner/s or the works do not form part of an arterial footpath or a major road upgrade, a contribution of 50% be charged for both footpath and kerb and gutter works.
- 4 All contributions be based on the property boundary length (eg, 20m), or the actual length of the gutter/footpath constructed; whichever is smaller.
- 5 Council implement a set of procedures reflecting the above.

Subject/File No: COMMUNITY AND SOCIAL PLAN  
S429

Prepared By: Community Services Co-ordinator, Karuna Fielden

Reason: To fulfil Council's statutory requirements

Objective: To seek Council's endorsement of the Community and Social Plan for public exhibition

Management Plan Activity: Links 5 and 8

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Background:

The Local Government (General) Amendment (Community and Social Plans) Regulation 1998 requires all Councils in NSW to develop a Community/Social Plan or its equivalent by June 1999. Councils are also required to include information about access and equity issues in their Management Plan and Annual Report. The State Government's social justice commitments require that councils focus on seven mandatory target groups that are identified as being disadvantaged. These groups are as follows:

**Children** (those aged 0-11 years)

**Young people** (those aged between 12 to 25 years)

**Women**

**Older people** (those aged 55 years and over)

**People with disabilities** (this term covers all types of disabilities, including those with HIV/AIDS)

**Aboriginal people** ( those of Aboriginal or Torres Strait Islander descent who identify as such, and are accepted by the respective Aboriginal or Torres Strait Islander community)

**People of culturally and linguistically diverse backgrounds** (including racial, ethnic and ethno-religious minority groups)

Councils may also include information about other specific groups such as gays and lesbians.

**The Importance of a Community and Social Plan**

This regulation aims to assist Councils to:

- Promote fairness in the distribution of resources, particularly for those most in need
- Recognise and promote people's rights and improve the accountability of decision makers
- Ensure that people have fairer access to the economic resources and services essential to meeting their basic needs and improving their quality of life
- Give people better opportunities for genuine participation and consultation about decisions affecting their lives.

The legislation also aims to recognise and build on the many existing Council efforts to promote the well being of their community members and effectively meet their needs through social planning.

The Community and Social Plan is also part of a participatory process that aims to build relationships between Council and other government agencies and community organisations.

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The Community and Social Plan is an evolving process and it will be updated and refined over time.

There are a number of facts about Lismore, which highlight the presence of disadvantage. These include:

- The high level of unemployment in Lismore
- The lack of public transport
- Aboriginal and Torres Strait Islander people, people from Culturally and Linguistically diverse backgrounds and gay and lesbians in Lismore still experience discrimination. This discrimination includes lack of recognition of their cultural identity and access to housing, employment and other essential services.
- There are still significant barriers to people with disabilities participating in community life and accessing community and business services.
- Women and children are still subjected to domestic violence in Lismore and women still suffer significant disadvantages in accessing employment.
- Young people lack recreational facilities.

Through its Community and Social Plan, Lismore City Council will endeavour to address these issues and make the Local Government Area a more equitable and socially just place for its residents.

Community Services staff; Karuna Fielden, Kerrie Ellis and Tricia Shantz have compiled the Community and Social Plan.

The preparation of this Community and Social Plan will also assist Council to:

- Develop an understanding of the needs of our community, including those of its more disadvantaged members
- Identify the services, facilities and processes needed to address the community's needs
- Identify which services Council should have a role in funding or providing
- Advocate for those services that need to be provided by other government agencies, the private sector or community organisations
- Achieve a more coherent service system by working cooperatively with other government agencies, the private sector and community groups on service planning
- Monitor changes in community needs and the extent to which existing services and models meet these needs
- Provide improved facilities, services and regulatory activities that are more sensitive and appropriately targeted
- Address quality of life issues to benefit the whole community.

#### Manager - Finance & Administration Comments

Council's commitment to the plan is essential to its success. After discussions with Community Services staff, the investment required to achieve this is mainly in the form of existing resources, i.e. staff and budgets. Specific funding of \$2,000 has been included in the 1999/2000 Budget to provide additional services.

### Public Consultations

The development of the Community and Social Plan has involved extensive consultation with the mandatory target groups and is documented in the body of the Plan.

### Other Group Comments

#### **Group Manager-City Works**

In reference to "Needs, Issues and Strategies for Aboriginal and Torres Strait Islander People - Issue 1 *Unemployment*", I would suggest that if we are interested in planning long-term strategies, we need to look at a concept that provides Aboriginals and Torres Strait Islanders with -

- A **career**
- Not just a **job**.

Therefore I believe the strategy should be -

#### **Strategy:**

To foster a regular intake of Aboriginal and Torres Strait Islanders on genuine apprenticeships and traineeship schemes that will give the individuals a long-term career in their chosen profession.

#### **Outcomes:**

This will have the effect of guaranteeing individuals with a job as long as they wish to maintain their skills at a level that makes them valuable to the community and in demand by employers.

#### **Action by Whom:**

This requires -

1. Assistance with apprenticeships and traineeship schemes through Government Grants.
2. Most importantly, a monitoring system that ensures individuals are praised for attempting the courses and succeeding in society. The Human Resource Section will need to take a real interest in this procedure to ensure that it actually works.

**Note by Author:** Council's internal employment target for ATSI was passed by a resolution of Council.

### Conclusion

Whilst it is mandatory for local councils to develop Community and Social Plans by June, 1999, there are significant benefits in Council consulting with the community, understanding their needs and directing some resources to areas of greatest need. At the same time, the Community and Social Plan can be used to influence the planning processes of other government agencies and community groups.

### Recommendation (COR31)

That Council endorse the Community and Social Plan and that it be placed on public exhibition for a period of 28 days.

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Subject/File No: PRICING POLICY FOR FEES AND CHARGES  
(S161)

Prepared By: Principal Accountant - Gary Boyd

Reason: Clarification of Policy sought by Council

Objective: Adoption of Policy

Management Plan Activity: Financial Services

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### Background:

Section 404 of the Local Government Act states that the annual management plan for a council must contain: "a statement of the Council's pricing policy with respect to the goods and services provided by it."

In order to comply with this requirement to date, finance staff prepared five main categories of prices and then identified all Council's fees and charges in accordance with those categories. Council has expressed its concerns as to the validity of the current policy and requested a review, hence this report and subsequent amendments, as detailed below.

### Changes to Policy

In researching this report I have examined numerous other council's management plans (Lane Cove, Tweed, Great Lakes, Newcastle, Sydney City, Ballina and so on) to compare what we have done to date and determine how it can be improved. Unfortunately it appears as though all NSW councils have undertaken a process very similar to ours and it is quite surprising how similar the wording is for the majority of the policies. This doesn't make ours right, but it then raises the question as to what this Council wants to achieve from a pricing policy.

It has been suggested that this policy should justify and quantify why each fee is increased each year. Personally I believe this is not realistic and the pricing policy should just act as a guide for use in considering how individual fees are to be determined.

In consultation with management, the following changes have been made to the pricing policy:

1. The pricing policy part of the management plan has been expanded to provide an overview of what the purpose of the policy is, which is essentially "to disclose to all stakeholders the rationale behind the fee established for any Council product or service" (refer to Appendix 1 for the complete section in the management plan);
  2. The current categories of fees and charges have been altered slightly to allow greater clarity as to what they represent (refer to the policy, Appendix 2, page 2).
  3. Management will review the current level of pricing for fees and charges, considering the factors outlined in the pricing policy as part of the annual preparation of Council's Management Plan. Following this review, management will recommend that all fees and charges, except those legislated are increased by a percentage which is at least equal to the annual CPI figure for the latest quarter year ended available.
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Pricing Policy for Fees and Charges

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4. For each program as per the fees and charges booklet, Council determines what the current or desired objectives of the fees and charges are. As an example, the pricing objective for the quarry is for prices to be commercially competitive so as to generate a commercial return on the assets invested (see Appendix 2, starting on page 3);
5. For each program Council determines how we get to the stated objectives (also refer to Appendix 2); and
6. For each program, finance staff estimate the “real” cost of providing the service for each fee, as supporting documentation to determine the current level of subsidy, if applicable (see Appendix 3 for an example).

Manager - Finance & Administration Comments

Included in the body of the report and policy.

Public Consultations

Not required

Other Group Comments

The General Manager and Group Managers were consulted in reviewing this policy. Their feedback and comments are embodied in the policy.

Conclusion

As stated in the policy “The underlying principle of the Pricing Policy is that the role of property rates and general purpose income will be to finance the public-good component of services and attendant community service obligations, and that users will be called upon to finance the cost of producing goods and services from which they derive a benefit. Generally where Council believes there is a public-good component to a service the full cost of the service will not be derived from the various users of the service. Rather a subsidy will be provided from Council general purpose revenues such as rates and financial assistance grants.”

This policy provides a guide to staff in setting fees and charges taking into account the public-good component and true cost of providing a product or service. It also provides management with a mechanism and more accurate information, which can be used to annually review all fees and charges and recommend any increases on this basis, if necessary.

Recommendation (COR35)

That Council adopt Policy No. 1.5.9, Pricing Policy - Fees and Charges, as attached.

Subject/File No: WORK FOR THE DOLE  
(S153)

Prepared By: Manager-Human Resources - Chris Davis

Reason: This report has been prepared in response to a request from Council at their meeting conducted on 27 April 1999. *Refer Minute No. 141/99 File S153*

Objective: To investigate the viability of Council acting as an employment broker under the auspices of the Federal Government's Work for the Dole Scheme (WFTD)

Management Plan Activity: Human Resource Management

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Background:

The Work for the Dole (WFTD) scheme, which the Federal Government introduced in 1997, has recently been modified in preparation for the next tender round. The modifications have been implemented in response to a review of the scheme's first two years of operation.

Council's Manager - Human Resources subsequently attended a briefing by the Department of Employment, Workplace Relations and Small Business (DEWRSB) in Coffs Harbour on Tuesday 22 June 1999. The purpose of the briefing was to familiarise interested parties with the scope and details of the modifications to WFTD. Jenny Harrison, Assistant Director, Work for the Dole Policy Section facilitated the briefing.

DEWRSB has also released a written overview of the modifications to the scheme in a 90 page exposure draft - *Work for the Dole 2000 Request for Tender*

**Overview of the modified WFTD Scheme**

- The major change to the scheme is a move to longer contract periods. The next contract period will run from January 2000 to June 2001
- A further significant change to the management of the scheme is the introduction of Community Work Co-ordinators (CWC's). CWC's will take over the role of the former employment brokers.
- Under the modified scheme CWC's will be required to commit to a minimum of 150 placements for each 6-month period. That is, a total of 450 placements over the 18-month contract period.
- Placements can be arranged either directly by the CWC or through a Host Sponsor. The host sponsor has responsibility for "site management" of WFTD Projects
- Under the proposed tender process the CWC will receive a fixed *Management Fee*. This fee is intended to cover costs associated with: assessment, monitoring and reporting of projects, administration, financial reporting, marketing etc. DEWRSB has **estimated** this fee at \$400 per placement. The actual amount will be confirmed prior to the release of tender documentation.

- The CWC and/or Host Sponsor will also be required to competitively tender for a *Work Experience Fee*. This fee must cover the costs associated with the provision of 13 weeks of work experience to a participant. For example; supervision, equipment, training etc.
- A percentage\* of both fees will be paid in advance with subsequent payments made in arrears. Consequently, CWC's and/or sponsor organisations will be required to bear the cost of projects over the interim period. (\* DEWRSB has not yet determined the percentage of the up front fee)
- All tender costings submitted by the CWC must be on the basis that the GST has been factored into estimates.
- DEWRSB has the right to recover, from the CWC and/or Host Sponsor, any over expenditure on specific projects
- Originally the scheme only applied to job seekers aged between 18 and 24 years of age. WFTD has now expanded its application to include job seekers aged between 25 and 34 years.
- Each participant in the scheme is required to commit to a set number of hours per fortnight. Specifically;
  - 18 - 20 year olds 24 hours/fort
  - Over 21 years old 30 hours/fort
- WFTD participants will now receive a \$10/week supplement to cover the costs of their transport to nominated collection points. The Federal government funds this supplement.

These key points and other details provided both at the briefing and within the exposure draft are outlined in further detail below.

### **Employment Service Areas**

The WFTD scheme identifies the number of potential WFTD participants with specified Employment Service Areas (ESAs). Lismore City Council falls within the Richmond Employment Service Area, which includes Lismore, Casino, Kyogle and Alstonville. DEWRSB estimates that there are 1,683 eligible WFTD participants within the Richmond ESA.

The number of CWC contracts allocated within any one ESA will be dependent on size of ESA. Obviously the size of an ESA will influence the number of available WFTD participants. An ESA is the smallest area that a potential CWC can bid for. Nevertheless, projects may be undertaken outside an ESA or across a number of ESAs.

DEWRSB is currently seeking comments on the sizes and breakdowns of ESAs prior to making a final decision on their composition.

### **Payment Model**

Payments to organisations involved in WFTD will be comprised of two components ie;

- a fixed *Management Fee* and/or
-

- a competitively tendered *Work Experience Fee*

#### Fixed Management Fee

Initial costings by DEWRSB have estimated the fixed management fee at \$400 per placement. DEWRSB will finalise the amount of the fee prior to the release of the formal tender documents. This fee is payable to the CWC for each per participant who commences in a WFTD placement.

If an original participant is replaced within three months of their placement an additional management fee will be allocated. Accordingly, an additional management fee will NOT be allocated if a participant leaves a placement after they have completed the first three months of that placement.

The management fee is provided to cover administrative tasks associated with: management of placements, advertising and marketing activities, assessment, monitoring and reporting of projects and financial reporting. It will be paid in three instalments;

- Initial payment - in advance upon commencement
- Second payment - in arrears following acquittal of the first payment
- Third payment - in arrears at the completion of the contract period

The primary role of a CWC is to ensure the success of their nominated WFTD project (*also refer to details outlined below*). Therefore, the appointment of a WFTD Project Manager would be essential to ensure the effective recruitment and management of the 150 WFTD placements that occur within each of the three 6 month periods during the (18 month) contract term. It would also be essential to ensure that any WFTD Project Manager had access to adequate administrative support services.

Consequently, a significant part of the management fee would need to be allocated towards the provision of these staff.

The pool of WFTD funds allocated to a CWC can be averaged out over the tender period to cover high cost or low cost projects. Nevertheless, the funds allocated by DEWRSB to the CWC are finite and any cost overruns must be funded by the CWC.

#### Work Experience Fee

Organisations wishing to participate as CWCs will be required, as part of the competitive WFTD tendering process, to nominate the amount they have calculated as a suitable work experience fee. The allocation of this fee is intended to cover the costs the CWC and or Host Sponsor incurs in relation to the provision of; on-site supervision, transport, equipment, protective clothing, training etc.

The work experience fee is paid on a per placement basis only for the provision of 13 weeks of work experience to a WFTD participant. Hence, under the DEWRSB guidelines, the work experience fee must not be used to cover replacement participant costs.

The CWC will need to demonstrate, as part of the tender process, how the work experience fee has been derived, including the impact of the GST. That is, what percentage of the fee will be allocated to cover site supervision, transport and/or, the capital costs associated with a project?

The most significant factor that will impact on the accuracy of estimates for work experience fees is the fact that a CWC is required to estimate this fee as part of the tender process. That is **prior** to the identification of projects that the fee is intended to fund. Consequently, there is a considerable margin for error inherent in the DEWRSB approach to preparing tender costings.

The work experience fee will be paid in two instalments. The first payment will be paid, in advance, upon project commencement. DEWRSB has not determined the percentage of the overall project costs that the first payment will represent. The final payment of the work experience fee will be made in arrears subsequent to project completion.

Consequently, a CWC and/or Host Sponsor would have to fund a significant component of the project costs until the final payment was remitted by DEWRSB.

### **Role of Community Work Co-ordinators (CWC)**

The modified WFTD scheme has replaced Employment Brokers with *Community Work Co-ordinators*. Only community based or government organisations are eligible to tender as a CWC. Private sector organisations are not eligible.

Specific CWC responsibilities will be outlined within a *CWC handbook* that DEWRSB will release subsequent to tender submissions. That is, after the successful tenderer enters contract negotiations. Consequently, organisations wishing to tender as a CWC will have to assume the extent of their obligations to DEWRSB when estimating contract costings.

CWCs will also be required to adhere to the DEWRSB code of conduct, which outlines specific responsibilities relating to probity and reporting. The code will be included as an attachment to contract documentation. In addition, regular progress reports must be submitted by the CWC to DEWRSB. These reports must address agreed performance indicators relating to the results of the project. For example; statistics on the number of participants, replacement rates

Nevertheless, it is evident from the exposure draft that CWCs selected within a specific employment service area (ESA) will have overall responsibility for the management and performance of WFTD projects including the provision and management of placements. (*Refer Appendix 1 for DEWRSB Summary*)

Successful CWCs will therefore have responsibility for; management of placements, interview of eligible job seekers and, matching people to placements and/or projects. A CWC will not be permitted to sub-contact the management of WFTD contracts.

In addition, an organisation submitting a tender as a CWC will be required to indicate their intention to either act solely as a CWC or, alternatively, to undertake the combined role of CWC and Host Sponsor. Host Sponsor responsibilities are directly related to the site management of WFTD projects.

If a CWC engages a Host Sponsor the parties enter into a standard contract for the term of each individual project. Host Sponsors are therefore responsible for; ensuring 6 months participation by individual clients, on-site supervision of individual WFTD projects, monitoring and reporting the progress of the projects, provision of training and transportation. (*Refer Appendix 2 for DEWRSB summary of Host Sponsor responsibilities*)

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As indicated above the CWC and/or Host Sponsor has a responsibility to provide training to WFTD participants. This training must be accredited and related to the work experience being undertaken by the participant. For example; first aid, OH&S, manual handling.

The extent of training required would be dependent upon the tasks the WFTD participant is required to undertake. The provision of this training would therefore absorb a significant portion of the Work Experience Fee.

Under the DEWRSB guidelines transportation costs would also be drawn from the work experience fee. Initial estimates indicate the provision of a 12-seater transporter bus costs approximately \$9000 per annum. However, the actual extent and cost of the transportation required would be dependant upon the number of WFTD projects, their location and, the number and spread of sites nominated for the collection of WFTD participants.

A prospective CWC must also be able to demonstrate that their computerised information system has the capacity to access the DEWRSB computerised employment system via an internet link. The DEWRSB system will ultimately (from July 2000) provide CWCs with access to an automatic referral system.

This computerised referral system will enable the CWC to directly identify suitable participants, generate correspondence on behalf of DEWRSB and issue interview notices. DEWRSB clearly has an expectation that the CWC will ultimately take over these functions from the existing Centerlink providers. The obligations the CWC has in relation to “policing” the attendance of WFTD participants is further evidence that the CWC’s will have responsibility for roles traditionally undertaken by Centerlink.

The resources required to undertake these additional activities would therefore, also need to be identified within the tender documentation and funded from the management fee.

DEWRSB has also indicated that, if they aren’t satisfied with the number of WFTD projects in a particular ESA, they may direct a CWC to conduct any work for the dole activity or project that they assign to that CWC. In these instances DEWRSB would make a direct approach to the CWC and consequently liaise with the CWC to take on an additional project as a contract variation.

This provision has significant implications for any organisation intending to submit a tender as a CWC. Specifically, a CWC may find that they are required to take on additional projects without any assurance that sufficient resources will be allocated to complete those projects

### **Identification of Projects**

The CWC and/or Host Sponsor will be required to identify suitable WFTD projects within their region. The format and duration of projects is flexible, as projects don’t have to run for a full six months. Participants may also undertake a placement for six months in one project or across a number of projects. A further example of a suitable WFTD project is one where 30 participants undertake an individual placement within 30 different organisations.

These changes reflect the new emphasis on WFTD participants as opposed to the prior focus on projects.

DEWRSB has also indicated that they would like WFTD projects to commence from 4 January 2000. Therefore, CWC's will actually be contracted from December 1999 until December 2001 as six-month placements may commence as late as 30 June 2001.

Local Area Consultative Committees (ACC) will also have a role in project identification, as all WFTD projects will require ACC endorsement. The full extent of ACC involvement is yet to be defined. However, DEWRSB has indicated their role is likely vary subject to regional needs. ACC members are obliged to declare any conflict of interest with CWC organisations or host sponsors.

The revised format of WFTD projects also provides the opportunity for special interest groups within the ESA to present projects to the CWC as a potential host sponsor. For example; if the local indigenous community was eager to participate in WFTD they could liaise with their nominated CWC to develop a suitable project.

### **Insurance**

DEWRSB have indicated that they will cover WFTD participants for worker's compensation insurance and public liability except when those participants are engaged in unusual or hazardous activities. Unusual and hazardous activities are not defined and it's DEWRSB intention to identify these activities for CWCs during contract negotiations.

Consequently it is unclear if a CWC will incur any worker's compensation responsibility. CWCs will also be responsible for public liability insurance to cover WFTD activities and project sites.

### **Goods and Services Tax**

As indicated above all WFTD tender costings must be submitted on the basis that the GST has been factored into estimates. This obligation will require significant research and investigation by tendering CWC.

In addition, this obligation creates a further margin for error in costing estimates, as there is a significant amount of uncertainty regarding the impact of the GST. As stated previously CWCs and/or host sponsors will be held responsible for any costs overruns associated with WFTD projects.

### **Tender process - Selection criteria**

The tender process will commence from 21 July. Organisations submitting tenders will be required to submit those tenders by 25 August 1999. DEWRSB have indicated that they will call for tenders on an annual basis.

### Manager - Finance & Administration Comments

On reading the report, there are a number of issues raised which are yet to be resolved and consequently difficult to assess from Council's financial perspective. They include,

- a) The Management Fee proposed of \$400 per placement is only estimated.
  - b) The first payment received will be in advance with subsequent payments in arrears.
  - c) The impact of a GST must be determined as part of the tender, even though projects are yet to be determined.
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Work for the Dole

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- d) The Community Work Co-ordinator (CWC) must bid for the Richmond Employment Service Area, which includes Lismore, Alstonville Casino & Kyogle.
- e) The specific responsibilities of the CWC's will be released during contract negotiations.
- f) The activities undertaken by the placements determine whether or not workers compensation and public liability will be funded by the Federal Government.

The logical conclusion based on these issues is that it would be prudent for Council not to tender for the role of a CWC at this time due to the uncertainty of the impact of some of these items.

It may be appropriate for us to look at Council serving as a 'host sponsor' for specific projects and reassessing our position at a later date.

Public Consultations

N/A

Other Group Comments

N/A

Conclusion

There is considerable merit in the aims of the WFTD Scheme. However, it is evident from the research undertaken on this issue that significant components of the scheme remain undefined. Further, these undefined elements have the potential to adversely impact on the viability of CWCs to complete WFTD Projects within allocated funding. For example;

**Uncertainty over the impact of the GST based estimates.** With this requirement tender costings will have an in-built margin for error in an environment where CWC's are liable for cost overruns.

**Percentage of funding allocated upon commencement of contracts.** The lack of a nominated percentage has implications for the amount of project funding that a CWC must carry over the period between payments

**Insurance implications for CWCs.** If WFTD activities are identified as hazardous activities a CWC will bear the cost of worker's compensation insurance. If one considers Council's past experiences with the Job Skills Scheme this factor could drastically increase Council's already considerable worker's compensation premium.

**Estimates for the Work Experience Fee.** These estimates must be prepared prior to the identification of actual projects thereby creating another opportunity for funding shortfalls.

**Level of competition for placements within the local ESA.** Traditionally it has been difficult to locate a sufficient number of participants to undertake WFTD projects within this region. This problem will be alleviated to some extent by the inclusion of 24-35 year olds. Nevertheless, it was evident from the DEWRSB briefing in Coffs Harbour that there will be a significant amount of competition for participants within this region. Consequently, gaining access to a sufficient number of participants to qualify as a CWC cannot be guaranteed.

**Lack of information relating to the full extent of CWC responsibilities.** It is evident that while not fully outlined these responsibilities will be considerable. Also documentation from DEWRSB indicates that CWCs will take on additional responsibilities for identification, policing and, reporting of participants over the contract period. These additional responsibilities also have the potential to create funding shortfalls.

**Timeframes for tender preparation.** DEWRSB has set 25 August 1999 as the close off date for WFTD tenders. Those organisations wishing to submit a tender must therefore research and factor in the implications of the GST, undertake preliminary investigations to identify potential projects, undertake discussions with potential host sponsors, prepare detailed costings and, second guess the extent of CWC responsibilities within this timeframe.

In addition, it is important to recognise that any CWC participating in WFTD would need to engage two full time staff for the duration of the contract period. That is, a WFTD Project Manager together with an Administration Officer. Accordingly, these staff would require office accommodation and support equipment. The costs of retaining these staff would therefore represent a significant portion of the funding allocated under the fixed management fee.

As a result of the modifications to the WFTD Scheme organisations will, for the first round of contracts, be required to include a significant margin for error in their tender costings. Accordingly, there is a very real risk that organisations that participate in the scheme as CWCs will incur the costs of funding shortfalls.

This fact is particularly relevant for organisations who have not traditionally acted as employment brokers and who, as a consequence, are less likely to accurately estimate costs in their first tender.

Those organisations that have not previously acted as an employment broker may be better placed to participate as *Host Sponsors*. The operating environment of a host sponsor will have a reduced margin for error, as the extent of their role and responsibilities will have been clearly defined during negotiations between DEWRSB and the local CWCs. That is, the host sponsor will be in a position to submit project proposals on the basis of actual costs.

#### Recommendations (GMO6)

1. That Council commence discussions with organisations selected by DEWRSB as WFTD Community Work Co-ordinators (CWCs) for the 2000 - 2001 funding round.
2. That the focus of these discussions relate to developing proposals for suitable WFTD projects to be undertaken by Lismore City Council acting as a Host Sponsor or in conjunction with other Host Sponsors.

**The Community Work Co-ordinator must:**

- Consult broadly within the ESA and with local Area Consultative Committees (ACCs) on regional employment issues and about relevant work experience opportunities;
- Develop viable work experience opportunities from within the local community;
- Seek projects from prospective host sponsors, including small community organisations, discussing project requirements and assisting with project descriptions;
- Seek advice on the community benefit of a project from their local ACC;
- Provide DEWRSB with project applications from prospective host sponsors, for approval;
- Interview eligible job seekers, negotiate draft Work for the Dole activity agreements with eligible participants, and in turn refer eligible participants to host sponsors;
- Manage participants in their placement over the six months work experience period;
- Manage most aspects of administration of the projects, including assessing potential project applications and completing necessary forms for Centrelink (including advising Centrelink of a job seeker's refusal to undertake a placement) and DEWRSB;
- Provide DEWRSB with payment schedules to allow DEWRSB to pay Work Experience fees direct to the host sponsors on behalf of the Community Worker Co-ordinator;
- Establish a relationship with Centrelink to ensure an efficient referral process, commencement of activities/projects, client flows in and out of activities/projects;
- Cancel Work for the Dole placements for inappropriate behaviour or unauthorised absences (three days in total) and notify Centrelink;
- Monitor host sponsors;
- Refer additional eligible participants to host sponsors when participants leave a placement;
- Market activities and projects that have been approved to the community to maximise recruitment opportunities;
- Abide by DEWRSB's Code of Conduct;
- Develop and implement dispute resolution procedures for Work for the Dole participants who are undertaking work experience with the host sponsor;
- Ensure placements are available from January 2000 up to and including June 2001, in line with the overall projected growth of the Work for the Dole programme and local seasonal conditions/influences; and
- Adhere to other contractual requirements.

*Summary of responsibilities - Host Sponsors*

*Appendix 2*

**The Community Work Co-ordinator must ensure that host sponsors will:**

- Provide work experiences for participants;
- Assist the Community Work Co-ordinator in managing the placement and work experience;
- Provide on-site supervision of Work for the dole participants, ensuring relevant Occupational Health and Safety (OH&S) legislative requirements are met;
- Work co-operatively with the Community Work Co-ordinator to ensure the success of the placement and project;
- Manage the project, reporting and keeping records on participant attendance (eg timesheets) and notifying Community Work Co-ordinators of unauthorised absences;
- Allow DEWRSB and the Community Work Co-ordinator access to the participants and the project site for the purpose of monitoring participation and project progress;
- Provide Community Work Co-ordinators with the necessary information to acquit Work Experience fees paid from DEWRSB direct to the host sponsor;
- Notify the Community Work Co-ordinator of participant's withdrawal from a project as soon as possible so the Community Work Co-ordinator can arrange a replacement participant; and
- Adhere to appropriate legislation and privacy principles, particularly concerning participant records.

Subject/File No: AUTHORISATION OF COUNCIL OFFICERS UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997 (MK:MJK: S392)

Prepared By: Manager-Environmental Health - Matt Kelly

Reason: To advise Council of the commencement of the new legislative framework.

Objective: Appointment of Authorised Officers.

Management Plan Activity: Environmental Health

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### Background:

The Protection of the Environment Operations Act 1997 (POEO Act) commenced on July 1, 1999, making significant changes to current environmental legislative frameworks within the State of NSW. The POEO Act has brought together under a single Act the key environmental legislation dealing with all types of pollution. It replaces the Clean Air Act 1961, the Clean Waters Act 1970, the Environmental Offences and Penalties Act 1989, the Noise Control Act 1975 and the Pollution Control Act 1970, all of which now have been repealed, and incorporates the major regulatory provisions of the Waste Minimisation and Management Act 1995, including the powers of authorised officers under that Act. The key aim of the POEO Act is to differentiate more clearly between the regulatory responsibilities of the Environment Protection Authority (EPA) and those of local authorities such as Councils. The POEO Act also widens the powers of local authorities to deal with environmental offences, although there are still limitations on the use of these powers.

### **What Types of Premises and Activities do Council Regulate?**

In general local authorities are responsible for regulating all non-scheduled premises and activities (as listed by the Act), except where:

- the premises are occupied by, or the activity is operated by the State or a public authority, or
- a public authority has been declared by the regulations as the appropriate regulatory authority for the premises or activity, or
- an Environment Protection Licence to control water pollution has been issued by the EPA for the premises or activity.

A local authority may exercise its powers only in or in relation to the local authority's area. This enables a Council to exercise its powers outside its local government area, provided the powers are being exercised "in relation to" the local authority's area.

### **Authorisation of Council Officers to Undertake Fully Their Regulatory Responsibilities**

Council should have on staff officers who have been appointed as authorised officers under the POEO Act to ensure, as the local authority, regulatory responsibilities and community expectations can be fulfilled. This basically involves reappointing staff who were appointed under the old legislation. Councils are now responsible for appointing their own officers and deciding which staff may exercise all or some of the powers of an authorised officer under the POEO Act. Section 187(2) of the POEO Act allows Councils to appoint any officer or employee, including a class of such officers or employees, as an authorised officer for the purposes of the Act. Such appointments may be subject to conditions, limitations or restrictions or given only for a limited purpose.

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**How to Authorise Officers**

The POEO Act provides Councils with powers to appoint authorised officers and issue them with identification cards. However, it is recommended that Council delegate both these powers to the General Manager of Council, pursuant to Section 377 of the Local Government Act 1993.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Not required.

Other Group Comments

Not required

Recommendation (PLA46)

That Council delegate the powers to authorise officers under the Protection of the Environment Operations Act 1997 to the General Manager, pursuant to Section 377 of the Local Government Act 1993.

Subject/File No: APPLICATION TO CLOSE PART OF AN UNFORMED PORTION OF ROSS STREET, LISMORE WITH A VIEW TO PURCHASE WHEN CLOSED. (R7132)

Prepared By: Andrew Lovett - Manager Business Development

Reason: Request by applicants - Southern Cross University

Objective: To obtain Council approval to close and purchase part of Ross Street Lismore.

Management Plan Activity: N/A

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### Background:

On June 22, 1999 Council received a request for the road closure and purchase of the unformed, southern portion of Ross Street from Southern Cross University. This land forms a link between the University's Ross Street student housing and the main campus. The University would like to construct pedestrian walkways for the students and vehicle access for security purposes.

A related issue to this road closure involves the transfer of an unformed portion of Ballina Street to the University. This second parcel of land is under Crown control and is not vested in Lismore City Council. Information received from Walker & Newton, Consulting Surveyors and Planners, acting on behalf of the Southern Cross University, indicates that the State Government is, at this time, moving to vest the second parcel of land to Southern Cross University.

### Departmental Comments:

Council's **Planning and Development Group** have indicated that they have no objection to the closure subject to access being maintained for Lot 12 DP 241095 (therefore road to be closed only to southern boundary of Lot 12). No objections have been raised by the **Planning and Development Group** provided the road closure is undertaken in accordance with set Department Land and Water Conservation criteria.

Mr Moorhouse, Group Manager, **City Works** has indicated no objections to the closure of the unformed section of Ross Street.

The Water and Sewerage Department has indicated that the subject parcel of land has a 150mm-diameter water main passing through it. This main has recently been renewed and a Works As Executed Plan showing its new location is not yet available. An easement over the main is required. Due to the difficult access problems on the site, a wider than normal easement would be required and ideally it would be desirable for any proposed pathways to be located over the easement. This would allow for the area to be kept clean of undergrowth and, should access be required, there would be less disturbance to the bushland. A five (5) metre wide easement centrally located over the water main is required. There are no other objections.

### Public Consultations

In accordance with Department of Conservation and Land Management guidelines public consultation will occur at the time of preliminary gazettal, if approved.

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Recommendations (ENT12)

1. That the application to close the unformed southern end of Ross Street, Lismore be endorsed and the application be sent to the Department of Land and Water Conservation for adoption and gazettal if approved.
2. Any costs associated with the road closure be borne by the applicant.
3. That a five (5) metre wide easement centrally located over the water main be approved. Details of any proposed development to be submitted and approved prior to commencement of work.
4. That if such application is approved by the Department, then the land be surveyed and, subject to a deposited plan/identifier being issued, then such allotment be sold to Southern Cross University at market value determined by a registered valuer.
5. That the General Manager be authorised to sign any documents necessary to bring about the action (i.e. Contracts of Sale/Transfer).

Subject/File No: APPLICATION TO CLOSE PART OF HAYWOOD LANE ADJACENT TO LOT 1 DP 810168 (BEING 1 LAGOON GRASS ROAD, LAGOON GRASS) WITH A VIEW TO PURCHASE WHEN CLOSED. (R4403)

Prepared By: Andrew Lovett - Manager Business Development

Reason: Request by applicants - G & B Bates

Objective: To obtain Council approval to close and purchase part of Haywood Lane.

Management Plan Activity: N/A

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### Background:

On June 1, 1999 Council received a request for the road closure and purchase of part of Haywood Lane from George and Bronwyn Bates.

A portion of the Road Reserve in question is currently under Grazing Licence by Mr and Mrs Bates. The licence is for the period July 1, 1998 to June 30, 2001.

Council's **Planning and Development Group** have indicated they have no objection to the sale subject to Council's City Works approval. **City Works Group** have indicated that they have no objections to the sale of that portion of road identified.

### Public Consultations

In accordance with Department of Conservation and Land Management guidelines public consultation will occur at the time of preliminary gazettal, if approved.

### Recommendations (ENT11)

1. That the application to close part of Haywood Lane adjacent to Lot 1 DP 810168 (being 1 Lagoon Grass Road, Lagoon Grass) be endorsed and the application be sent by the applicants to the Department of Land and Water Conservation for adoption and gazettal if approved.
  2. Any costs associated with the road enclosure be borne by the applicants.
  3. That if such application is approved by the Department, then the land be surveyed and, subject to a deposited plan/identifier being issued, then such allotment to be sold to Mr and Mrs Bates at market value determined by a registered valuer.
  4. That the General Manager be authorised to sign any documents necessary to bring about the action (i.e. Contract of Sale/Transfer).
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Subject/File No: ATTENDANCE AT THE AUSTRALIAN AIRPORTS ASSOCIATION CONFERENCE (CWK:CD:S370)

Prepared By: Craig Kelly - Group Manager Business and Enterprise

Reason: Councillor attendance at an interstate conference

Objective: To obtain Council authorisation for Cr Crowther to attend the Australian Airports Association conference in Melbourne, Victoria (Policy No. 1.2.2.)

Management Plan Activity: Airport

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Background:

The Airport Owners Association Conference will be held in Melbourne, Victoria from August 8, 1999 to August 12, 1999. It is customary for the Chairman of the Aerodrome Advisory Panel and either the Group Manager - Business and Enterprise or Airport Manager to attend.

The conference is the single largest gathering of airport owners in Australia and represents a substantial lobby group to aviation policy makers.

The expected cost of attendance at the conference is estimated to be \$2,100. This amount is to be allocated to Councillor Professional Development (A/C 2055.2).

A copy of the conference agenda is attached, together with copy of Policy No. 1.2.2.

Conclusion

Attendance at the Australian Airports Conference is considered to be necessary and consistent with prior years.

Recommendation (ENT10)

That Council resolve to authorise the attendance of Cr John Crowther to the Australian Airports Conference in Melbourne, Victoria.

Subject/File No: APPOINTMENT OF COMMUNITY REPRESENTATIVE TO PUBLIC  
TRANSPORT ADVISORY PANEL  
(HM:MJK: S135/8)

Prepared By: Manager-Strategic Planning - Helen Manning

Reason: To inform Council of an application to join the Public Transport Advisory  
Panel.

Objective: To obtain Council's endorsement of the Panel's recommendation.

Management Plan Activity: Strategic Planning

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Background:

The membership of the Public Transport Advisory Panel comprises representatives of the various transport operators in Lismore, community representatives, Councillors and relevant staff.

Due to a resignation from the Panel, there has for some time been a vacancy for a community representative. An application to fill this position has now been received from Mr Nathan Kesteven of Lismore.

A copy of Mr Kesteven's letter is in the attachment to this Business Paper.

**Recommendation of Public Transport Advisory Panel**

At its meeting of June 16, 1999, the Panel considered Mr Kesteven's application and resolved unanimously to invite him to fill the position of community representative on the Panel.

A copy of the Minutes of the Panel's meeting are also in the attachments to this Business Paper.

Manager - Finance & Administration Comments

Not required.

Other Group Comments

Not required.

Recommendation (PLA45)

That Council endorse the recommendation of the Public Transport Advisory Panel to invite Mr Nathan Kesteven to join the Panel as a community representative.

Subject/File No: REVIEW OF POLICIES  
(PS: S9)

Prepared By: Group Manager-Planning and Development – Phil Sarin

Reason: Council requirement.

Objective: To ensure all policies are relevant.

Management Plan Activity: N/A

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Background:

Earlier this year Council reviewed and made a number of changes to its policies. At that time, the Planning and Development Group was in the process of finalising its own internal review of policies relevant to the group and outlined that a further report would be presented to Council later in the year.

The following list of recommended changes is the result of the review process.

**Council Policies**

**3.1.1 Definition of Nuclear Free Peace Zone**

Status: Current  
Recommendation: That the wording within the Section Responsible be amended to read “Environmental Health and Development Control”.

**3.1.2 Horses**

Status: Obsolete  
Recommendation: This Policy has been superseded by adoption of ‘Local Orders Policy – Keeping of Animals for Domestic Purposes. Revoke.

**3.1.3 Pigeons**

Status: Obsolete  
Recommendation: As for 3.1.2

**3.1.4 Poultry**

Status: Obsolete  
Recommendation: As for 3.1.2

**3.1.6 Mobile Ice-cream Vendors – Operational Requirements**

Status: Obsolete  
Recommendation: New Codes for (1) Mobile Food Vehicles & Street Vending; and (2) Commercial Home Catering have been prepared and supersede Policy 3.1.6. Revoke.

**3.1.7 Mobile Food Vendors – Operation Thereof**

Status: Obsolete  
Recommendation: As for Policy 3.1.6. Revoke.

**3.1.8 Registration and Licensing of Hawkers**

Status: Obsolete  
Recommendation: As for Policy 3.1.6. Revoke.

**3.1.9 Soil Erosion and Sedimentation Control**

Status: Obsolete  
Recommendation: This is a procedural matter that has been effectively addressed through the development assessment process and within a chapter of Council's Construction Manual. Revoke.

**3.1.13 State of the Environment Report**

Status: Obsolete  
Recommendation: The Local Government (General) Regulations 1993 defines the reporting requirements and frequency for SOE reports.  
Revoke.

**5.2.26 Contaminated Land**

Status: Current  
Recommendation: That Clauses 1 and 2 be amended to read: "That development assessment processes will be in accordance with the Department of Urban Affairs and Planning Guideline 'Managing Land Contamination' to ensure appropriate liability protection afforded by the Environmental Planning & Assessment Act."

**5.2.1 Termination of Development Consent**

Status: Current  
Recommendation: Alter title to read 'Notice to Complete Development' and correct reference to the new Act.

**5.2.14 Scale Models for Major Developments**

Status: Obsolete  
Recommendation: Not aware that this policy has ever been enforced. Revoke.

**9.1.1 Fences & Screen Walls**

Status: Current  
Recommendation: Delete the first paragraph under heading 'Applications' in Part A. Substitute 'Manager, Building & Regulation' for 'Chief Health & Building Surveyor'.

**11.2.1 Bed & Breakfast Establishments**

Status: Current  
Recommendation: The Environmental Health & Building Regulation component of this policy has recently been reviewed against the Bed & Breakfast document prepared by the LGSA.  
Amend policy to refer to new Council Bed & Breakfast requirements.

In addition to the above list, there are a number of other policies still under review which will be reported to Council upon their completion.

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Recommendation (PLA49)

That the polices identified in the report be amended or revoked as recommended.

Subject/File No: INVESTMENTS HELD BY COUNCIL AS AT JUNE 30, 1999  
(GB/LM: S170)

Prepared By: Financial Accountant, Graeme Blanch

Reason: To comply with Section 625 of the Local Government Act.

Objective: To invest Council's surplus funds to best advantage to comply with Council's investment policies.

Management Plan Activity: General Purposes Revenues

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Information:

The attached list of investments held by Council with various financial institutions has been made in accordance with Section 625 of the Act and in accordance with Council's investment policies.

Council's total investment for June amounted to \$23,723,857.03 with an average return of 5.09%. Interest rates at the same time last year were 5.30%. Council's average monthly investment was \$21.5M for 1998/99 compared to \$21.6M for 1997/98. Current indicators reflect the interest rates to remain at their current levels.

Financial Section

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not requested.

Recommendation (COR34)

That the report be received and noted.

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## DOCUMENTS FOR SIGNING AND SEALING

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

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

### Recommendation:

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

Funding Agreement - Department of Community Services  
Funding Agreement for Koala Long Day Care Centre, Local Government Salary Subsidy  
Community Worker from 1/7/99 to 30/6/2000.  
(9910767: S389)

Declaration - NSW Department of Community Services  
Licensing assessment of Child Care Services in NSW - Koala Child Care Centre - for 12 months to  
19/6/2000.  
(P17488)

Declaration - NSW Department of Community Services  
Licensing assessment of Child Care Services in NSW - Gingerbread Occasional Care Centre - for 12  
months to 19/6/2000.  
(P9918)

Lease - Suite 3B/186 Molesworth Street, Lismore  
Council to Dataline.net.au Pty Ltd - term of 2 years from 1/3/99 to 28/2/2001.  
(99-10424: P6832)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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

- a) personnel matters concerning particular individuals;
- b) the personal hardship of any resident or ratepayer;
- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- d) commercial information of a confidential nature that would, if disclosed:
  - prejudice the commercial position of the person who supplied it, or
  - confer a commercial advantage on a competitor of the council, or
  - reveal a trade secret;
- e) information that would, if disclosed, prejudice the maintenance of law;
- f) matters affecting the security of the council, councillors, council staff or council property;
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground 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 1: Report - Skyline Road Upgrading - Investigation Report (Deferred from meeting 29/6/99) (Please bring attachment from that meeting.)**

**Grounds for Closure -**

**Section 10D(2):**

- a) Section 10A (2)(a)
- b) Skyline Road Upgrading - Investigation Report
- c) Not required

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 29, 1999 AT 6.00PM.

Present: Her Worship the Mayor, Councillor Irwin; Councillors Champion, Cole, Crowther, Gallen, Gates, King, Larsen (from 6.15pm), Riddell, Roberts, Swientek and Wilson (from 6.58pm), together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Communications & Marketing Officer, Manager-Client Services, Contracts Engineer, Manager-Finance & Administration, Waste Strategy Officers (Gordon Fraser-Quick and Nicole Greenwood) and Administrative Services Manager.

Apologies/  
Leave of  
Absence: NIL

194/99 Minutes: The Minutes of the Ordinary Meeting held on June 8, 1999 and the Minutes of the Resumed Ordinary Meeting held on June 15, 1999 were confirmed.  
(Councillors Roberts/Larsen)

PUBLIC ACCESS SESSION:

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

Mr David Tomlinson re Mayoral Minute - Fix the Roads Working Party  
(See Minute No. 196/99)

Mr Tomlinson supported the formation of the Working Party and urged it to commence work as soon as possible. He claimed the existing roads policy had failed and that this was an opportunity to involve the community and to review current work practices.  
(S374)

Mr Geoff Allen - Notice of Motion - Roads

Mr Allen spoke against the motion, arguing that there were other criteria rather than current sealing to base future roadworks on. (99-9789: S745)

Mr Lindsay Walker re Notice of Motion - EIS for Flood Levee Scheme  
(See Minute No. 198/99)

Mr Walker spoke in his capacity as Chairperson of the Lismore Levee Scheme. He outlined the objectives of the scheme, work done to date and the elements of the Scheme. He requested Council to make a submission supporting the levee scheme.  
(99-9787: S106)

Mr Tony Clarke re Report - 1999/2000 Management Plan  
(See Minute No. 203/99)

Mr Clarke advised he was the Executive Director of the North Coast Academy of Sport. He outlined the Academy's program and objectives and stressed its links with the community. He sought Council's continued financial support. (S726)

Mr Neville King re Report - 1999/2000 Management Plan

(See Minute No. 203/99)

Mr King urged Council to change direction, not to burden ratepayers with grandiose schemes such as the Airport Terminal and Aquatic Centre, but to rein in spending and reduce rates.

(S726)

Mr Paul Recher re Report - 1999/2000 Rates and Charges

(See Minute No. 204/99)

Mr Recher, with 52 years of experience, spoke against the proposal to extend the "special road rate" without referral to the people by referendum as previously resolved by Council.

(S384)

Mr Lindsay Walker & Mr Graham Meineke re Report - Lismore Contributions Plan

(See Minute No. 205 & 207/99)

Both speakers supported the proposed reduction in Section 94 levies and congratulated Councillors and staff on their efforts to achieve a 50% reduction in levies.

(S517)

Mr Bill Sheaffe re Outdoor Dining Charges Review

(See Minute No. 208/99)

Mr Sheaffe spoke in support of the concept of outdoor eating. He supported the thrust of the report which would lead to the encouragement of such facilities.

(S317)

CONDOLENCE:

Family of the Late Keith Robson

Keith Robson was born at Woodburn in 1909 and attended Lismore High School. He served in the Air Force during World War 2 in the Pacific Region and continued as a member of the Air Force Association, Lismore Branch. He was also a freemason, attending Lismore City United Lodge No. 77.

After the war Keith served as a Councillor on Lismore City Council from December 1947 to 1950, as Deputy Mayor for 12 months, also as Acting Mayor for 8 months.

Keith was the manager of W Robinson & Son Holden Outlet, now John Chant Motors. Then in the late 60's early 70's he went into business as a chartered accountant and continued his practice until retiring at age 83.

A long term resident of Lismore and a very highly respected member of the community, Keith passed away on June 26, aged 90 years. He is survived by David and Margaret Robson, Beth and Bob Trevan, Lew and Pauline Robson and their families, and his sister, Clare Howard of Tweed Heads.

195/99

The Mayor moved that Council's expressions of sympathy be conveyed to the family of Mr Robson and the motion was carried with members standing and observing the customary moment's silence.

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(S75)

MAYORAL MINUTE:

Fix the Roads Working Party

(Tabled) (Copy attached)

196/99 RESOLVED that the minute be received and -

- 1 That where there are multiple nominations the representatives be determined by a show of hands, with the nominee with the lowest number of votes being excluded and a further vote occurring until one nominee remains. Otherwise that those people who have nominated be accepted as members of the Committee.
- 2 That the inspection tour for the Committee be organised for 10 July.
- 3 That the first meeting of the Committee be organised to a date to be fixed. This meeting should be briefed in detail as to its role, and it should also consider how to establish priorities for work for the coming 12 months.

(Councillors Irwin/Wilson)

A MOTION WAS MOVED that Gary Woolley be appointed as an additional nominee for the South East area on the basis of the large geographic size of the area.

On submission to the meeting the MOTION was DEFEATED.

**Voting Against:** Councillors Irwin, Roberts, Wilson, King, Cole, Riddell, Swientek, Gallen and Crowther.

Following the election, the nominees for the Working Party were declared as follows:

Urban West	Vince Collins
Urban East	H J Flannery
South East	Neville/Lloyd Moss
North West	Terry McNamara
Nimbin	Sonia Atkinson
The Channon	Ken Chelsworth
North East	Stan Heywood

197/99 FURTHER RESOLVED that Council thank all applicants for their interest in submitting a nomination and advise them that they are able to attend meetings of the Working Party at any time and able to make submissions where appropriate.

(Councillors Swientek/Larsen)

A MOTION WAS MOVED that organisational representatives to the Working Party nominate an alternate delegate to attend meetings on their behalf.

On submission to the meeting the MOTION was DEFEATED.

(Councillors Roberts/Larsen)

**Voting Against:** Councillors Irwin, Champion, King, Cole, Swientek, Gallen and Crowther.

(S374)

NOTICE OF MOTIONS:

Priorities for Fix the Roads Working Party

(Copy attached)

Formal notice having been given by Councillor Gates it was MOVED that Council advise the roads committee as follows:

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- 1 Council's priority is to rehabilitate existing bitumen roads which have failed or have deformed to a stage whereby they are unsafe to traverse at reasonable speed.
- 2 The bitumen road network should not be extended at the expense of the existing network.
- 3 Reverting existing bitumen roads back to gravel should not be considered unless there are exceptional circumstances.

(Councillors Gates/Champion)

On submission to the meeting the MOTION was DEFEATED.

**Voting Against:** Councillors Irwin, Roberts, Larsen, Wilson, King, Cole and Gallen.,  
(98-9789: S745)

#### EIS for Flood Levee Scheme

(Copy attached)

198/99 Formal notice having been given by Councillor Gates it was RESOLVED -

- 1 That Lismore City Council acknowledge the public exhibition by Richmond River County Council of its Environmental Impact Statement for the Lismore Flood Levee Scheme which details the following benefits:
  - a) Elimination of flooding in Central Lismore up to a gauge height of 10.95m AHD.
  - b) Protection from the 1-in-10 year flood for all habitable floors of residences in Central, South and North Lismore.
  - c) A reduction in average annual flood damages of \$2.3 million.
  - d) Protection from 1-in-10 year flooding of 490 commercial/industrial premises.
  - e) Rejuvenation of Lismore's confidence and status as the regional business centre.
  - f) Boosting the local economy through an injection of \$9.4 million in new money.
- 2 That Lismore City Council send a strong message to the community, that it wholeheartedly endorses the Lismore Levee Scheme by lodging a formal submission with Richmond River County Council, during the EIS exhibition period, confirming its willingness to financially support this proposed flood protection scheme for Lismore.

(Councillors Gates/Crowther)

**Voting Against:** Councillors Irwin, Roberts and Wilson.

Dissenting Vote:

Councillor Wilson.

A MOTION WAS MOVED that Council request Richmond River County Council to extend the period that the EIS is on display to 8 weeks in lieu of 5 weeks.

(Councillors Irwin/Wilson)

On submission to the meeting the MOTION was DEFEATED.

**Voting Against:** Councillors Larsen, Champion, King, Cole, Riddell, Swientek, Gallen, Gates and Crowther.

(99-9787: S106)

#### Referendum on Electoral Reform

(Copy attached)

Formal notice was given by Councillor Gallen that Lismore City Council opposes the State Government conducting its Referendum on Electoral Reform to the New South

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Wales Upper House on Local Government Election Day and further, that Council inform the Premier and our Local Members, Thomas George and Don Page, of its objections. The motion was WITHDRAWN. (99-9742: S14)

"Nuclear Free Zone" Signs

(Copy attached)

Formal notice having been given by Councillor Wilson it was MOVED that -

- 1 Lismore City Council re-erect "Nuclear Free Zone" signs at the previous locations around the Local Government area. Further that Council pursue avenues to ensure that these signs represent fact and are not just a token gesture.
- 2 Council support in principle a proposal to rejoin the Nuclear Free Zone Secretariat subject to the receipt of further information.

(Councillors Wilson/Larsen)

MOTION BE PUT:

199/98 RESOLVED that the motion be put.  
(Councillors Champion)

200/99 RESOLVED that -

- 1 Lismore City Council re-erect "Nuclear Free Zone" signs at the previous locations around the Local Government area. Further that Council pursue avenues to ensure that these signs represent fact and are not just a token gesture.
- 2 Council support in principle a proposal to rejoin the Nuclear Free Zone Secretariat subject to the receipt of further information.

(Councillors Wilson/Larsen)

**Voting Against:** Councillors Champion, King, Cole, Swientek, Gates and Crowther. The voting being tied the Mayor declared the motion CARRIED on her casting vote. (99-9597: S244)

SUSPENSION OF STANDING ORDERS:

201/99 RESOLVED that standing orders be suspended and Council now deal with the undermentioned matters:-

- Report - Lismore Airport - New Terminal, Taxiway & Carpark Tenders
- Report - 1999/2000 Management Plan
- Addendum Report - 1999/2000 Management Plan
- Report - 1999/2000 Rates and Charges
- Report - Lismore Contributions Plan
- Report - Outdoor Dining Charges Review

(Councillors Crowther/Larsen)

Lismore Airport - New Terminal, Taxiway & Carpark Tenders

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 That the tender from McMaster QLD, in the amount of \$2,067,296, be accepted for the design and construction of the Lismore Airport Terminal and associated facilities.

2 The 1999/2000 Management Plan be amended to reflect the increase in loan funds allocated to this project (\$343,000) and the changes in the operating budget detailed in the attached Lismore Aerodrome - Cash Flow Analysis - 1997/98 to 2018/19.

3 Council thank the staff and members of the Project Team involved in bringing this matter to fruition.

(Councillors Crowther/Larsen)

AN AMENDMENT WAS MOVED that the report be received and although Council prefers the tender by McMaster QLD, Council will await the outcome of the licensing arrangements to be determined in five months time and then seek an agreement to whoever has been awarded the licence to provide some sort of evidence of commitment from the service provider to maintain the long term viability of the airport.

(Councillors Swientek/Gallen)

On submission to the meeting the AMENDMENT was DEFEATED.

**Voting Against:** Councillors Irwin, Roberts, Larsen, Wilson, Champion, King, Cole, Riddell, Gallen, Gates and Crowther.

202/99 RESOLVED that the report be received and -

1 That the tender from McMaster QLD, in the amount of \$2,067,296, be accepted for the design and construction of the Lismore Airport Terminal and associated facilities.

2 The 1999/2000 Management Plan be amended to reflect the increase in loan funds allocated to this project (\$343,000) and the changes in the operating budget detailed in the attached Lismore Aerodrome - Cash Flow Analysis - 1997/98 to 2018/19.

3 Council thank the staff and members of the Project Team involved in bringing this matter to fruition.

(Councillors Crowther/Larsen)

**Voting Against:** Councillors Champion, Swientek and Gallen.

(T99011)

ADJOURNMENT:

The meeting adjourned at 9.20pm and resumed at 9.40pm.

Report - 1999/2000 Management Plan

(Copy attached)

Addendum Report - 1999/2000 Management Plan

(Tabled) (Copy attached)

A MOTION WAS MOVED that the report be received and -

1 Council not continue with the 4.86% "road rate levy" but increase its rates by 2.4% which will leave an operating surplus of \$20,000 without any additional capital expenditure.

- 2 The following items be acknowledged as savings which would result in \$520,000 being available for capital expenditure by this and the next council and that any additional capital expenditure be decided on by the council of the day based on detailed reports and submissions presented to the council.

Surplus	20,000
Salary Budget (Plant)	30,000
Additional FAGS	130,000
Water & Sewerage	44,000
Blakebrook Quarry Dividend	50,000
Flood & Storm Damage Reserve	152,000
Aquatic & Leisure Centre	24,000
Library	<u>70,000</u>
	<u>\$520,000</u>

(Councillors Swientek/Gallen)

AN AMENDMENT WAS MOVED that the report be received and Council adopt the advertised draft Management Plan including the Budget and Fees & Charges, inclusive of the following:

- 1 Council annual contribution to Richmond River County Council be increased by \$3,000.
- 2 Council agree to the subsidised works program as suggested by Richmond River County Council on the basis that:
  - a) McPherson's Culvert be deferred for further consideration in 2000/2001.
  - b) Browns Creek Drain be included pending the outcome of discussion between stakeholders relating to Council Minute 61/99.
  - c) All additional funding required to meet the subsidised works program be funded from the Flood Mitigation Reserve.
- 3 The charge for the Integrated Waste Collection Service be set at \$111 and the respective budgets be amended.
- 4 All submissions to the 1999/2000 Management Plan be received and all issues/concerns raised noted.
- 5 In relation to the Laurie Allan Centre, the hourly rate for the Sharon Sidney School of Dancing be set at \$6.30/hour.
- 6 The Manager - Parks & Reserves prepare a paper on the subject of 'Charging for Major Sporting Events' including a percentage of the gate, for distribution to Councillors.
- 7 The 1999/2000 annual fee for the Model Flying Club be set at \$450.
- 8 In relation to the Goonellabah Community Centre, the advertised fees & charges be increased by 1%.
- 9 An 'interim dividend' from Blakebrook Quarry of \$50,000 be recognised and allocated to roads.
- 10 Governance Charges to Water and Sewerage Funds be increased by \$22,000 each (Total \$44,000) and allocated to roads.
- 11 The Flood & Storm Damage reserve of \$152,000 be utilised for roads
- 12 The reconstruction of Airport Drive to \$100,000 be included on the basis of the funding being provided and carried forward from 1998/99.

- 13 That \$80,000 from the Information Services reserve be used to fund the capital component of the Councillors Computer allocation on the basis that prior to the provision of these facilities, a report be presented to the incoming Council on whether or not to provide computer services and the implications on the reserve. Also, the \$80,000 not required for this purpose be allocated to roads.
- 14 Of the \$136,900 in additional Financial Assistance Grant Funds to be received, at least \$49,000 be allocated to the Operating Surplus (Total \$50,000) and the balance of \$87,900 be allocated to roads.

(Councillors Crowther/Larsen)

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

**Voting Against:** Councillors Champion, Riddell, Swientek, Gallen and Gates.

- 203/99 RESOLVED that the report be received and Council adopt the advertised draft Management Plan including the Budget and Fees & Charges, inclusive of the following:
- 1 Council annual contribution to Richmond River County Council be increased by \$3,000.
  - 2 Council agree to the subsidised works program as suggested by Richmond River County Council on the basis that:
    - a) McPherson's Culvert be deferred for further consideration in 2000/2001.
    - b) Browns Creek Drain be included pending the outcome of discussion between stakeholders relating to Council Minute 61/99.
    - c) All additional funding required to meet the subsidised works program be funded from the Flood Mitigation Reserve.
  - 3 The charge for the Integrated Waste Collection Service be set at \$111 and the respective budgets be amended.
  - 4 All submissions to the 1999/2000 Management Plan be received and all issues/concerns raised noted.
  - 5 In relation to the Laurie Allan Centre, the hourly rate for the Sharon Sidney School of Dancing be set at \$6.30/hour.
  - 6 The Manager - Parks & Reserves prepare a paper on the subject of 'Charging for Major Sporting Events' including a percentage of the gate, for distribution to Councillors.
  - 7 The 1999/2000 annual fee for the Model Flying Club be set at \$450.
  - 8 In relation to the Goonellabah Community Centre, the advertised fees & charges be increased by 1%.
  - 9 An 'interim dividend' from Blakebrook Quarry of \$50,000 be recognised and allocated to roads.
  - 10 Governance Charges to Water and Sewerage Funds be increased by \$22,000 each (Total \$44,000) and allocated to roads.
  - 11 The Flood & Storm Damage reserve of \$152,000 be utilised for roads
  - 12 The reconstruction of Airport Drive to \$100,000 be included on the basis of the funding being provided and carried forward from 1998/99.
  - 13 That \$80,000 from the Information Services reserve be used to fund the capital component of the Councillors Computer allocation on the basis that prior to the provision of these facilities, a report be presented to the incoming Council on whether or not to provide computer services and the implications on the reserve. Also, the \$80,000 not required for this purpose be allocated to roads.

- 14 Of the \$136,900 in additional Financial Assistance Grant Funds to be received, at least \$49,000 be allocated to the Operating Surplus (Total \$50,000) and the balance of \$87,900 be allocated to roads.

(Councillors Crowther/Larsen) (\$726)

**Voting Against:** Councillors Champion, Swientek, Gallen and Gates.

Dissenting Vote:

Councillors Champion, Swientek, Gallen and Gates.

Report -1999/2000 Rates and Charges

(Copy attached)

204/99 RESOLVED that the report be received and -

**(A) SUBJECT: GENERAL FUND RATES**

Whereas Council has advertised its Draft Management Plan for 1999/2000, in accordance with Section 405 of the Local Government Act, 1993, and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that a **Business Rate** sub-category to be known as the **“Business Inner CBD”** Rate, of **three point three four eight two (3.3482) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and sixty four dollars forty cents (\$364.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000, on all rateable land within the centre of activity known as the ‘Inner CBD’ and within the area shown in Schedule ‘C’ and which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (ii) It is hereby resolved that a **Business Rate** sub-category to be known as the **“Business Urban”** Rate, of **two point three two two eight (2.3228) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and sixty four dollars forty cents (\$364.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000, on all rateable land within the centre of activity outside the Inner CBD but within the urban area of Lismore as shown in Schedule ‘D’, which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iii) It is hereby resolved that a **Business Rate** sub-category to be known as the **“Business Other”** Rate, of **two point zero two five six (2.0256) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and sixty four dollars and forty cents (\$364.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000, on all rateable land in the City of Lismore but not within the areas defined in Schedules ‘C’ and ‘D’ attached which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iv) It is hereby resolved that a **Farmland Rate**, to be known as the **“Farmland Rate”** of **point seven nine four two (.7942) of a cent in the dollar**, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and sixty four dollars forty cents (\$364.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000, on all rateable land in the City of

Lismore area, which meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993.

- (v) It is hereby resolved that a **Residential Rate** to be known as the “**Residential Rate**” of **one point five four zero three (1.5403) cents in the dollar**, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and sixty four dollars forty cents (\$364.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000, on all rateable land within the centres of population defined in Schedule 'A' attached, meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.
- (vi) It is hereby resolved that a Residential Rate sub-category to be known as “**Residential Billen**” of **one point five four zero three (1.5403) cents in the dollar**, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **two hundred and fifty six dollars forty cents(\$256.40)** per assessment, be now made for the rating year July 1, 1999 to June 30, 2000 on all rateable land within the centre of population defined in Schedule 'B' attached, meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.
- (vii) It is hereby resolved that a Residential Rate sub-category to be known as the “**Residential Rural**” rate of **one point one seven zero eight (1.1708) cents in the dollar**, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **three hundred and sixty four dollars forty cents (\$364.40)** per assessment be now made for the rating year July 1, 1999 to June 30, 2000 on all land which meets the definition of Residential as defined in Section 516 of the Local Government Act, 1993, except for the land described in Schedules 'A' and 'B' attached to this report.

**(B) SUBJECT: SEWERAGE CHARGES**

Council adopted a user pays charging system for sewerage and trade waste discharges at its November 28, 1995 meeting, Resolution 518/95. The adoption of the following draft resolutions will continue this Policy. In addition, Council's adoption of a charge for the monitoring of grease arrestors and corrugated plate interceptors at its January 27 1998 meeting is provided for within the following motions.

**Sewerage and Trade Waste Charges**

Whereas Council has advertised its Draft Management Plan for 1999/2000 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993.

**Lismore Sewerage Scheme**

- (i) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **three hundred and seven dollars (\$307.00)**, per assessment. This charge applies to properties connected to the Lismore Sewerage Scheme and is to be known as the “**Lismore Sewer**” charge for the period July 1, 1999 to June 30, 2000.
  - (ii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule “E”, where the charge is indicated by the number of units of residential occupancy
-

located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Lismore Sewerage Scheme to be known as the **“Lismore Sewer Multiple”** charge for the period July 1, 1999 to June 30, 2000, excluding residential Strata Units.

- (iii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **one hundred and eighty four dollars (\$184.00)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Main and capable of discharging into that main but not connected thereto to be known as the **“Lismore Sewer Unconnected”** charge for the period July 1, 1999 to June 30, 2000.

Lismore Trade Waste Charges

- (iv) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule “F”, where the charge is indicated by the number of equivalent tenements allocated to an assessment in accordance with the methodology set out in Council’s Sewer Usage Charging Strategy to be known as the “Lismore Non-Residential Sewer” charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 1999 to June 30, 2000.

- (v) It is hereby resolved that, in accordance with Sections 502 and 539 of the Local Government Act, 1993, a charge be now made, for properties declared by Lismore City Council to be Established Strength Users in accordance with Lismore City Council’s Trade Waste Policy, Section 3.2, to be calculated in accordance with Lismore City Council’s Sewerage Usage Charging Strategy, Section 2.5, as follows:

- A charge of seventy three cents (73 cents) per kilolitre of discharge; plus
  - A charge of one dollar and ten cents (\$1.10) per kilogram of Biochemical Oxygen Demand; plus
  - A charge of seventy two cents (72 cents) per kilogram of Suspended Solids; plus
  - A charge of one dollar and ninety three cents (\$1.93) per kilogram of Oils and, or Grease
- to be known as the “Established Strength” charge for the period July 1, 1999 to June 30, 2000.

**Nimbin Sewerage Scheme**

- (vi) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of four hundred and thirty seven dollars (\$437.00) per assessment. This charge applies to properties connected to the Nimbin Sewerage Scheme and is to be known as the “Nimbin Sewerage” charge for the period July 1, 1999 to June 30, 2000.
- (vii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule “G”, where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a
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parcel of land connected to the Nimbin Sewerage Scheme to be known as the "Nimbin Sewerage Multiple" charge for the period July 1, 1999 to June 30, 2000, excluding Residential Strata Units.

- (viii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of two hundred and sixty two dollars (\$262.00) per assessment for all rateable parcels of land within 75 metres of a Nimbin Sewer Main and capable of discharging into that main but not connected thereto to be known as the "Nimbin Sewerage Unconnected" charge for the period July 1, 1999 to June 30, 2000.

**Nimbin Trade Waste Charges**

- (ix) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Nimbin Sewer Scheme, as per the attached Schedule "H", where the charge is indicated by the number of equivalent tenants allocated to an assessment, in accordance with the methodology set out in Council's Trade Waste Approvals Policy to be known as the "Nimbin Non Residential Sewer" charge for the period July 1, 1999 to June 30, 2000.

**Lismore & Nimbin Sewerage Schemes**

- i) It is hereby resolved in accordance with Section 501 of the Local Government Act, 1993, that an annual charge of fifty dollars (\$50.00) be now made to monitor the waste from properties with a pre-treatment device installed, to be known as the "WasteSafe Monitoring" charge for the period July 1 1999 to June 30 2000.

**(C) SUBJECT: WATER CHARGES**

Council has adopted a user pays water charging process. To continue this formula the following motions should be adopted.

**Water**

Whereas Council has advertised its Draft Management Plan for 1999/2000 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that in accordance with Section 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **\$84** per fire fighting service; for the year July 1, 1999 to June 30, 2000 to be known as the "**Fixed Service Charge**" is hereby made in respect of:

<b>Size of Service</b>	<b>Fixed Service Charge</b>
20mm	\$ 84
25mm	\$ 140
32mm	\$ 232
40mm	\$ 360

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50mm	\$ 562
65mm	\$ 944
80mm	\$ 1,436
100mm	\$ 2,244
150mm	\$ 5,048

- (ii) In accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's Water Supply but capable of connection thereto and within 225 metres of a Lismore City Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 1999 to June 30, 2000, to be known as the "**Water Availability**" charge, of **\$84.00** per assessment is hereby made.
- (iii) In accordance with Section 502 and 503 of the Local Government Act, 1993 for water recorded by the water meter on a property a charge of **eighty five cents (85 cents)** per kilolitre for the year July 1, 1999 to June 30, 2000 to be known as the "**Consumption**" charge is hereby made.

**(D) SUBJECT: DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES**

Whereas Council has advertised its Draft Management Plan for 1999/2000 in accordance with Section 406 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Oliver Avenue Office, not utilising the domestic waste management service provided by Council to be known as the "**waste availability**" charge, of **twenty dollars (\$20.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 1999 to June 30, 2000.
- (ii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the "**Environment Protection**" charge, of **thirteen dollars and twenty five cents (\$13. 25)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 1999 to June 30, 2000.
- (iii) It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, for the provision of the Nimbin Transfer Station Facility of **thirty dollars (\$30.00)** per assessment, for properties with multiple units of resident occupancy a charge of **thirty dollars (\$30.00)** per unit of residential occupancy located on each assessment, to be known as the "**Transfer Station**" charge. Properties exempted from this charge within the Nimbin Section 94 Plan Area are those properties paying a Waste Collection or Non-Domestic Waste Management Charge for the period July 1, 1999 to June 30, 2000.

- (iv) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **ninety dollars (\$90.00)** per bin collected per annum, to be known as the "**Urban Non-Domestic Waste**" charge for the period July 1, 1999 to June 30, 2000.
- (v) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties located outside the Urban area of Lismore, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **ninety nine dollars (\$99.00)** per bin collected per annum, to be known as the "**Rural Non-Domestic Waste**" charge for the period July 1, 1999 to June 30, 2000.
- (vi) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, maps of which are available at Council's office for the removal, weekly, of a 140 litre approved mobile waste bin. In addition, on a fortnightly basis Council will remove an approved mobile waste bin up to 240 litres. This charge is to be known as the "**Integrated Waste**" collection service for the period July 1, 1999 to June 30, 2000 and will be charged at **one hundred and eleven dollars (\$111)** per annum. Additional services will be charged at **one hundred and eleven dollars (\$111) per annum**. Services commenced during the charging period will be charged for on a proportional basis.
- (vii) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act, 1993, for the removal of one approved 240 litre mobile waste bin each week, from domestic premises, located outside the urban area of Lismore but within the declared domestic waste scavenging area, maps of which is available at Council's Oliver Avenue Office, of **ninety nine dollars (\$99.00) per annum**, to be known as the "**Waste Collection Service**" charge, additional services will be charged at **ninety nine dollars (\$99.00) per annum**, for the period July 1 1999 to June 30 2000. Services commenced during the charging period will be charged for on a proportional basis.

**(E) INTEREST CHARGES**

Council is able, under Section 566 of the Local Government Act, to charge interest on outstanding Rates and Charges. The Minister for Local Government has advised, Circular 99/19, that the maximum amount of interest in 1999/2000 is 9.5 %. This Council has generally adopted the maximum interest Rate as the amount to be charged.

- (i) It is hereby resolved that the 1999/2000 interest rate on outstanding Rates and Charges will be **9.5 %**.

(Councillors Larsen/Wilson)

**Voting Against:** Councillors Champion, Swientek and Gallen.

Dissenting Vote:

Councillors Champion, Swientek and Gallen.

(S384)

Lismore Contributions Plan

(Copy attached)

A MOTION WAS MOVED that the report be received and -

- 1 a) Council, in pursuance of section 94AB of the Environmental Planning and Assessment Act 1979 (as amended) and the Environmental Planning and Assessment Regulation 1998, resolve to make the contributions plan as attached and dated June, 1999 to take effect from 1 July, 1999 and repeal the Section 94 Contributions Plan 1995 on the date of effect of this plan, and
  - Council include within the Plan the following explanation on indexing:  
*“The amount levied, as a condition of consent on a development application, remains valid for a period of twelve months from the date of issue of the consent. If levies are not paid within this period, the amount payable is indexed, in the case of the new plan, in accordance with CPI figures for the relevant period. For example, if a development commenced three years after consent was issued the total amount payable will be indexed, using CPI, for a period of three years.”*
  - Council include within Section 7.3(b) provision of a caveat as an option;
  - Council include replacement pages 9, 13, 35 and 45.
- b) Council review its decision to effectively halve its Section 94 charges within 12 months to gauge the impact of the new plan on development, especially housing construction and the level of service provision.
- 2 The existing contributions in positive balance collected under the Section 94 Contributions Plan 1995 be transferred to the new plan in accordance with the recommendations outlined in Table I of the attached document titled Transitional Arrangements with the exception that Bushfire Service component amounts be transferred to the new plan under two headings -Equipment and Facilities.
- 3 The current plan components in negative balance as at June 3, 1999, be written off.  
(Councillors Roberts/Wilson)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 Council, in pursuance of section 94AB of the Environmental Planning and Assessment Act 1979 (as amended) and the Environmental Planning and Assessment Regulation 1998, resolve to make the contributions plan as attached and dated June, 1999 to take effect from 1 July, 1999 and repeal the Section 94 Contributions Plan 1995 on the date of effect of this plan, and
  - Council include within the Plan the following explanation on indexing  
*“The amount levied, as a condition of consent on a development application, remains valid for a period of twelve months from the date of issue of the consent. If levies are not paid within this period, the amount payable is indexed, in the case of the new plan, in accordance with CPI figures for the relevant period. For example, if a development commenced three years after consent was issued the total amount payable will be indexed, using CPI, for a period of three years.”*
  - Council include within Section 7.3(b) provision of a caveat as an option;
  - Council include replacement pages 9, 13, 35 and 45.
- 2 The existing contributions in positive balance collected under the Section 94 Contributions Plan 1995 be transferred to the new plan in accordance with the recommendations outlined in Table I of the attached document titled Transitional

Arrangements with the exception that Bushfire Service component amounts be transferred to the new plan under two headings -equipment and facilities.

3 The current plan components in negative balance as at June 3, 1999, be written off. (Councillors Champion/Riddell)

At this juncture (10.17pm) Councillor Gallen left the meeting.

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

**Voting Against:** Councillors Roberts, Irwin, Wilson and Swientek.

205/99 RESOLVED that the report be received and -

1 Council, in pursuance of section 94AB of the Environmental Planning and Assessment Act 1979 (as amended) and the Environmental Planning and Assessment Regulation 1998, resolve to make the contributions plan as attached and dated June, 1999 to take effect from 1 July, 1999 and repeal the Section 94 Contributions Plan 1995 on the date of effect of this plan, and

▪ Council include within the Plan the following explanation on indexing:  
*“The amount levied, as a condition of consent on a development application, remains valid for a period of twelve months from the date of issue of the consent. If levies are not paid within this period, the amount payable is indexed, in the case of the new plan, in accordance with CPI figures for the relevant period. For example, if a development commenced three years after consent was issued the total amount payable will be indexed, using CPI, for a period of three years.”*

▪ Council include within Section 7.3(b) provision of a covenant as an option;

▪ Council include replacement pages 9, 13, 35 and 45.

2 The existing contributions in positive balance collected under the Section 94 Contributions Plan 1995 be transferred to the new plan in accordance with the recommendations outlined in Table I of the attached document titled Transitional Arrangements with the exception that Bushfire Service component amounts be transferred to the new plan under two headings -equipment and facilities.

3 The current plan components in negative balance as at June 3, 1999, be written off. (Councillors Champion/Riddell)

**Voting Against:** Councillors Wilson and Swientek.

CONTINUATION:

206/99 RESOLVED that the time being 10.33pm the meeting be extended one hour.

(Councillors Roberts/Larsen)

207/99 FURTHER RESOLVED that a report be presented to Council detailing the expenditure of Bush Fire Services Section 94 funds in the previous 2 years and details of equipment proposed on Page 43 of the new Contribution Plan with particular emphasis on the acquisition of four group officer vehicles, the report to include details of the criteria applied for expenditure of Bush Fire Services Section 94 funds with a range of examples of the types of services Section 94 funds could be applied for.

(Councillors Roberts/Riddell)

**Voting Against:** Councillor Larsen.

(S517)

Outdoor Dining Charges Review

(Copy attached)

208/99

RESOLVED that the report be received and -

- 1 That Lismore City Council Policy 5.2.24 Kerbside Dining be redrafted to embody streamlined administrative and charging procedures along the lines of tables \$500 per 3 and 12 chairs, and a report be prepared for Council for further consideration prior to being placed on public exhibition.
- 2 That when the policy is reviewed and adopted by Council a Kerbside Dining Brochure detailing the step-by-step process for applications for outdoor dining approval be produced. This would minimise the confusion that exists and ensure a more customer friendly process.
- 3 During the process of redrafting existing lessees be consulted.  
(Councillors Champion/Larsen) (\$659)

RESUMPTION OF STANDING ORDERS:

209/99

RESOLVED that standing orders be resumed.

(Councillors Roberts/Larsen)

REPORTS:

1999/2000 Management Plan

(See Minute No. 203/99)

1999/2000 Rates and Charges

(See Minute No. 204/99)

Lismore Contributions Plan

(See Minute No. 205 & 207/99)

DA99/197 - Establish an 11 Dwelling Rural Landsharing Community -  
929 Blue Knob Road

(Copy attached)

210/99

RESOLVED that the report be received and -

- A** That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Control Unit, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B** That Council, as the consent authority, approve Development Application 99/197 for the establishment of an eleven (11) site rural landsharing community and associated infrastructure, upon land being Lot 7 DP 619992, known as 929 Blue Knob Road, Blue Knob, subject to the following conditions:
  - 1 In granting this development consent, Council requires:
    - All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
    - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions

- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions and be substantially in accordance with the stamped approved plan(s) Statement of Environmental Effects prepared by Balanced Systems Planning Consultants dated March 1999 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

#### **DRAINAGE**

- 2 Paved surfaces, landscaped areas, roof water and subsoil drainage systems, shall be designed so all water is directed to a drainage system acceptable to Council to prevent discharge runoff onto adjoining land. Full design details of the proposed drainage system shall be submitted for approval with the Construction Certificate.

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

- 3 Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:

- adjoining land
- natural drainage courses
- constructed drainage systems, or
- waterways.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

**Reason:** *To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))*

#### **ROADS**

- 4 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). Required roadworks include:

- a) For roads servicing 5 or more dwelling sites, construction of a 7 m gravel pavement on a 7m wide formation with a minimum gravel depth of 300mm. All road slopes in excess of 12% must be sealed and drains concrete lined.
- b) For roads servicing 2 to 4 dwelling sites, construction of a 5 m gravel pavement on a 7m wide formation with a minimum gravel depth of 300mm. All road slopes in excess of 12% must be sealed and drains concrete lined.
- c) For roads servicing 1 dwelling site, construction of a 3 m gravel pavement on a 4 m wide formation with a minimum gravel depth of 300mm,. All road slopes in excess of 12% must be sealed and drains concrete lined.
- d) Construction of an intersection layout at the junction of Blue Knob Road in accordance with AUSTRROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance and intersection angle. All road slopes in excess of 12% must be sealed and drains concrete lined.

In areas of excessive cut or fill (greater than 1.2m) the widths may be reduced to a 5m gravel pavement on a 5 metre formation provide that no

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more than 30% of the constructed length, or no single length in excess of 80m, is at this reduced standard

An accredited certifier or practising qualified surveyor or engineer shall submit to the Principal Certifying Authority for approval prior to the release of the compliance certificate, a “works-as-executed” set of plans and construction certification. The compliance certificate for construction shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and Construction Certificate.

**Reason:** *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*

- 5 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. If such plans are approved by Council, a checking fee of \$110 per site, totalling \$1,100 is payable on submission of engineering design plans for drainage or roadworks.

**Reason:** *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*

- 6 The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with Council's Design and Construction Specification (Vehicular Access). Engineering design working drawings shall provide evidence of the feasibility of lot access. Such drawings shall be submitted for Council approval prior to release of the Construction Certificate.

**Reason:** *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))*

#### **ACCESS**

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

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

#### **BUILDING**

- 8 A Development Application is to be lodged with the Council for each proposed dwelling and ancillary structure. The application is to include full architectural plans and specifications.

- 9 A Construction Certificate for each structure is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Environmental Planning and Assessment Act 1979.

- 10 An application is to be made under Section 68 Part C(5) of the Local Government Act 1993 to install a human waste storage facility and effluent disposal system. The subject application is to be submitted with full details of the proposed system in accordance with the requirements of the Guidelines for On-site Sewage Management for Single Households. An application is to accompany each Development Application and is to be site specific.

- 11 All dwellings, with the exception of those on sites 4, 5, 10 and 11 are to be of pole type construction.

#### **BUSHFIRE**

- 12 All water lines to individual dwellings should be buried at least 300mm and have clearly marked points adjacent to the site 600mm above ground fitted with a 38mm gate valve or ball valve.

- 13 All dwelling sites and roads should be clearly marked to allow for ease of identification.
- 14 All access and internal road should be built to Council standards and be a minimum of 5m wide and have a minimum of 4 m vertical clearance.
- 15 Site water storage for each site should be 45,000 litres. This can be amended providing condition No. 11 is in place.
- 16 The area is well cleared posing no great threat from bush fire, however the construction and regular maintenance of a perimeter fire break of 20 metres, where terrain permits should be incorporated, all dwelling sites should have a 30 metre radius free of flammable vegetation.

#### **ENVIRONMENTAL HEALTH**

- 17 An effluent disposal envelope is to be accurately located on a survey plan for each site. The survey is to indicate the contours of the site and is to be submitted to Council for approval prior to the issue of any Construction Certificates.
- 18 Full construction and working details of the wetlands and disposal area are to be submitted to Council for approval prior to release of any Construction Certificate.
- 19 All constructed wetlands are approved on a trial basis. It will be necessary that all constructed wetlands are monitored on a six monthly basis for a period of two years and reports submitted to Council. Effluent shall be monitored at the inlet and outlet of the wetland and analysed by an approved laboratory for nitrogen, phosphorus, BOD and faecal coliforms.

*Reason: To protect the environment. (EPA Act Sec 79C(b))*

#### **PLANNING**

- 20 Dwelling Site No's 8 and 9 are to have an established landscaped buffer planted prior to release of the Construction Certificates. This buffer is to provide a visual screen, reducing the impact the dwelling will have on the adjoining owners to the north of the site.
- 21 No approval is issued for the use of Websters Creek for any form of water supply.
- 22 All relevant requirements of SEPP No. 15 - Rural Landsharing Communities, gazetted April 9, 1998, are to be complied with at all times.

#### **LEVIES**

- 23 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 1994 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Construction Certificate is granted. The rates and amounts applying at the date of this notice, totalling \$55,376, are set out in the schedule for your information. Should the proponent wish to pay the Section 94 and Section 64 levies in one instalment, and the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the Construction Certificate is granted.  
Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Building Price Index (Sydney).

*Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1995 as required by the increased population or activity. (EPA Act Sec 94)*

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(Councillors Roberts/Wilson)

**Voting Against:** Councillor King.  
(D99/197)

Lismore Airport - New Terminal, Taxiway & Carpark Tenders  
(See Minute No. 202/99)

Outdoor Dining Charges Review  
(See Minute No. 208/99)

NOTICE OF MOTION:

Council's Newsletter

211/99 RESOLVED that although Council acknowledges that the General Manager acted within the Local Government Act when he commissioned The Echo to publish Council's "newsletter" for a 12 month period, he is requested in future to obtain competitive quotes from both The Echo and The Northern Star and advise Councillors of the outcome.

(Councillors Gates/Swientek)

**Voting Against:** Councillors Larsen and Wilson.  
(99-9788: S73)

At this juncture (11.09pm) Councillors Riddell and Wilson left the meeting.

Draft LEP 1999 & Draft DCP's 39, 40, 41

(Copy attached)

212/99 RESOLVED that the report be received and -

- 1 That Council adopt draft Lismore LEP 1999 for submission to the Minister for Urban Affairs and Planning subject to inclusion of amendments as detailed in the Manager-Strategic Planning's memo dated June 28, 1999.
- 2 That Council adopt DCPs 39, 40 and 41, as amended following exhibition and subject to:
  - replacement of the following pages - Content, Introduction and Pages 1 and 2 of the Schedule of Complying Development criteria;
  - amendment of duplicate numbering on Page 7.

(Councillors Cole/King) (S739,S734)

Submission to Department of Urban Affairs & Planning on Proposed Changes to Part 3 of E P & A Act

(Copy attached)

213/99 RESOLVED that the report be received and Council endorse the attached submission for forwarding to DUAP.

(Councillors Crowther/Roberts) (S371)

Proposed Sewerage Augmentation Investigation - North Woodburn

(Copy attached)

214/99 RESOLVED that the report be received and -

- 1 North Woodburn sewerage be included in the public consultation process of Woodburn sewerage augmentation.

- 2 Alternative lower cost options for the sewerage of North Woodburn be investigated as part of the scheme.
- 3 The amount of \$15,000 be provided from Sewerage Fund reserves to carry out initial investigation of sewerage North Woodburn.  
(Councillors Roberts/Cole) (S292)

At this juncture (11.11pm) Councillors Riddell and Wilson returned to the meeting.

Waste Minimisation

(Copy attached)

- 215/99 RESOLVED that the report be received and -
- 1 Council note and endorse progress with the implementation of the new Integrated Waste Service.
  - 2 Appropriate staff be congratulated on getting the program off the ground.  
(Councillors Roberts/Larsen) (S317)

Investments Held by Council as at May 31, 1999

(Copy attached)

- 216/99 RESOLVED that the report be received and noted.  
(Councillors Cole/Larsen) (S170)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 16/6/99

(Copy attached)

- 217/99 RESOLVED that the minutes be received and the recommendations contained therein be adopted, excluding Clauses 2, 6 and 13.  
(Councillors Gates/Larsen)
- 218/99 Clause 2 (TAC90/99) - NSW Roads & Traffic Authority  
RESOLVED that Council advise the Authority that it had not had time to properly assess the draft risk assessment procedure and also outline Council's concerns relating to the inflexibility of recommended management actions within the document.  
(Councillors Roberts/Larsen)
- 219/99 Clause 6 (TAC95/99) - Koonorigan Hall Committee  
RESOLVED that this matter be referred back to the Traffic Committee to reconsider the introduction of the 60kph speed limit.  
(Councillors Wilson/Larsen)
- 220/99 Clause 13 (TAC105/99) - Proposed Closure of Victoria Street, Lismore  
RESOLVED that a report be presented to Council which incorporates design plans for the closure of Victoria Street in the vicinity of the Ballina Street Bridge.  
(Councillors Crowther/Larsen)  
(S352)

DOCUMENTS FOR SIGNING AND SEALING:

221/99 RESOLVED that the following documents be executed under the Common Seal of Council:-

Agreement between Council and Business & Research Management Limited  
Termination of the previous agreement and new agreement from July 1, 1999 for 15  
years for the purposes of establishing and operating a tea tree plantation at the Lismore  
Airport site.

(S614)

Licence Agreement between Council and North Coast Institute of TAFE

Use of function room of the Gordon Pavilion at Oakes Oval as an educational  
establishment commencing April 24, 1999 for 12 months with a 12 month option.

(99-5713: P15870)

Subdivision Plan - Lot 6, DP 803388 - Airport Road

Boundary adjustment to increase Lot 6 to an area of 1,000m<sup>2</sup> as approved by DA99/278.  
(D99/278)

(Councillors Wilson/Larsen)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:

Item 1 - Report - Skyline Road Upgrading - Investigation Report

(Copy attached)

222/99 RESOLVED that this matter be referred to the next Council meeting.

(Councillors Roberts/Larsen) (S642)

Item 2 - Notice of Motion - Council's Newsletter

(See Minute No. 212/99)

This concluded the business and the meeting terminated at 11.37 pm.

**CONFIRMED** this 20TH day of JULY, 1999 at which meeting the signature herein was  
subscribed.

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**MAYOR**

