

COUNCIL Business Paper



LISMORE
City Council

JULY 10, 2001



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, JULY 10, 2001, at 6.00 pm and members of Council are requested to attend.

(Ken Gainger)
GENERAL MANAGER

July 3, 2001

COUNCIL BUSINESS AGENDA

July 10, 2001

PUBLIC ACCESS SESSION:

PAGE NO.

Merle Fullerton

PUBLIC QUESTION TIME:

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NOTICE OF RESCISSION MOTION

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

The motion dealing with Recycling Service Review resolved at Council meeting on June 12, 2001 be rescinded. (Min. 99/01)

Comment:

Our intention, if the rescission motion is successful, is to move a motion to ensure proper community consultation is carried out on this matter, still retaining the three options.

COUNCILLOR I R Gates

COUNCILLOR B R Suffolk

COUNCILLOR M H King

DATE June 18, 2001

(01-8841: S763)

NOTICE OF MOTION

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

The Community Consultation Survey be conducted by a professional organisation to determine which of the following 3 options is the preferred option for recycling.

Option 1

No recycling costed on actual cost only. The rate per tonne currently at \$48.40 not be used

Option 7

modified as follows:-

- (a) No second service**
- (b) No Supervision be employed**
- (c) A facility be established at the weighbridge to accept other than recycling for a fee. Small lots only**
- (d) The weighbridge operator exercise some supervision**

Option 9

As detailed in the report but with additional cleaning

Other Details

The survey to be overseen and survey group selected by 3 Councillors and the following information be given to the people to be surveyed

- Details of environmental gains or losses
- Each option be costed as indicated and translated to the increase in environmental levy
- Details of where the commingled will be sorted and its final destination
- Any other relevant information
- Any contract with solo waste be for 3 years only
- Council negotiate a clause in the contract with solo waste to give it the option to withdraw should the price for recyclables drop considerably

COUNCILLOR I R Gates

DATE 19/6/01

STAFF COMMENT BY: Matt Kelly – Manager, Environmental Health

The review of solid marketable recycling services provided to the Lismore community has been a matter of significant reporting to Council through this Management Plan period.

As verbally stated at the June 12 meeting of Council to ensure an appropriate methodology is adopted for the undertaking of the community notification/information process, the matter would be outsourced to Southern Cross University Centre for Coastal Management and that a draft survey form and survey methodology will be presented to the July 10, 2001 meeting. Communications have been initiated and it is anticipated that a brief presentation to Councillors will be offered during supper, prior to the meeting proper. It is also anticipated that the information derived will be utilised to facilitate any further debate/decision required.

(01-8954: S763)

LISMORE CITY COUNCIL - Meeting held July 10, 2001

Subject/File No:	6 CURRIE STREET, NORTH LISMORE (P2725)
Prepared By:	Manager Client Services – Lindsay Walker
Reason:	To meet the General Manager's request that the determination of future tenure of Lots 2 and 3 in Section 5 in DP 975080 be made by Council.
Objective:	To provide Council with background and advice to assist its determination of the future of Lots 2 and 3 in Section 5 in DP 975080, being Currie Street, North Lismore.

Management Plan Activity:

Background:

Council has, by virtue of an exchange of letters or a general understanding, allowed Mr and Mrs Fullerton of 17 Peate Street, North Lismore tenure of two Council owned Lots which adjoin their property on the east for a period ending on 30th June, 2001. These two Council owned lots form part of Council's undeveloped land over which it offers "Grazing Leases". In consistency with Council's normal practice of Grazing Leases falling due for renewal on June 30, 2001 the subject Lot 2 and 3 Currie Street, North Lismore was to be offered for lease.

Both Mr and Mrs Fullerton and their neighbours Mr and Mrs Sinnett have expressed an interest in leasing Council's lots.

In the recent period over which Mr & Mrs Fullerton have had the occupancy of Council's lots there has been a history of neighbourhood difficulties with their land use practices and the question of flies.

Council has attempted to both identify and rectify problems associated with flies since 1997. Council is firmly of the view that the problem is associated with the stockpiling of stable waste material on the Council owned Lots 2 and 3. Council sought to solve this problem by firstly issuing an order on the Fullertons and secondly by entering into an agreement with them concerning their use of stable waste material.

Unfortunately Mr and Mrs Fullerton did not abide by the agreement and the fly problem continues.

Notwithstanding the problems which have been occasioned by Mr and Mrs Fullerton's land use practices it should be noted that they have maintained Council's property well, albeit at great distress to their neighbours.

The continued use of stable waste material on the site by Mr and Mrs Fullerton has, in addition to the fly generation problem, served to cause a rise in the natural surface levels of the land. This elevation of the site has interrupted the natural drainage patterns and caused ponding on the adjoining property.

Public Consultations

None required.

Conclusion

Council has four possible options with respect to the future use of Lots 2 and 3 in Section 4 in DP 975080.

- Option 1. Enter into a licence with Mr and Mrs Sinnett.
Comment: This is likely to solve both the land filling and fly generation problem as Mr and Mrs Sinnett have stated that they would not introduce stable waste material onto Councils land.
- This option could also be seen as dealing harshly with Mr and Mrs Fullerton who, apart from the abovementioned problems, been good stewards of Councils land.*
- Option 2. Sell the two lots to an adjoining owner or third party.
Comment: Given the flood prone nature of the area it is unlikely that a sale to a third party would be brokered. It is possible that one of the adjoining land owners may purchase the land if it is offered for sale.
- Option 3. Enter into a licence with Mr and Mrs Fullerton
Comment: Given the past good stewardship of Councils property by Mr and Mrs Fullerton there is merit in considering allowing them to continue to have tenure over Councils land. If such a licence were to be issued it would, considering Mr and Mrs Fullertons historical land use practices, have strong clauses forbidding their continuing to introduce any material to the site. This should ensure that land fill and fly generating practices do not continue. The licence should also ensure that drainage patterns are re-established.
- Option 4. Council retain ownership of the properties and issue no licences or leases to any other parties.
Comment: This option will require that Council contribute to the erection of a fence between its property and that of Mr and Mrs Fullertons. The property would then have the benefit of five slashes per annum under Councils normal Parks and Gardens program.

From a land management perspective it is always more desirable that a resident feels that they have "ownership" of a property as this leads to a more tidy and better managed site. From this perspective it would seem that a licence should be issued either to Mr and Mrs Sinnett or Mr and Mrs Fullerton for the tenure of Councils lots.

Given the attention which Mr and Mrs Fullerton have applied to Councils land over the past years there appears merit in offering a licence to them. It should also be recognised that their continued use of stable waste material has caused considerable difficulties for neighbouring residents. To reduce the conflict caused by their land use practices any licence offered to Mr and Mrs Fullerton should incorporate strong provisions relating to future land use practices.

Recommendation – GM15

That Council offer a licence for tenure of Lots 2 and 3, Section 5 in DP975080, being land at Currie Street, North Lismore to Mr and Mrs Fullerton. The licence to incorporate specific conditions relating to future land use practices and the ramifications of breaching those conditions.

LISMORE CITY COUNCIL - Meeting held July 10, 2001

Subject/File No:	LISMORE GASWORKS REMEDIATION PROGRAMME (MK:MG:P5672)
Prepared By:	Manager, Environmental Health - Matt Kelly
Reason:	To advise Council of the current status of Lismore Gasworks remediation programme
Objective:	To identify variations to the project and seek confirmation of financial support
Management Plan Activity:	ENVIRONMENTAL HEALTH

Background:

The remediation programme for the Lismore Gasworks Site has been a matter comprehensively reported to Council over recent years. The programme has been structured to involve a sequential series of tasks grouped into two formal stages. Stage 1, being environmental site assessment and preparation of a preferred remediation action plan and Stage 2, execution of an adopted remediation strategy.

Chronological History of Major Events

- Council meeting October 8, 1996. Council resolved to “adopt the preferred remediation option consisting of stabilisation and capping method as identified in the report ‘Lismore Gasworks Draft Remediation Action Plan’ prepared by Groundwater Technology Australia, September 1996”. Prior to the implementation of Stage 2 works, formal planning consent, contract tendering and Environment Protection Authority approval were to be satisfied.
- Council meeting January 27, 1998. Council resolved to enter into negotiations with representatives of all five (5) tenderers who submitted a tender application for the remediation of the Lismore Gasworks Site.
- Council ordinary meeting June 23, 1998. Council resolved to approve the associated development application.
- Council meeting August 4, 1998. Council resolved to accept the tender submitted by Rainbow Environmental Services, subject to design details being approved by the NSW Environment Protection Authority. Rainbow Environmental Services tender price being \$475,550. Final tender submissions ranged from \$475,550 to \$637,600.
- May 1999. NSW EPA Approve the commencement of Stage 2 works being demolition activities only. Associated works completed within budget expectations.
- October 2000. Establishment activities were initiated on-site for the commencement of Stage 2 works. At this time, Elgas advised that the existing gasometer structures were structurally of a poor standard and that compaction activities associated with Stage 2 works had the potential to structurally damage the storage facilities and hence distribution of gas to the community. Elgas further advised of their intent to cease reticulated gas services, the gasometer structures becoming obsolete, January 2001. On this information works ceased.
- February 7, 2001. The NSW EPA approved the voluntary remediation proposal under the Contaminated Land Management Act (It is noted that EPA approval for demolition activities associated with Stage 2 works was provided May, 1998).
- May 2001. Commencement of Stage 2 works, including the demolition of the obsolete gasometer storage facilities.

Significant Variations

As with a project of this nature, variations were possible, even though a comprehensive environmental assessment had been completed. However major variations are now evident and require reporting as they have significant financial implications to the project.

1. The original tender specification was developed upon the information derived from the initial environmental site assessment and subsequent remediation action plan. The remediation action plan states that "remediation is based on excavation of approximately 3,500 cubic metres of soils that contain chemical concentrations that exceed the desired public open space end use criteria. The estimated volume is based on a total marginal area of 5,100 square metres and average thickness of 0.7 metres". Excavations to date have significantly exceeded the estimated quantities. Quantities are now expected to be in the vicinity of 10,000 cubic metres. This variation also has a direct impact on the amount of final capping materials required.
2. As identified above with the obsolete status of the gasometers they have been incorporated into Stage 2 works at a cost of \$67,000 which was recognised in the 2001/02 Management Plan.
3. The EPA through the approval process required engagement of an accredited site auditor under the provisions of the Contaminated Land Management Act. The auditor is in practical terms an independent consultant fulfilling the regulatory auditing role of the EPA. The requirement has a financial cost of \$33,000.
4. Excavations along the southern boundary of the remediation site have intersected a previous unidentified contamination layer a depth of 1 metre migrating into the northern end of the Albert Park recreational reserve. Quantities in this area are yet to be determined however initial investigations suggest quantities to be assumed estimate 1500 cubic metres.

Comments

Discussions are currently being initiated with the Contractor, Auditor, and NSW EPA regarding the project sequence of activities and associated cost. It is anticipated that savings will be identified through this process in altering work methods and reviewing the componentry of the final cap design, however still satisfying the principles of the approved EPA Remediation Act Plan. Without the benefit of these discussions being finalised, the project has a revised estimated project costing of \$846,000. At this project cost, funds additional to those identified within the 2001/02 Management Plan of \$300,000 are anticipated. (Copy of financial spreadsheet attached). It is recognised that these are substantial variations however the nature of the project has resulted in significant contaminated soil volumes that would not have been identified other than through the at depth excavation activities currently being undertaken on site. It is important to identify that the Contractor has held contract rates at the 1998 level for the variation activities. As Rainbow Environmental Services was the most competitive in the market place at that time of initial tendering, the rates associated are considered to be of maximum benefit to Council.

The variation associated with the removal of contaminated soil from Albert Park is estimated to cost \$57,500.00. These works are outside the 'site audit area' and therefore technically may be undertaken as a separate activity at some further date. This is not supported, as the project aim is to consolidate and manage gas works associated contaminated soils of which they form part.

LISMORE CITY COUNCIL - Meeting held July 10, 2001

Lismore Gasworks Remediation Programme

As the Gasworks Remediation Programme has been initiated in response to regulatory direction from the NSW Environment Protection Authority, the level of flexibility in undertaking the works is considered restricted to minimising overall remediation programme costs. The remediation strategy adopted and currently being implemented was by far the least expensive option presented to Council to manage the legacy of the former industrial land use.

Manager - Finance & Administration Comments

Council has an obligation to complete the remediation of this site. This is not an issue. The question for Council is how best to fund this situation.

Council adopted the 2001/02 Management Plan on June 26, 2001, which included \$71,500 for this project. Based on the latest findings, it is estimated that an additional \$315,000 will be required to complete the remediation or a total of \$382,000 in 2001/02.

Realistically, the only logical options available to Council are either to,
a) loan fund the additional works, or
b) reduce the works program by a compensating amount.

If we loan fund the works, the cost will be approximately \$52,100 per annum for the next eight years. This will obviously impact on the availability of funds in future years to do other projects.

The other option is to reduce the works program. Given that Council has only just adopted the 2001/02 Management Plan, this is not considered the preferred option, as there is an expectation in the community for the advertised works to be delivered. It is difficult to 'sell' the benefits of remediation compared to road works. Also, the required change of \$315,000 would significantly impact works schedule.

As such, if we proceed with these works, then it is recommended that we fully complete the project to minimise costs as much as possible and utilise loan funds.

Public Consultations

N/A

Other Group Comments

N/A

Author's Response to Comments from Other Staff N/A

Conclusion

As the gasworks remediation programme has been initiated in response to regulatory direction from the NSW Environment Protection Authority, it is considered necessary that works required within the remediation action plan be completed and that additional funding requirements be satisfied through access to loan funds.

Recommendation

That variations in the Lismore Gasworks remediation programme be funded from additional loan funds totalling \$315,000.

Subject/File No: MEMORIAL BATHS REDEVELOPMENT

Prepared By: Contracts Officer – Chris Allison

Reason: To inform Council of need to conduct a Council workshop

Objective: Council to provide direction with regard to inclusions in the design tender for the Memorial Baths Redevelopment

Management Plan Activity: Swimming Pools

Background:

Council has previously resolved to proceed with the redevelopment of the Memorial Baths and has instructed staff to call for Registrations of Interest (ROI) for the design component of the works. The ROI's closed May 31 2001 with five companies being short-listed and will be asked to tender for the design of the Memorial Baths redevelopment.

At the last meeting of the Memorial Baths Redevelopment Project Team it was identified that there are several issues, which need to be resolved prior to the tender documents for the design works being prepared. The Consultant engaged by Council to assist in the development of the tender document also raised similar issues.

The issues identified by the Project Team, which need to be resolved include:

The current condition of the Memorial Baths

Report to Council on the current condition of the Memorial Baths and the effect this may have on any staging of works.

Community expectations

Summarise the previous studies and workshops with regard to the community/users and their expectations as to what they perceive will be included in the new facility.

The minimum facilities/components to be provided in the initial development

Determine what Council sees as the minimum facilities/components, which must be included in the design tender for the redevelopment.

The additional facilities/components, which may be provided at a later stage

Determine what additional facilities/components should be included in the design, but which could be constructed at a later stage.

Staging of the works

Determine whether the redevelopment works should be staged over an extended period and if the works are to be staged, what works should be undertaken in what stages.

Site constraints/Land purchase

Council needs to fully understand the constraints of the current site and the possible concerns the RSL have in regard to the construction of facilities/components on the "bowling green area"

Budget

Council have previously determined the budget for the project, however in resolving the above issues there may be direct effect on the budget and the facilities/components, which can be provided in the redevelopment.

LISMORE CITY COUNCIL - Meeting held July 10, 2001

Lismore Memorial Baths Redevelopment

Given the proposed large budget allocation and the sensitive nature of the redevelopment staff feel that direction from the Council is warranted to resolve these issues and provide direction as to the technical requirements of the design tender.

Recreation Planner

There are a number of important issues regarding the Memorial Baths redevelopment that need to be resolved prior to finalising the tender documents for the design. The proposed workshop will provide an opportunity for Council to openly discuss and consider these issues before providing direction to staff. I concur with the recommendation to conduct a workshop.

Manager Finance & Administration

I agree with the Contracts Officer that it is appropriate to seek further clarification from Council on the details to be included in the design component of the project. This will result in Council having better information to assess its options.

This is supported by the Consultant appointed to assist in these deliberations and a workshop is the obvious forum.

Public Consultations

Extensive public consultation has already been undertaken.

Other Group Comments

Not required.

Conclusion

In order to resolve outstanding issues relating to the design, staff is proposing to conduct a Council workshop with regard to the Memorial Baths redevelopment on July 25, 2001

Recommendation:

That Council:

1. Agree to conduct a workshop and finalise the issues relating to:
 - the current condition of the Memorial Baths;
 - community expectations;
 - the minimum facilities/components to be provided in the initial development;
 - the additional facilities/components, which may be provided at a later stage;
 - staging of the works;
 - site constraints;
 - land purchase; and
 - budget.

2. Invite interested groups/users including but not limited to the consultant, the pool manager, swimming club, water polo association, schools and the RSL to provide relevant input regarding communities/users requirements.

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Subject/File No: TENDERS FOR THE CONSTRUCTION OF VARIOUS BUILDINGS AT CROZIER OVAL – T21020

Prepared By: Contracts Officer – Chris Allison

Reason: To inform Council of tenders received for the construction of various buildings at Crozier Oval

Objective: To obtain Council approval to award the Tender

Management Plan Activity:

Background:

Crozier Oval History

After a protracted court battle the Plan of Management for Lismore Park was approved and development of Crozier Oval recommenced in October 1998.

The conditions of consent are fairly onerous and all conditions must be met before the facility can be used by the public.

In 1998/99 the grandstand structure, bench seating, partial roofing and external perimeter fencing were completed. Services such as sewer, stormwater, and water was provided in 1999/2000 and completion of the grandstand roofing and external cladding was also finalised.

In 2000/2001 Work for the dole (WFD) was engaged to provide unskilled labour for the project and footpaths from Uralba and Dawson Streets have been recently completed.

In support of community/LDSA Council at the June 26th meeting allocated additional funds to bring the project to a conclusion. Crozier Oval is targeted for completion for community player use by late Jan 2002.

To allow the facility to be functional by Feb 2002 tenders were invited to quote on the remaining infrastructure.

Tender Background:

Tenders have been called for the construction of facilities in the stand at Crozier Oval, including Change Rooms 1 & 2, Referees Room 1 & 2, First Aid Room, Scorers Box, Kiosk and Amenities Block. The Client Services Unit on behalf of City Works prepared the tender documents

Tenders were advertised in the Northern Star and the Sydney Morning Herald. Tender documents were issued to five (05) companies, with four (04) tenders being received by the close of tender on 2.00pm, Thursday, June 14, 2001.

Tender Examination:

The tenders received are summarised below:

TENDERER	ORIGINAL TENDER PRICE
Bennett Industries	\$ 343,860
Ross Binney Constructions	\$ 392,009
Karb Projects Pty Ltd	\$ 401,104
RG & JP Gow	\$ 413,181

The prices shown above are inclusive of GST.

An evaluation panel consisting of Charles Mitchell (Structures Engineer), Garry Hemsworth (Manager – Roads & Infrastructure) and Chris Allison (Contracts Officer) undertook the assessment of tenders.

The tender documentation (Clause B7) defined four areas by which each tender would be assessed: Total Price, Knowledge of Local Conditions, Capability/Quality & Safety and Management & Financial with 60% of the total attributed to the price. The tenderers were required to address each of these criteria in their tender. Attachment A shows the weighted result for each criteria.

The weighted assessment shows that the tender by Bennett Industries has provided good value for this project and Bennett Industries have previously undertaken works for Council.

Project Manager (Garry Hemsworth) – City Works Comments

A summary of the remaining works to be completed;

Complete Grandstand (seating and footpaths)	\$	1,360
Footpaths#	\$	14,672
Complete Landscaping	\$	27,100
Utilities* (sewer fees and connect electricity)	\$	36,172
Toilet Block #	\$	70,670
Scorer's box #	\$	9,035
Kiosk #	\$	56,089
Change Rooms #	\$	162,054
Other Minor Works	\$	5,000
Internal Fencing	\$	13,305
Contingency	\$	15,543
TOTAL	\$	411,000

* Includes sewer head works fees of \$31,500

Items included in tender

Prices noted above are GST exclusive

Funds available for the 2001/2002 year are composed off;

2000/2001 budget	\$	294,000
Allocation from LDSA	\$	50,000
June 26 th Council meeting	\$	67,000
<u>Subtotal</u>	<u>\$</u>	<u>411,000</u>

Manager – Finance & Administration Comments

Council has included \$411,000 in the 2001/02 Budget to complete this project. This was based on information provided at the Special Council meeting held June 26, 2001 after discussion with the Manager - Roads & Infrastructure.

I understand that the amount provided is sufficient to meet the full tender costs and other works.

From my perspective, while it will be satisfying to see the project fully completed and operational, it is disappointing to see that the physical support from the local sporting community not materialising to the extent anticipated.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to comments from other staff

The staff comments adequately deal with the issues relating to the extent of works and that all funding issues have been dealt with during the process. The Manager – Finance and Administration and the Project Manager have worked closely to ensure the project can be completed within the budget constraints of the project.

Conclusion

Bennett Industries have provided the lowest prices tender and have a proven track record in regard to the construction of various building projects in the Lismore are

Recommendation – GM17

1. The contract for the construction of various buildings at Crozier Oval be awarded to Bennett Industries for the amount of \$343,860 inclusive of GST
2. The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

Subject/File No: LISMORE RURAL HOUSING STRATEGY/LEP AMENDMENT NO. 8
(BB:MG:S668)

Prepared By: Strategic Planner – Bruce Blackford

Reason: To implement Council's Rural Housing Strategy

Objective: Council's resolution to prepare a draft amendment to LEP 2000

Management Plan Activity: Strategic Planning

Background:

Council will recall that at its meeting of December 12, 2000, it resolved to adopt the Lismore Rural Housing Strategy and forward it to the Department of Urban Affairs and Planning in accordance with the provisions of the North Coast REP. The draft Strategy was amended in accordance with Council's resolution and forwarded to the Director-General for her agreement.

DUAP has now informed Council that there are a number of issues with the Strategy that need to be resolved prior to endorsement. These include:

1. The Department views detached dual occupancy as a residential-based policy and will only agree to permitting this form of development in areas that have been identified in the Strategy as being suitable for rural residential development.

Comment:

The draft Strategy currently proposes a much broader area (within 10km of Lismore, 5km of Nimbin and 3km of Clunes, Dunoon, Bexhill, The Channon or Wyrallah) as being potentially suitable for detached dual occupancy development. This was based upon the now repealed Clause 15 provisions of LLEP 1992 that permitted rural residential development and detached dual occupancy. In a number of discussions with DUAP officers it has been made clear that the Department will not agree to the Rural Housing Strategy unless the dual occupancy provisions are amended as requested. It is therefore recommended that Council agree to an amendment to the Strategy to restrict dual occupancy to the preferred rural residential areas.

2. Part A of the Strategy should include additional constraints mapping showing that the lands identified for rural housing do not include prime agricultural lands, significant environmental hazards or land with significant wildlife conservation values. Social and service catchments should also be included.

Comment:

The preferred rural residential areas in Part A of the Strategy were originally selected on the basis of their location in areas free of physical constraints. Part A has now been reformatted to include a full set of constraints mapping including new constraints maps such as acid sulfate soils, primary and secondary koala habitat, significant native vegetation and occurrence of threatened species. The preferred rural settlement locations are shown in relation to these constraints as well as to the location of rural facilities such as exist in the larger villages. No change to the preferred rural settlement areas is necessary as a result of this requirement.

3. The map in Part B of the Strategy showing areas that are not physically constrained in terms of rural landsharing community development should also exclude land which does not satisfy other site selection criteria in the Strategy (eg. land that is not within 2km of a nominated road or 4km of a nominated facility). This will give a clearer picture of land that may be potentially suitable for this form of development.

Comment:

An additional map has now been included in the Strategy which excludes land that does not meet these criteria.

4. Council may wish to update its Village Strategy and this would provide an ideal opportunity for providing the public with a comprehensive rural housing strategy for the Lismore area.

Comment:

This is a matter for Council to consider in the future in the preparation of its Management Plan.

If Council agrees to amend the detached dual occupancy provisions as requested by DUAP, it would now seem opportune for Council to proceed with the next stage of implementation of the Rural Housing Strategy by preparing a draft amendment to its Local Environmental Plan. Such amendment will enable rural residential subdivision, rural dual occupancy and rural landsharing communities to occur within the areas as defined in the Strategy. In the case of rural residential subdivision, the enabling provisions of the amendment will allow landowners in the nominated areas to submit rezoning applications consistent with strategy requirements. In the case of rural landsharing proposals, the amendment will enable Council to assess such applications in accordance with the criteria set out in the strategy rather than as currently under State Environmental Planning Policy No 15.

Pursuant to Section 62 of the EP&A Act, Council must first consult with:

- a) such public authorities as in its opinion may be affected by the draft plan;
- b) adjoining Councils where the draft plan applies to land adjoining a boundary with another Council area; and
- c) such other persons as the Council determines.

before the draft Local Environmental Plan can be publicly exhibited. Should the Director-General's agreement to the Strategy be received during the consultation period, Council will be able to exercise its delegations to exhibit the plan. If however, agreement is not received by the completion of the s62 consultations, Council will need to apply to the Director-General for a certificate to exhibit the plan.

Manager - Finance & Administration Comments

Not required

Public Consultations

An extensive process of public consultation was undertaken during the preparation of the Rural Housing Strategy. The objective of this LEP amendment is to implement the Rural Housing Strategy, however there will be further opportunity for public input during the statutory exhibition period.

Other Group Comments

Input from City Works was sought and provided during the preparation and finalisation of the Rural Housing Strategy.

Author's Response to Comments from Other Staff

N/A

Conclusion

Given that DUAP has indicated that the Director-General's agreement to the Lismore Rural Housing Strategy will not be given unless the detached dual occupancy provisions are amended in accordance with their requirements, it is recommended that Council amend the detached dual occupancy provisions and proceed with the implementation of the strategy through the preparation of a draft LEP amendment.

Recommendation (Pla 10)

That Council:

1. agree to amend the Lismore Rural Housing Strategy to restrict the locational criteria for detached dual occupancy as requested by DUAP;
2. resolve, pursuant to section 54 of the EP&A Act, to prepare a draft amendment to the Lismore Local Environmental Plan 2000 that will implement the Lismore Rural Housing Strategy by enabling rural residential subdivision, detached rural dual occupancy and rural landsharing communities to occur in the areas identified in the preferred areas for such uses nominated in the strategy;
3. inform the Director-General of Urban Affairs and Planning of its decision to prepare the draft plan;
4. proceed with the necessary consultations as required under s62 of the EP&A Act; and
5. use its delegations under s65 and s69 of the EP&A Act if the Director-General's agreement to the Rural Housing Strategy is received prior to the completion of the s62 consultations.

LISMORE CITY COUNCIL - Meeting held July 10, 2001

Subject/File No: REVIEW OF SECTION 94 CONTRIBUTIONS PLAN
(BB:MG:S517)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Need to remove anomalies in the administration of Council's S94 Plan

Objective: Council's agreement to exhibit proposed amendments to the S94 Plan

Management Plan Activity: Strategic Planning

Background:

In June 1999, Council adopted a revised Section 94 Contributions Plan that had the effect of repealing the previous 1995 Contributions Plan. The main purpose of the 1999 Plan was to achieve a target reduction of 50% in the level of developer contributions across all plan components.

Since the adoption of the 1999 Plan there have been some legislative changes affecting S94 requirements. Furthermore, a number of problems have become apparent with the administration of the Plan. A staff-working group, with representatives from relevant sections of Council, was established to identify problems associated with the existing Plan. The working group also identified the reason why such problems were an issue, possible solutions to the problem, the extent of work required to address each problem, whether this could be achieved using internal or external resources and the likely timeframe involved.

A number of issues were identified which could be addressed in the short-term using in-house resources. Other problems were identified which would require a relatively major allocation of resources and could only be addressed within a longer timeframe. Consequently, it is recommended that the Section 94 Contributions Plan be reviewed in two stages. The first stage is the subject of this report and involves only those issues identified as capable of being addressed in the short term. The second stage of the review process would occur over the next 12 months and would result in some more fundamental changes to the Plan arising from revised work schedules for Open Space and Community Services.

A summary of the working group's findings is presented in the following table:

SECTION 94 PLAN REVIEW						
No.	Problem	Reason	Solution	Extent of Change	Resources	Timeframe
1.	Format of S94 Plan does not satisfy requirements of EP&A Regulation	Reg. sets minimum requirements and S94 Manual sets out best practice for S94 Plans	Re-format S94 Plan to satisfy EP&A Regs and follow best practice in Manual	Minor	In-house (Planning)	Short term
2.	Maps in the Plan are difficult to read	Difficult to interpret maps when calculating contributions	Re-draw maps using GIS	Minor	In-house (GIS officer)	Short term

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3.	Catchment area boundaries are not coincident with Census Collection Districts	Difficult to monitor population growth in catchments when Census released	Adjust catchment boundaries to fit CD boundaries	Minor	In-house (Planning)	Short term
4.	Contributions for land acquisition are not levied on same basis as for that which land is acquired	Methodology for valuation of land for acquisition needs to be the same as for levying contributions	Amend Plan to be consistent throughout	Minor	In-house (Planning)	Short term
5.	Plan is unclear as to what will be accepted as a Material Public Benefit	Lack of detail creates confusion as to what will be accepted as a MPB	Amend Plan to clarify situation	Minor	In-house (Planning)	Short term
6.	Timing provisions for S94 payments does not include provision for quarries	No direction given as to when S94 road contributions for quarries are payable	Amend Plan to clarify situation	Minor	In-house (Planning)	Short term
7.	Commercial and industrial uses have different methodology for calculating traffic generation eg. Floor area vs. site area	Calculation of traffic generation needs to be consistent and equitable	Review formulas for traffic generation for commercial and industrial land uses	Minor	In-house (Planning/City Works)	Short term
8.	S94 Plan does not include methodology for calculating levies for non-residential uses in residential areas	Inconsistencies can occur in calculating levies for these uses	Devise methodology for calculating levies for non-residential uses in residential areas	Minor	In-house (Planning/City Works)	Short term
9.	Timing of payments does not include provision for pro-rata payments for subdivision	No direction given as to procedure for pro-rata payments for subdivision	Amend Plan to clarify situation	Minor	In-house (Planning)	Short term

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10.	Administration levy and CPI are not applied to heavy haulage calculations	These components are applied to all levies to maintain current value	Amend formula for heavy haulage	Minor	In-house (Planning/City Works)	Short term
11.	No road levies currently charged for village streets	Presently omitted from Plan	Include formula for calculation of village road levy	Minor	In-house (City Works)	Short term
12.	Population projections out of date	Plan must have accurate projections if works schedules are to be achieved	Up-date population projections using 2001 Census figures	Minor	In-house (Planning)	Medium term
13.	Inconsistency between policy on land acquisition and S94 Plan	Varying criteria for acceptance of land	Review policy and incorporate into S94 Plan	Minor	In-house (Planning)	Medium term
14.	Open Space Works Schedules need updating	S94 Works Schedules may not reflect Council's adopted POMs for individual parks or existing 6(a) zones for acquisition	Review works schedules taking into account POMs, 6(a) zones, open space strategies and population projections	Major	Combination in-house/consultants	Long term
15.	Apportionment factor in Open Space Plan needs review	Apportionment calculations undertaken some time ago and may not reflect current situation	Review apportionment calculations for Open Space Plan	Major	Combination in-house/consultants	Long term
16.	Valuations for open space and urban bushland acquisition in need of review	Current valuations in Plan may not be realistic	Review valuations and include an explanation in the S94 Plan as to what lands they apply to	Major	Combination in-house/consultants	Medium term
17.	Community Facilities Works Schedules need updating	Works Schedules are based on plans prepared almost 10 years ago	Review Community Facilities Works Schedules	Major	Combination in-house/consultants	Long term

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18.	Apportionment factor in Community Facilities Plan needs review	Apportionment calculations undertaken some time ago and may not reflect current situation	Review apportionment calculations for Community Facilities Plan	Major	Combination in-house/consultants	Long term
19.	The Plan contains no cash flow analysis	It is not possible to match the rate of incoming contributions with future expenditures in the works schedules or determine what Council's future financial commitments will be.	Use a financial model to generate a cash flow analysis for incorporation in the Plan. This will also enable reconciliation of the old plan when creating a new plan	Major	Combination in-house/consultants	Medium term

A copy of the Lismore Contributions Plan incorporating all of the proposed short-term changes is attached to this report. An explanation of those changes is included below. They have been numbered to correspond with the short term issues (Nos. 1-11) identified in the above table:

1. The Contributions Plan (CP) has been extensively reformatted to satisfy the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Regulation also requires that CPs are prepared having regard to relevant practice notes adopted by the Director-General. DUAP has issued S94 practice notes in the form of its Section 94 Contributions Manual. The Manual includes a model S94 plan that has provided a basis for reformatting the Lismore CP. The practice notes require that greater emphasis be placed on establishing a nexus between the expected type of development in an area and the demand for additional public facilities and services.
2. Maps indicating the S94 catchment areas and the areas where discount factors apply to rural roads, and citywide open space and community facilities have been redrawn using GIS to achieve greater legibility.
3. The nine (9) S94 catchment areas have been adjusted so that their boundaries are coincident with Census Collection District boundaries.
4. The existing plan contains an anomaly in that land dedicated for open space or for community facilities could be valued at a different rate to that which the contributions are collected. In the interests of all parties it is important that valuations are realistic and consistent throughout the plan. This part of the plan (now Clause 8 of Part B) has been amended so that land is acquired at the same valuation that forms the basis for the contribution rate. A review of valuations for all land that has been identified in the works schedules for acquisition will be part of the second stage review.
5. A new policy on land acquisition is being developed that sets minimum criteria for land to satisfy before being accepted for open space purposes. It is recommended that this policy be incorporated into DCP No 28 (Subdivision)
6. The Plan has been amended to require payment of contributions for quarries at the end of each financial year based upon extraction rates for the previous year as submitted in the quarterly returns.

7. The Plan has been clarified to indicate that the contribution (per m² site area) that is levied on industrial subdivision will be discounted against subsequent industrial use of that land based upon traffic generation at the time of application for approval of the use.
8. The formulae for calculating contributions for arterial/link roads and traffic management works have been expanded to allow for change and intensification of uses which also covers non-residential uses in the residential zones.
9. The Plan has been amended to facilitate the pro-rata payment of contributions for subdivision where the Final Plan of Survey for the subdivision is released in stages.
10. The formula for the calculation of road contributions for heavy haulage has been amended to allow for CPI and administration levy consistent with other contributions in the Plan.
11. A new formula has been added to the rural roads section of the Plan to enable contributions to be applied to upgrading of village streets. The formula is based upon similar methodology as for the calculation of contributions for rural roads.

Manager - Finance & Administration Comments

The adjustments recommended to the Plan at this stage are predominately for administrative, regulatory and assessment purposes and are supported.

From a financial perspective, the review of the work schedules for the Open Space and Community Facilities Plans will require greater scrutiny as the demand or need for facilities will need to be matched against Council's ability to fund. The outcome of this process will be clearly reported to Council for consideration.

Public Consultations

Any amendment to Council's Section 94 Contributions Plan must be placed on exhibition for public comment for *a minimum period of twenty-eight (28) days*.

Other Group Comments

City Works (Mike Perkins)

The proposed amendments to the plan will rectify several problems that have been identified in the calculation of both rural and urban road levies. These amendments shall provide both consistency across the plan and greater justification for levies currently being charged. Therefore, the proposed amendments are supported by the City Works Group.

Author's Response to Comments from Other Staff

N/A

Conclusion

It is proposed to review the Section 94 Contributions Plan in two (2) stages. The first stage has addressed administrative deficiencies in the Plan and has concentrated on those issues that were possible to address in the short term using in-house resources. As part of the review all costings in the works schedules as well as the contributions rates have been brought to 2001/2002 rates using the Consumer Price Index. The outcome of the first stage review has not affected the level of contributions that would be payable in the current financial year.

The proposed stage two of the review will involve a more comprehensive review of the plan including work schedules, apportionment, revised population projections and the inclusion of a cash flow analysis. This part of the review will occur over the next 12 months or so.

Recommendation (Pla 11)

That Council place the draft amendments to its Section 94 Contributions Plan on public exhibition for a period of twenty-eight (28) days.

Subject/File No: REVIEW OF LEP 2000 – AMENDMENT NO. 6
(BB:MG:S761)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Close of Exhibition Period

Objective: Council's Adoption of Amendment No. 6

Management Plan Activity: Strategic Planning

Background:

At its meeting of December 12, 2000, Council resolved to publicly exhibit draft LEP Amendment No. 6 for a period of 3 months. The principal objective of the amendment was to remove anomalies and other inconsistencies in LEP 2000 and to introduce a consolidated list of definitions into the plan. The amendment was the result of a comprehensive review of the written instrument and involved seventy-seven (77) separate amendments to the existing document. A full explanation of those amendments can be found in the initial report to Council on September 19, 2000.

Public Submissions

Draft Amendment No. 6 was publicly exhibited from January 29 to April 27, 2001. Prior to the formal public exhibition period relevant government agencies and representatives of the development industry in Lismore were provided with the opportunity to comment on the draft plan.

Only one submission was received in response to the exhibition. This was in support of the amendment as it applies to 'local art and craft galleries'. The intent of the current amendment is to provide more flexibility with respect of the range of uses that will be covered by the definition.

Additional Issues

Further to those matters that have already been addressed in draft Amendment No. 6, several other issues have been subsequently identified by Council's Planning Section which warrant inclusion in the draft amendment. These are outlined as follows:

Clause 25 – Development along main roads

This clause restricts direct vehicular access to main roads for certain scheduled developments within specified zones in rural areas. The exclusion of the 1(r) Riverlands Zone from this Clause appears to be an oversight and it is recommended that Clause 25(a) be amended to include the 1(r) zone.

Clause 28 – Additional development on certain land.

The wording of this Clause is convoluted. It is recommended that the Clause be reworded in 'plain English' and the Schedule to which the Clause applies be reformatted into columns for ease of reference.

Clause 30 – Zone No. 1(a) – (General Rural Zone)

- 'Boarding houses' are generally prohibited in the rural zones but are not specifically listed as prohibited in the 1(a) zone table. This form of development is not considered appropriate in rural areas and it is recommended that they be included as prohibited development. This would not effect 'bed and breakfast establishments' and 'rural tourist facilities' (including guest houses) all of which are permissible in the rural zones.

- *'Car repair stations'* are currently permissible in the 1(a) zone but not in other rural zones. This has caused some problems in the past where approved car repair stations in rural areas have generated complaints from neighbours about impacts on amenity (such as noise generation). It is considered that car repair stations are more appropriately located in the industrial or commercial zones and it is therefore recommended that they be listed as prohibited development in the 1(a) zone.

Clause 36 – Subdivision in rural zones

This Clause permits the subdivision of rural land, under certain circumstances for a lawfully approved building or use, except where that building or use is for agriculture, forestry, a dwelling-house or a rural worker's dwelling. The use of this Clause for a *'special purpose subdivision'* is appropriate in many cases, however there are some uses where it is considered that subdivision of an approved use would not be appropriate. For example the definition of *'rural tourist facility'* requires that they be integrated with or designed to complement the rural activities or attractions of the site and locality. One of the objectives of this form of development is to permit rural properties to provide a supplementary income through tourism. It therefore would not be considered appropriate that they be subdivided from the rural property. Similarly *'retail'* and *'wholesale plant nurseries'* are uses that are similar in nature to agriculture in that they involve the growing of plants for sale or profit. In many cases nurseries could involve a small scale operation and the subdividing of such uses to obtain a de-facto rural subdivision would be not appropriate. It is recommended that *'rural tourist facilities'* and *'retail and wholesale plant nurseries'* be added to the exceptions in Clause 36(4) which includes agriculture, forestry, dwelling-houses etc.

Clause 37 – Rural dwellings

Clause 37(4) sets out the circumstances under which an allotment of land within a rural zone will have an entitlement to erect a dwelling-house with the consent of Council. Such circumstances relates to the way in which the allotment was created. A potential problem could arise with the current wording where an allotment created in accordance with one or more of the requirements of the Clause is subsequently changed through the opening or widening of a public road. This would effect the way in which the allotment was created, and in theory could have the effect of extinguishing a dwelling entitlement on such an allotment. This was clearly not the intention of the Clause when originally drafted and it is recommended that an additional sub-clause be added to Clause 37(4) so that a dwelling entitlement is preserved on an allotment that was otherwise created in accordance with the provisions of the Clause but has been subsequently altered through the opening or widening of a public road in accordance with the Roads Act.

Clause 50 – Zone No. 2(v) – Village Zone

Caravan parks are a permissible use in the 2(v) as advertised development. While this is considered appropriate use in the zone, it is also considered that such development in a Village Zone is only appropriate where connected to a reticulated sewerage system, whether this be a Council sewer system or an on-site package treatment plant. It is therefore recommended that this requirement be flagged in the Clause.

Clause 58 – Zone No. 3(a) – Business Zone

The 3(a) Zone table prohibits dwelling houses in the zone except where attached to an approved commercial type use. Dual occupancies are prohibited. It is considered that this could be overly restrictive under certain circumstances and that it would be better to simply permit *'dwellings'* that are attached to an approved commercial use. This would allow for a wider range of residential uses in the commercial zone but still retain the requirements that residential development be attached to (or above) commercial development in the zone. *'Dual occupancies'* could then be deleted as a prohibited use in the zone.

Clause 59 – Zone No. 3(b) – Neighbourhood Business Zone

The 3(b) zone table also prohibits dwelling houses in the zone except where attached to an approved commercial type use. It is recommended that *'dwelling houses'* be replaced with *'dwellings'* in the same manner as suggested for the 3(a) zone.

Schedule 7 – Definitions

It is considered that the current definition of rural tourist facilities is too broad and covers a number of uses defined elsewhere in the definitions. It is recommended that the definition be amended to read:

“Rural tourist facility means a small scale establishment providing basic holiday accommodation or basic recreational or educational facilities and includes a camping ground, guesthouse, hostel, three or more cabins, education facility or the like, the facilities provided at which are integrated with or designed to complement the rural activities or attractions on the site or in the surrounding locality”.

Mapping

Although draft LEP Amendment No. 6 has been primarily concerned with rectifying anomalies and inconsistencies within the written instrument there are a number of mapping anomalies in the LEP that could appropriately be addressed in this amendment.

These are as follows:

1. Land at Ballina Road, Alphadale

It has been brought to Council's attention that part of land described as Lots 321 and 322, DP 864005, and Lot 1, DP 707929 was incorrectly zoned as part of LLEP 1992 (Amendment No. 19) in July 1995. The intention of that amendment was to place a 5(a) Special Uses Zone over part of these lots that was required for future road corridor by the RTA. However, it appears that the zone boundary line was inaccurately drafted resulting in some land not required by the RTA being also zoned 5(a). This has caused inconvenience and stress to the owner of the land. It is therefore recommended that the 5(a) zone boundary be rectified so as to be coincident with the boundary of land now acquired by the RTA for future road.

2. Land in Holland Street, Goonellabah

Land described as Lots 1 and 2, DP 1021834, Holland Street, Goonellabah was rezoned 1(d) Investigation by LEP 1992 (Amendment No 21), however this was not carried through on the mapping in LEP 2000 where it is shown as 1(a) Rural. It is recommended that the correct 1(d) zoning be reinstated through this amendment.

3. There are a number of notations on the LEP 2000 maps that still refer to Clause numbers under the old LEP 1992. These should be amended to refer to the correct clause numbers in the current LEP.

Manager - Finance & Administration Comments

Not required.

Other Group Comments

Comments from City Works regarding draft Amendment No. 6 were provided in the planning report to Council of September 19, 2000.

Author's Response to Comments from Other Staff

N/A

Conclusion

The additional amendments to Amendment No. 6 as recommended in this report are not considered to be of a significant nature as to warrant re-exhibition of the draft Plan. It is therefore recommended that Council adopt the draft plan and forward it to the Minister with a request that he make the plan.

Recommendation (Pla 9)

That Council adopt draft *Local Environmental Plan No. 6* with such recommended changes as outlined in this report and forward the Amendment to the Minister for Urban Affairs and Planning with a request that the plan be made.

Subject/File No: LISMORE SEWERAGE INFLOW/INFILTRATION STUDY
(DW:CD:S290)

Prepared By: Asset Manager, Lismore Water – Janaka Weeraratne

Reason: To respond to a previous resolution of Council

Objective: To inform Council on the Stormwater Inflow/Infiltration Study

Management Plan Activity: Strategic Plan Link 6.5, 6.4, 2.2

Background:

At Council's meeting held on February 22, 2000, Council resolved that a report be brought before Council identifying the key findings of the stormwater inflow/infiltration (I/I) study that was undertaken by the consultants, Australian Water Technology (AWT).

Lismore Water's gravity sewerage pipes are made up of various types of materials such as clay, concrete and uPVC. The earliest sewerage pipes in Lismore were laid in 1902 within the original town area bounded by Molesworth, Conway, Dawson and Zadoc streets.

To a large extent, the pipe materials are chemically inert or resistant to sewage and are capable of transporting sewage under gravity for a considerable period of time. These pipe materials are generally brittle and easily damaged by impact or movement that can occur at any time, including during the construction and during their life span. Damaged pipes can allow the ingress of water from surrounding ground (infiltration) or egress of sewage into the surrounding ground (exfiltration).

Sewage pipes over time have been joined and sealed with a number of materials. Prior to the introduction of the rubber rings, materials such as lead, cement mortar and bitumen have been used. Although effective at the time of construction, they can deteriorate and fail leaving the joint open. There are examples of rubber ring failures due to material degradation and micro-biological attack.

The deterioration of a sewerage system occurs slowly and virtually unnoticed over a long period of time. The result of this deterioration is the increased hydraulic loading on Council's pump stations, treatment plants and overflow points. The various infiltration/inflow sources are as shown in the Figure 1.

With stricter environmental regulations and community awareness about environmental issues, it has become an integral part of a sewerage management strategy to control and where necessary treat I/I.

AWT Report

Consultants AWT undertook a hydraulic investigation of the existing trunk-sewer system of the East Lismore, South Lismore and Nimbin wastewater systems to quantify the performance of the systems under dry and wet weather conditions.

In order to determine the system performance, consultants AWT developed a 'real-time' hydraulic model using the computer software called MOUSE for each of the sewer catchments. Sub-Contractors, ADS Environmental Services Pty. Ltd. undertook flow and rainfall gauging at selected gauging points over a period of 13 weeks to calibrate the computer model.

This investigation found that Nimbin (which was commissioned in 1994) appears to be operating as designed with no major inflow/infiltration problems. Thus, no further investigation of the Nimbin system is required at this time.

Report – Lismore Sewerage Inflow/Infiltration Study

For the East Lismore and South Lismore trunk sewer system (excluding the case of a sewer blockage), the model indicates that the trunk sewer systems are able to cope with both average and peak dry weather flows. When subjected to dry weather flows, no system overflows or manhole surcharges were identified in the model.

The dry weather infiltration/exfiltration (exfiltration is the leaking of sewage out of the pipes into the surroundings) for the various catchments in East Lismore and South Lismore are as given in Figure 2. For East Lismore, seven catchments out of fifteen had normal or minimal leakage. For South Lismore, two catchments out of nine had normal or minimal leakage.

During periods of wet weather, in the East Lismore Catchment, two catchments contributed over 11% of the I/I Ingress and two catchments contributed over 8% each. For South Lismore, one catchment contributed over 21% of the I/I Ingress and two catchments contributed over 8% each.

The leakage rates (infiltration) of the various catchments are as given in Figure 3. The catchment in East Lismore that is the most 'leaky' has a leakage rate of 11.7 L/m/mm and for the catchment in South Lismore, the most 'leaky' has a leakage rate of 12.6 L/m/mm. The leakage is based on the litres of stormwater ingress per metre of pipe per millimetre of rainfall.

Modelling of the system for rainfall in the period January 1996 to June 1999 indicated that in East Lismore, overflows were activated in seven of the catchments. For South Lismore, overflows were activated in all catchments except one.

Figure 4 shows the response rates of various catchments to inflow. A fast response could indicate that there is a high level of illegal stormwater connections to the sewer system. For East Lismore, one catchment has a high inflow level and four catchments demonstrate a medium to high level of inflow. For South Lismore, one catchment has an excessive level of inflow and four catchments have a medium to high level of inflow.

Full details of the above results are contained in the Stormwater I/I Management Study, Volume 1 and II prepared by AWT. This report can be viewed by contacting the author.

Steps to be taken from here

Four catchments in East Lismore and three catchments in South Lismore were identified by the consultants, AWT as needing further investigation.

It is proposed as a trial, one of the worst catchment identified in the AWT report for South Lismore will be inspected by a CCTV survey and that certain areas in this catchment be also identified for smoke testing. Smoke testing is a process whereby smoke is 'blown' into the localised sewer catchment at a manhole. Any illegal connections (such as a low yard gully connected to a sewer system) or cracked sewer pipes that are present show up by smoke appearing at these locations.

Based on the information received from these surveys in conjunction with local knowledge of the sewer system, it is proposed that a sewer pipework rehabilitation program be developed and the effects of this rehabilitation on the system be monitored. These investigations would then be extended to the other catchments.

This rehabilitation program would also be undertaken in conjunction with computer modelling to determine the best sewer rehabilitation programme.

Manager - Finance & Administration Comments

In accordance with the need to meet "stricter environmental regulations and community awareness about environmental issues", Council will need to undertake a program of upgrading the sewerage system.

To be able to quantify the exact scope of the works, it is recommended that a trial of the South Lismore catchment be undertaken. Council have included \$50,000 in the 2001/02 Budget for works associated with the Inflow/Infiltration Study of which this testing is a part.

Public Consultations

Nil.

Other Group Comments

N/A.

Conclusion

The report produced by the consultants, AWT identified that Nimbin was operating as designed with no major inflow/infiltration problems. Thus, no further investigation of the Nimbin system is required. This report further identified four catchments in East Lismore and three catchments in South Lismore as needing further investigation.

As a trial, the worst catchment identified in the AWT report for South Lismore will be inspected by a CCTV survey and smoke testing. Based on the information received from these surveys, in conjunction with local knowledge of the sewer system and computer modelling, it is proposed that a sewer pipework rehabilitation program be developed and the effects of this rehabilitation on the system be monitored. These investigations would then be extended to the other catchments.

Recommendation

1. The information provided above be noted.
2. As a trial, the worst catchment identified in the AWT report for South Lismore be inspected by CCTV survey and smoke testing.

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Subject/File No: 114 & 144 CANIABA STREET, SOUTH LISMORE,
(P3661)

Prepared By: Manager Client Services – Lindsay Walker

Reason: To gain Council authorisation to proceed with the acquisition of part of Lot 4 in DP 602872.

Objective: To obtain Council resolution to allow acquisition to proceed.

Management Plan Activity:

Background:

Early in the investigative process, which accompanied the development of the Lismore Flood Levee Scheme, it was recognised that the acquisition of an area of the abovementioned Lot 4 on the corner of Snow Street and Caniaba Street, South Lismore would lead to a significant improvement of the floodway in that area.

Accordingly in 1997 Council commenced the process to rezone the subject 7ha of land to 1(r).

During the rezoning process Council entered into correspondence with Wyrain P/L for the purchase of the subject 7ha for the sum of \$2,400.00 per ha. In other file correspondence this has been rounded up to \$17,000.00.

This transfer did not proceed and I am not able to confirm a Council Resolution that it should.

As the South Lismore section of the flood levee will commence in the near future it was recognised that the purchase of the 7ha needed resolution. To that end Lismore City Council and Richmond River County Council met with Wyrain representatives. During that meeting and the following negotiations it was agreed that the purchase of the said 7ha proceed on the following basis:

- That the purchase price to Wyrain be \$30,000.00,
- that Wyrain provide a plan of survey at its own cost,
- that Lismore City Council pay for and organise the necessary Development Application and Subdivision Certificate,
- that access to the site be available upon exchange of contracts,
- that Richmond River County Council pay \$21,000.00 towards the purchase costs,
- that Lismore City Council pay \$13,725.00 towards the purchase costs, and
- that each party pay their own legal expenses.

Manager - Finance & Administration Comments

On the basis that the acquisition of this property "would lead to a significant improvement of the floodway", and a \$21,000 contribution from Richmond River County Council, it is supported.

The funding of Council's contribution of \$13,725, being slightly more than one third of the costs, will come from the Flood Mitigation Reserve.

Public Consultations

N/A

Other Group Comments

Group Manager – City Works:

This piece of land has long been identified as being required for a floodway and levee system. The actual development has been designed around this fact. Under normal circumstances the land would have been transferred/purchased by Council as part of the completion for sale of the industrial subdivision. While the roads have been virtually completed, the release of the subdivision has been deferred until some sales are imminent.

Whilst the price of the land has increased since the original discussion took place, the cost to Council has reduced due to the ability to attract a subsidy.

In order to proceed with the levee works, I recommend that the land be purchased as soon as possible at the suggested figure.

Author's Response to Comments from Other Staff

Noted.

Conclusion

Although the purchase of this land has been drawn out over a long period of time, it is now necessary to finalise the matter to facilitate the imminent construction of the flood levee.

The above outlined proposal appears equitable to all parties and reduces Councils cost from \$17,000.00 in 1998 to \$13,725.00. The proposed funding apportionment between the two Councils takes account of G.S.T., LTO lodgement costs, Development Application fees and legal costs.

Recommendation – GM14

1. That the General Manager be authorised to conclude negotiations and proceed with the purchase of 7ha of Lot 4 in DP 602872 on the corner of Caniaba Street and Snow Street, South Lismore for a purchase price of \$30,000.00 with funding and contractual arrangements to be generally as set out in the report.
2. That the General Manager be authorised to execute and apply the Common Seal of the Council to the Contract of Sale, Memorandum of Transfer, Plan of Survey, Section 88(b) instrument and or any other legal instrument necessary to effect the transfer of the property and the creation of the easement for flood levee purposes.

Subject/File No: BRISTOL CIRCUIT, GOONELLABAH
P25531

Prepared By: Manager Client Services – Lindsay Walker

Reason: In satisfaction of Local Government Act requirements

Objective: To seek a resolution to place the Council signatures and seals on the transfer documents pertaining to the sale of lots 16, 20, 22, 23, 24, 25 & 26 in DP 855155, at Bristol Circuit, Goonellabah.

Management Plan Activity:

Background:

Some time ago Lismore City Council entered into a joint venture arrangement for the residential development of land which it owned at Goonellabah. While the take up rate of the developed residential lots has been slow it does continue. The abovementioned seven lots remain unsold at this time, however Council has received an offer for Lot 20.

The purchase price offered is \$47,000.00. Upon settlement Council will receive its agreed undeveloped land component, its levies, its maintenance costs and its 50% share of the profit from sale. It is considered that the sale price is appropriate considering that this lot is a battle-axe lot and does not enjoy the amenity associated with lots which have greater street frontage.

The remaining six unsold lots will continue to be listed with local Real Estate Agents at prices which are subject to annual review. All lots have the benefit of a current valuation and reference is made to this information during negotiations for the sale of each and every individual lot.

Although a resolution to sell all remaining lots is being sought at this time a separate report will be presented to Council seeking a resolution to execute a transfer before each individual lot is sold.

Manager - Finance & Administration Comments

This will be the 20th lot sold in the Blue Hills Residential development with potential for approximately 30 more.

As with residential land generally for Lismore, sales are fewer than expected. To compensate we have reviewed prices and methods of promotion in an effort to increase sales. This has not resulted in additional sales yet.

The sale of Lot 20 for \$47,000 is supported and it will result in a return to Council of around \$4,000.

Public Consultations - Not required.

Recommendation – GM13

That Council:

1. Sell lots 16, 20, 22, 23, 24, 25 & 26 in DP 855155 at Bristol Circuit, Goonellabah.
2. Execute the contract of sale and transfer in relation to the sale of Lot 20 in DP 855155 under common seal.

LISMORE CITY COUNCIL - Meeting held July 10, 2001

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD JUNE 20, 2001

AT 10.00 AM.

(WMacD:VLC:S152)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Bob Gates and Mervyn King, M/s Bronwyn Mitchell on behalf of Mr Thomas George, MP, Messrs Mike Baldwin (*Roads and Traffic Authority*), Snr Const Brian Buckley (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

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

Minutes of Traffic Advisory Committee Meeting – May 16, 2001

Members were advised that the Minutes of the meeting held on May 16, 2001 were adopted by Council at its meeting of June 12, 2001, excluding Clause No. 8 (TAC50/01 - Intersection of Union Street/Three Chain Road – Line-marking).

The Committee noted Council's resolution in relation to this item. (R6938)

Disclosure of Interest: Nil

Correspondence:

1. **Maranoa Inc;** on behalf of residents of the Hostel, No. 26 Dibbs Street, Lismore, expressing concern for number of skateboarders and cyclists riding down the front footpath, often at speed and in poor evening light.

It was suggested that some type of chicane across the footpath above the entrance to Maranoa would be the most appropriate means of slowing skateboarders and cyclists. The footpath would need to be widened to accommodate the railings.

TAC61/01 **RECOMMENDED** that the above works be carried out at the earliest opportunity. (01-8289:P2267)

2. **Rous Water;** reporting the potential for an accident at the intersection of Middleton Way and Rocky Creek Dam Road, and requesting the road surface of Middleton Way at the intersection be improved, and also that appropriate traffic signs be placed at the intersection as well as Rocky Creek Dam Road.

Members were advised that the intersection had been inspected and was found to be extremely dangerous. In the short-term, it was suggested that warning signs such as "Concealed Intersection Over Crest" should be erected. It was noted that Rous Water had offered to pay for these signs.

In the longer term, it was considered that a detailed survey and design should be undertaken with the view to relocating the intersection to the top of the crest. This measure would afford maximum view of oncoming traffic in both directions.

As Middleton Way was basically a Crown Road predominately used by Rous Water staff, it was suggested that any such survey, design and construction should be carried out by Rous Water.

TAC62/01 **RECOMMENDED** that an estimate be provided to Rous Water for Council to make and erect suitable warning signs as outlined above.

TAC63/01 **FURTHER RECOMMENDED** that the matter of upgrading the intersection in accordance with the above be referred to Rous Water for its attention.

(01-8376:S352,R8661,R841)

3. **Lismore Baptist Church**, expressing concern regarding the safety of the entrance into the Church carpark as it exits Uralba Street; there being no markings to indicate right-of-way and as Uralba Street is narrow, curved and raised at that point, visibility is difficult.
As stated in the correspondence, it was confirmed to Members that Uralba Street was very narrow in the area in question which meant centre line markings could not be installed. It was suggested that the restriction of parking along the southern side of Uralba Street from the start of the Church driveway to the first power pole, may assist in exit/entry to the Church carpark.
- TAC64/01** **RECOMMENDED** that "No Stopping" signs be erected on the southern side of Uralba Street, from the start of the Church driveway to the first power pole.
(01-8068:S352,P16894)
4. **D Bell & M/s J Adams**; seeking the installation of a convex mirror or alternative treatment near their driveway entrance at No. 91 Terania Creek Road, The Channon.
Whilst the Committee raised no objection to the erection of a convex safety mirror opposite the driveway in question, it was felt that the issue of relocating the driveway should be fully explored as a first step. This would obviously depend upon available property frontage. Should a mirror still be the best option, it was suggested that it should be a minimum of 800mmø and would be at the writers' expense.
- TAC65/01** **RECOMMENDED** that the above options be put to the writers for their consideration.
(01-7536:R3350,P13107)
5. **D Kennedy**; referring to reckless driving along Gainsborough Way and requesting speed humps be installed to protect the children of the area.
It was noted that Gainsborough Way was off Sheridan Drive in which residents had requested speed bumps for similar reasons some time ago. After several surveys of residents in that street, the majority did not want such devices.
Gainsborough Way was sloping and included bends which would restrict visibility of any devices that may be placed on the road. It was suggested that it was more than likely local residents were causing the current concerns and that the most effective way of dealing with the matter was to supply the number plates of offending vehicles to the Lismore Police Station. Snr Const Buckley indicated that Police Officers would then speak to the motorists concerned.
Mrs Johnson advised that Council had recently obtained approval from the RTA to purchase a speed message board which could be used in residential areas such as Gainsborough Way as a means of educating residents of appropriate speeds.
- TAC66/01** **RECOMMENDED** that the writer be advised that speed bumps were not considered appropriate for the reasons set out above, and suggesting that the supply of vehicle number plate information to the Lismore Police Station would be more effective.
(01-8578:R6448,P4194)
6. **Richmond Hill Ratepayers Association**; drawing attention to the speed of vehicles travelling along Richmond Hill Road despite 60 kph signs being erected and requesting a greater Police presence in the area; also the number of heavy vehicles now using the road and requesting a weight limit be placed on vehicles using the road.
Snr Const Buckley advised that Police Officers regularly patrolled Richmond Hill Road and took action against motorists disobeying the signposted limit. Richmond Hill Road was a major link road in Council's road hierarchy and, as such, it was not considered appropriate to install a weight limit.

6. **Richmond Hill Ratepayers Association;** (Cont'd)
It was recognised that some truck drivers may use Richmond Hill Road as a detour, particularly when RTA Truck Inspectors were located along Dawson Street. It was suggested that contact be made with this group via Council's representative, Mr Hemsworth, with a view to investigating the possibility of the Inspectors setting up on Ballina Street, west of Dawson Street, if an appropriate site could be found.
- TAC67/01** **RECOMMENDED** in accordance with the above. (01-8574:R1012,R6002)
7. **Miss Elizabeth Hamilton;** referring to previous letter regarding congestion at the corner of Keen/Woodlark Streets and at the pedestrian facility mid-block on Woodlark Street; also expressing concern with the number of dangerous roundabouts in Lismore which obstruct visibility.
It was noted that the issue of visibility through roundabouts had been raised on many occasions in the past. It was pointed out that it was not necessary to be able to see through the roundabout as long as suitable sight distance of vehicles approaching on the right-hand side was available, and through traffic approaching from the opposite direction could be slowed sufficiently by roundabout design and construction. It was noted that lane markings at the roundabout of Keen and Woodlark Streets had now been altered and would be monitored to assess any impact on roundabout function.
- TAC68/01** **RECOMMENDED** that the above be noted. (01-8499:R7313,R7329)
8. **Thomas George. MP, on Behalf of Goolmangar Public School P&C Association;** seeking a School Zone of 40 kph on Nimbin Road rather than the existing 60 kph in the vicinity of the School, and requesting greater policing of the School Zone.
Mr Baldwin advised that the normal speed limit on Nimbin Road was 80 kph and, as such, the appropriate School Zone speed limit was 60 kph which was the current situation. This was in accordance with existing guidelines.
- TAC69/01** **RECOMMENDED** that the P&C Association be advised accordingly. (01-9379:S325,P20295)
9. **School Bus Drivers;** drawing attention to restricted sight distance for motorists at the intersection of College Road and Music Street, East Lismore, and requesting that either "Stop" or "Give-Way" signs be erected on College Road.
Mr MacDonald advised that he had inspected the intersection of Music Street and College Road. The erection of "Give-Way" signs on College Road, each side of Music Street, was not considered appropriate as predominant traffic flows would be on College Road.
The prohibition of parking on the western side of College Road, both sides of Music Street, was seen as a means of reducing current problems of restricted sight distance.
- TAC70/01** **RECOMMENDED** that a "No Stopping" zone be created on the western side of College Road, from Music Street to the driveway of No. 19 College Road; and in the other direction from Music Street to the driveway of No. 27 College Road.
- TAC71/01** **FURTHER RECOMMENDED** that the shrubbery on the footpath area of College Road, in front of the property on the south-western corner of Music Street, be pruned to afford greater visibility. (01-8906:R7419,R7458)

Reports

10. **Road Safety Officer** – Activity Report for April/May 2001.
Mrs Johnson tabled the report and spoke briefly on its contents.
TAC72/01 **RECOMMENDED** that the report be received and noted. (S596)

General Business

11. **No. 5 Ballina Road, Goonellabah – Illegal Parking**
Concern had been expressed due to vehicles being parked too close to the intersection of William Blair Avenue and Ballina Road (western end).
As a result of the current problems, it was suggested that “No Stopping” signs be erected on the southern side of Ballina Road, from William Blair Avenue to the eastern side boundary of No. 5 Ballina Road.
TAC73/01 **RECOMMENDED** that the above works be undertaken at the earliest opportunity. (R6408)
12. **Conway Street – Pavement Markings / Nose-In Proposal Investigation**
It was noted that this issue was currently with Council’s Design Services Section to prepare an overall traffic plan for the section of Conway Street between Keen and Dawson Streets. In the interim, it was suggested that at least a centre line be painted along the above section in order to keep motorists on the correct side of the road. The general layout for parking was considered adequate bearing in mind that the remainder of the CBD would need to be assessed if any change was considered.
TAC74/01 **RECOMMENDED** that the above line-marking be carried out at the earliest opportunity. (R7307)
13. **Access to Railway Station Carpark - Union Street, South Lismore**
Members were advised that this area had been inspected and there appeared to be no problems with the current facilities. There was no restriction on motorists wishing to negotiate a right-turn into the Railway Station Carpark.
TAC75/01 **RECOMMENDED** that the above be noted. (R6938)
14. **Intersection of Ballina Road/Bruxner Crescent, Goonellabah**
A complaint had been lodged that motorists were performing illegal manoeuvres as signs/posts had been knocked out.
It was acknowledged that the majority of the flexible posts that were in the centre of Ballina Road to restrict right-turn movements into and out of Bruxner Crescent were now missing. There was a need to do something of a more permanent nature.
In the medium short-term, it was suggested that a triangular median constructed in Bruxner Crescent at its intersection with Ballina Road would be a more practical treatment to prohibit traffic movements. However, this would need to be more fully investigated.
In the longer term it was suggested that a centre median should be constructed along Ballina Road. However, this would not be possible until road widening was undertaken and a roundabout constructed at the intersection of Invercauld Road.
TAC76/01 **RECOMMENDED** that the proposal for a triangular median on Bruxner Crescent, at its intersection with Ballina Road, be referred to Council’s Design Services Section for preparation of a plan and estimate and this be submitted back to the Committee for further consideration.
-

LISMORE CITY COUNCIL - Meeting held July 10, 2001

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD JUNE 20, 2001 (Cont'd)

TAC77/01 **FURTHER RECOMMENDED** that the issue of a longer term plan for the redevelopment of the whole section of Ballina Road, between High Street and Rous Road, be referred to Council's Design Services Section for further investigation and development of a preliminary plan for the Committee's consideration. (R6414,R6408)

15. **Future Needs of Ballina Road (Between Kadina and Holland Streets)**
The Committee noted that peak traffic flows along Ballina Road continued to grow. As development continued to expand to the east of the City, demand for a functional road infrastructure without lengthy delays also increased. There was a clear need to start planning for the reconstruction of the above section of the Bruxner Highway to cater for the growth currently being experienced and into the future.

TAC78/01 **RECOMMENDED** that this proposal be referred to Council's Design Services Section for investigation and preparation of a plan and estimate for the redevelopment of Ballina Road, between Kadina and Holland Streets, comparable with the section west of Kadina Street; that is, two through lanes in each direction with parking lanes. (R6408)

16. **Roadworks Speed Zones**
It was brought to the Committee's attention that many of the temporary "Roadworks Speed Zones" were either too long or were being left in force 24 hours per day when there was, in some cases, clearly no need to have a reduced limit apart from when workers were on-site. The end result of this practice was that motorists were more likely to disobey restrictions that were in place for no obvious reason. It was important to gain the support of the motoring public in complying with speed zones and their correct use would help achieve this.

TAC79/01 **RECOMMENDED** that future "Roadworks Speed Zones" be installed after consideration of the above application; ie, they are only operational when absolutely required and covered at other times. (S346)

17. **N-Limits Survey – Bruxner Highway – South of Three Chain Road**
Mr Baldwin advised that he had not had time to complete the proposed N-limits survey to date but would submit findings to the Committee for consideration at the earliest opportunity.

TAC80/01 **RECOMMENDED** that the above be noted. (R4807)

18. **Rural Contact Forum Meeting – Corndale Road**
The Mayor advised that the issue of excessive speed along Corndale Road, between the Hall and Arthur Road, had been raised as a concern from residents at a recent Rural Contact Forum Meeting. It was noted that the general State-wide speed limit applied to the section of road in question and it was felt that a reduction was not warranted. Snr Const Buckley noted the residents' concerns and undertook to arrange patrols in the area when resources allowed.

TAC81/01 **RECOMMENDED** that the above be noted. (R3801)

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

CHAIRPERSON

**TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR**

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 12, 2001 AT 6.02PM.

- Present:** His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen, Irwin, King, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Development Assessment Planner (Chris Soulsby), Manager-Finance & Administration, Waste Minimisation Officer, Waste Education Officer, Manager-Client Services, Manager-Human Resources, Workshop & Fleet Manager, Manager-Communications & Public Relations, Manager-Roads & Infrastructure, Manager-Environmental Health, Manager-Waste Services and Administrative Services Manager.
- 93/01 **Apologies/** Leave of absence was granted to Councillor Hampton by Council
Leave of on May 1, 2001.
Absence: Leave of absence was granted to Councillor Irwin for the period
June 15-24, 2001.
(Councillors Gallen/Baxter)
- 94/01 **Minutes:** The Minutes of the Ordinary Meeting held on May 1, 2001, were confirmed.
(Councillors Swientek/Roberts)

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 Bernie Kerr re Report DA01/186 – Restricted Premises

(See Minute No. 96/01)

Mr Kerr disputed claims that the public and adjoining businesses would be exposed to restricted material or its customers, citing his experience in this regard.

(D01/186)

Mr F Lees – Lismore Ministers Fellowship re Report DA01/186 – Restricted Premises

(See Minute No. 96/01)

Mr Lees claimed a link between pornography and sex crimes and urged Council to reject the application on moral grounds and its link with crime.

(D01/186)

Mr Barry Robinson – Lismore Unlimited – Proposed 2001/02 Roads -Construction Programme

(See Minute No. 97/01)

Mr Robinson expressed general concern at the lack of road funding for the CBD. Specifically he asked Council to reallocate part or all of the funding proposed for CBD laneways to the main CBD streets.

(S374)

NOTICE OF MOTION:

Workshop – Flood Levee and Pool

(Copy attached)

Formal notice having been given by Councillors Tomlinson and Roberts it was MOVED that now that the outcome of the Federal budget is known, Council hold a workshop forum as soon as possible that details the short and long term financial implications of proceeding with construction of both the flood levee and the pool. The workshop also canvass options for minimising the financial impact on other areas of Council expenditure including minor and major capital works activities, e.g. CBD beautification, Goonellabah Leisure Centre, etc.

(Councillors Tomlinson/Roberts)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors King, Chant, Baxter, Suffolk, Gates and Crowther.
(01-7800: S106, P6768)

SUSPENSION OF STANDING ORDERS:

95/01 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- DA01/186 – Restricted Premises – Keen Street, Lismore
- Proposed 2001/02 Road Construction Programme
(Councillors Gallen/Baxter)

DA01/186 – Restricted Premises – Keen Street, Lismore

(Copy attached)

96/01 **RESOLVED** that the report be received and Council refuse DA01/186 on the following grounds:

- 1 The development will have an adverse impact on the social environment (S79C(1)(b)).
- 2 The development is contrary to the zone objectives (S79C(1)(a)(i)).
- 3 The development will have an adverse impact on the amenity and character of the area (S79C(1)(b)).
- 4 The development is inappropriate given its proximity to a range of family orientated businesses and a range of community uses including a church and Sunday school.

(Councillors Swientek/King)

Voting Against: Councillors Irwin, Roberts and Tomlinson.
(D01/186)

Proposed 2001/02 Road Construction Programme

(Copy attached)

A MOTION WAS MOVED that the report be received and –

- 1 That Council approve the “Proposed Reconstruction Programme” as set out in the body of the report, subject to the following changes:

Proposed Reconstruction Programme

Urban - Wyrallah Road – Arnett Street – Rosedale Square	\$235,000
CBD Streets and Inner Lanes – Lismore CBD	\$250,000

- 2 The unallocated funds be referred to the Road Management Committee for their consideration and recommendation to Council.

- 3 That Regional Roads be included in the point system for allocation of 'Roads to Recovery' funding to a maximum value of \$250,000 in any one year. One job per road per year would still apply. This policy to apply from the 2002/03 financial year as significant funds will be expended on Regional Roads from flood funding in the 2001/02 year.
- 4 That the Road Management Committee's title be changed to the Roads Advisory Committee at the appropriate time.
(Councillors Gates/King)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That Council approve the "Proposed Reconstruction Programme" as set out in the body of the report, subject to the following changes:

Proposed Reconstruction Programme

Urban - Wyrallah Road – Arnett Street – Rosedale Square \$235,000

- 2 The unallocated funds be referred to the Road Management Committee for their consideration and recommendation to Council.
- 3 That Regional Roads be included in the point system for allocation of 'Roads to Recovery' funding to a maximum value of \$250,000 in any one year. One job per road per year would still apply. This policy to apply from the 2002/03 financial year as significant funds will be expended on Regional Roads from flood funding in the 2001/02 year.
- 4 That the Road Management Committee's title be changed to the Roads Advisory Committee at the appropriate time.

(Councillors Roberts/Gallen)

On submission to the meeting the AMENDMENT was DEFEATED.

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

97/01 **RESOLVED** that the report be received and -

- 1 That Council approve the "Proposed Reconstruction Programme" as set out in the body of the report, subject to the following changes:

Proposed Reconstruction Programme

Urban - Wyrallah Road – Arnett Street – Rosedale Square \$235,000

CBD Streets and Inner Lanes – Lismore CBD \$250,000

- 2 The unallocated funds be referred to the Road Management Committee for their consideration and recommendation to Council.
- 3 That Regional Roads be included in the point system for allocation of 'Roads to Recovery' funding to a maximum value of \$250,000 in any one year. One job per road per year would still apply. This policy to apply from the 2002/03 financial year as significant funds will be expended on Regional Roads from flood funding in the 2001/02 year.
- 4 That the Road Management Committee's title be changed to the Roads Advisory Committee at the appropriate time.

(Councillors Gates/King)

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

(S374)

RESUMPTION OF STANDING ORDERS:

98/01 **RESOLVED** that standing orders be resumed.

(Councillors Roberts/King)

REPORTS:

DA01/186 – Restricted Premises – Keen Street, Lismore

(See Minute No. 96/01)

Recycling Service Review

(Copy attached)

99/01

RESOLVED that the report be received and –

- 1 That Council adopt Option 9 as the preferred recycling option for Lismore.
- 2 That funding options be considered as part of the adoption of the Management Plan for 2001/02 (to be held 26/6/01).
- 3 A comprehensive community notification/information process be carried out, to achieve the following objectives:
 - advise why a review was necessary;
 - outline the proposed options, being:
 - i) Option 9
 - ii) A no recycling option
 - iii) One only co-mingled drop-off centre located at the Wyrallah Road Waste Facility.
 - A detailed costing of each option;
 - explain why kerbside collection is not viable at this point in time;
 - and seek comment from the community through an appropriate survey process;
 - explain the improved cleaning provisions.
- 4 In accordance with the provisions of Section 55 of the Local Government Act 1993, Council not call tenders for the delivery of services identified within the preferred option as the 'Request for Information' process identified the unavailability of a competitive and reliable pool of tenderers.
- 5 Council negotiate a contract with the successful service provider/s in accordance with the information detailed within the report.

(Councillors Roberts/Irwin)

Voting Against: Councillors Swientek, King, Baxter and Gates.

A FORESHADOWED MOTION WAS MOVED that Council write to the EPA and the relevant Minister expressing its concern that a State Government grant provided to a council to establish a Regional facility had no conditions built in concerning pricing and contamination criteria to protect the neighbouring councils who use the facility.

(Councillors Roberts/Irwin)

100/01

RESOLVED that Council write to the EPA and the relevant Minister expressing its concern that a State Government grant provided to a council to establish a Regional facility had no conditions built in concerning pricing and contamination criteria to protect the neighbouring councils who use the facility.

(Councillors Roberts/Irwin)

(S763)

S356 Donations Policy Review

(Copy attached)

101/01

RESOLVED that the report be received and –

- Policy 1.4.14 be amended as detailed in a) Rates.
- Policy 5.6.1 be amended as detailed in h) Waste Disposal.
- A policy be created as detailed in j) Street Banner
- Policy 1.4.14 be amended as detailed in k) Annual Donations.

- Policy 1.4.12 be deleted.
- Policy 1.4.14 be amended to include COSA on an annual basis of \$2,000.
- Policy 1.4.14 be amended to include Children's Week on an annual basis of \$1,000.
- The North Coast A&I Society and NORPA be advised that due to the size of contributions requested, they will need to submit an annual application for Council to consider in conjunction with the annual Management Plan.
(Councillors Irwin/Crowther) (S164)

Proposed 2001/02 Road Construction Programme

(See Minute No. 97/01)

Replacement of Council Plant – V173 – Road/Street Sweeper

(Copy attached)

102/01 **RESOLVED** that the report be received and that Council purchase one (1) only MacDonald Johnston 605LT as tendered (T21013) by MacDonald Johnston Engineering, Brendale, Qld, at a cost of **\$273,603.00** (includes \$24,873 GST and optional high pressure sprays), and accept its 'Trade in offer' of **\$71,000.00**.

Note: Change-over cost to Council (including GST) is **\$202,603.00**.

Change-over cost to Council after Input Tax Credit is **\$184,184.55**

(Anticipated delivery of this sweeper is 12-14 weeks from placement of Purchase Order.)

(Councillors Gallen/Chant) (T21013)

Log of Claims for the Local Government State Award 2001: Implications for Lismore City Council

(Copy attached)

103/01 **RESOLVED** that the report be received and the LGSA be strongly urged to ensure that Council's interests are protected during the negotiations for the 2001 Award as any further erosion of Council's ability to maintain salary and on-cost expenses at a reasonable level will have a long-term detrimental effect on the organisation's viability.
(Councillors Irwin/Chant) (S252)

Flood Acquisition as Part of Lismore Levee Scheme – 128 Bridge Street

(Copy attached)

104/01 **RESOLVED** that the report be received and –

- 1 That Council authorise the General Manager or his delegate to purchase No. 128 Bridge Street, North Lismore.
- 2 That Council contribute its 1/3 funding contribution, for the purchase of 128 Bridge Street, North Lismore, for an agreed price of \$52,500.00 from within the Lismore Levee Scheme budget.
- 3 That the General Manager and Mayor be authorised to sign and apply the Common Seal of the Council to the contract for sale and property transfer as necessary.

(Councillors Baxter/Swientek) (P1341)

Tenders for the Provision for Sewer Relining

(Copy attached)

105/01 **RESOLVED** that the report be received and –

- 1 The contract for the renewal of sewer mains in various locations, Lismore be awarded to Pipe Replacement Solutions Pty Ltd for the amount of \$263,993.00
- 2 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

(Councillors Crowther/King) (T21014)

Draft DCP No. 9 - Nimbin Village

(Copy attached)

- 106/01 **RESOLVED** that the report be received and that Council –
- 1 Adopt the Nimbin Development Control Plan with such recommended amendments as outlined in this report; and amending Section 4.3.2, Drainage – Item 5 to read as follows:
“Kerb and gutter within the existing Residential Village Precinct may be required as a consequence of a development application that subdivides or intensifies the use of land where designed and constructed kerb and gutter already adjoin the site.”
 - 2 Notify its decision to adopt the plan in accordance with the requirements of Clause 21 of the Environmental Planning and Assessment Regulation 2000.
 - 3 Thank staff for the great job they have done in preparing this DCP.
(Councillors Roberts/Irwin) (S385)

Nimbin Water Supply Study/Committee

(Copy attached)

- 107/01 **RESOLVED** that the report be received and –
- 1 Council accept the DLWC offer of 50% subsidy for pre-construction activities and the Mayor and General Manager be authorised to execute the agreement and the common seal of the Council be affixed to the agreement.
 - 2 Council increase the number of community members in the Nimbin Water Supply Committee from eleven to twelve.
 - 3 That Carl Heydon, Robert Emmett, Harry Anning and Robert Green be appointed to the Nimbin Water Supply Committee as community members.
(Councillors Roberts/Baxter) (S304)

Lismore Lake Plan of Management

(Copy attached)

- 108/01 **RESOLVED** that the report be received and Council adopt the Plan of Management for Lismore Lake as per the Draft Plan.
(Councillors Baxter/Chant)
Voting Against: Councillor Irwin.
(P15861)

Request for Renaming of Kyogle Road

(Copy attached)

- A MOTION WAS MOVED that the report be received and –
- 1 That Council agree in principle to altering the name Kyogle Road as requested by Kyogle Council, and proceed to joint discussion with Kyogle and Richmond Valley Councils with a view to advertising the proposal for public and affected landowner comment.
 - 2 That Lismore-Kyogle Road be submitted as Council's first choice for joint consideration.
 - 3 That results of the notification process be reported back to Council, as required by the Roads Act and Regulation.
(Councillors Baxter/Chant)

AN AMENDMENT WAS MOVED that the report be received and Council refer this matter to the North Coast Regional Aboriginal Lands Council to suggest an alternative name.

(Councillors Tomlinson/Roberts)

On submission to the meeting the AMENDMENT was DEFEATED.

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

On submission to the meeting the MOTION was DEFEATED.

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

A FORESHADOWED MOTION WAS MOVED that Kyogle Council be advised that Council does not support the request to change the name of Kyogle Road.
(Councillors Gallen/Crowther)

- 109/01 **RESOLVED** that Kyogle Council be advised that Council does not support the request to change the name of Kyogle Road.
(Councillors Gallen/Crowther)
Voting Against: Councillors Irwin, Roberts and Tomlinson.
(S330)

Interstate and Overseas Travel by Staff and Councillors

(Copy attached)

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

- 1 Advertise and call for public submissions, to the following proposed amendments to the Councillors Expenses and Facilities Policy:
 - a) By deleting the third and fourth paragraph under the heading **Policy – Interstate Travel,**
 - b) By inserting a new third paragraph *“Where the cost of the travel is not expected to exceed \$1,500 for transport, accommodation, registration and out of pocket expenses per person, attendance can be by self nomination in accordance with the guidelines of Policy 1.2.2”.*
 - c) *By inserting a new fourth paragraph “The General Manager will report details of councillor interstate travel following the completion of the travel, on a regular basis”.*
 - d) Amend the amount in the fifth paragraph to \$1,500.
- 2 Amend Policy 1.2.2, item 1 second dot point (following formal adoption of the above amendments) as follows:
 - * Where the cost is expected to exceed \$1,500, requests for attendance at interstate (excluding ACT and South East Queensland) and overseas conferences/seminars must be authorised by Council in accordance with the Expenses and Facilities Policy.
- 3 Require the General Manager to report details of all staff interstate travel following the completion of the travel, on a regular basis.
- 4 Detail in the Annual Report all interstate travel that exceeds \$1,500 per person (councillor and staff), by outlining how the travel’s objectives were met and how the community benefited from it.

(Councillors Roberts/Irwin)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Advertise and call for public submissions, to the following proposed amendments to the Councillors Expenses and Facilities Policy:
 - a) By deleting the third and fourth paragraph under the heading **Policy – Interstate Travel,**
 - b) By inserting a new third paragraph *“Where the cost of the travel is not expected to exceed \$1,500 for transport, accommodation, registration and out of pocket expenses per person, attendance can be by self nomination in accordance with the guidelines of Policy 1.2.2”.*
 - c) *By inserting a new fourth paragraph “The General Manager will report details of councillor interstate travel following the completion of the travel, on a regular basis”.*
 - d) Amend the amount in the fifth paragraph to \$1,500.
- 2 Amend Policy 1.2.2, item 1 second dot point (following formal adoption of the above amendments) as follows:

- * Where the cost is expected to exceed \$1,500, requests for attendance at interstate (excluding ACT and South East Queensland) and overseas conferences/seminars must be authorised by Council in accordance with the Expenses and Facilities Policy.
- 3 a) Require the General Manager to report details of all staff interstate travel following the completion of the travel, on a regular basis.
- b) Preferably the General Manager restrict staff interstate travel to one person per conference.
- 4 Detail in the Annual Report all interstate travel that exceeds \$1,500 per person (councillor and staff), by outlining how the travel's objectives were met and how the community benefited from it.
(Councillors Gates/Baxter)

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

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

110/01

RESOLVED that the report be received and Council –

- 1 Advertise and call for public submissions, to the following proposed amendments to the Councillors Expenses and Facilities Policy:
 - a) By deleting the third and fourth paragraph under the heading **Policy – Interstate Travel**,
 - b) By inserting a new third paragraph “*Where the cost of the travel is not expected to exceed \$1,500 for transport, accommodation, registration and out of pocket expenses per person, attendance can be by self nomination in accordance with the guidelines of Policy 1.2.2*”.
 - c) By inserting a new fourth paragraph “*The General Manager will report details of councillor interstate travel following the completion of the travel, on a regular basis*”.
 - d) Amend the amount in the fifth paragraph to \$1,500.
- 2 Amend Policy 1.2.2, item 1 second dot point (following formal adoption of the above amendments) as follows:
 - * Where the cost is expected to exceed \$1,500, requests for attendance at interstate (excluding ACT and South East Queensland) and overseas conferences/seminars must be authorised by Council in accordance with the Expenses and Facilities Policy.
- 3 a) Require the General Manager to report details of all staff interstate travel following the completion of the travel, on a regular basis.
- b) Preferably the General Manager restrict staff interstate travel to one person per conference.
- 4 Detail in the Annual Report all interstate travel that exceeds \$1,500 per person (councillor and staff), by outlining how the travel's objectives were met and how the community benefited from it.
(Councillors Gates/Baxter)

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

(S9)

Annual Remuneration Fee for Mayor and Councillors

(Copy attached)

A MOTION WAS MOVED that the report be received and that in accordance with Sections 248 and 249 of Local Government Act 1993, Council fix the 2001/2002 annual fee for councillors at \$11,770 and for the mayor at \$24,860.

(Councillors Gallen/Suffolk)

AN AMENDMENT WAS MOVED that the report be received and that in accordance with Sections 248 and 249 of Local Government Act 1993, Council fix the 2001/2002 annual fee for councillors at \$10,500 and for the mayor at \$21,000.

(Councillors Roberts/Irwin)

On submission to the meeting the AMENDMENT was DEFEATED.

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

A FORESHADOWED AMENDMENT WAS MOVED that the report be received and that in accordance with Sections 248 and 249 of Local Government Act 1993, Council fix the 2001/2002 annual fee for councillors at \$11,250 and for the mayor at \$23,761.

(Councillors King/Baxter)

On submission to the meeting the FORESHADOWED AMENDMENT was DEFEATED.

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

111/01 **RESOLVED** that the report be received and that in accordance with Sections 248 and 249 of Local Government Act 1993, Council fix the 2001/2002 annual fee for councillors at \$11,770 and for the mayor at \$24,860.

(Councillors Gallen/Suffolk)

Voting Against: Councillors Irwin, Roberts, King, Baxter and Gates.

(01-6341: S38)

A FORESHADOWED MOTION WAS MOVED that in future years staff include an amount in the Draft Budget which estimates the possible increase in the maximum fee by the Remuneration Tribunal.

(Councillors Tomlinson/Suffolk)

112/01 **RESOLVED** that in future years staff include an amount in the Draft Budget which estimates the possible increase in the maximum fee by the Remuneration Tribunal.

(Councillors Tomlinson/Suffolk)

Voting Against: Councillors Irwin, Roberts and Baxter.

(01-6341: S38)

Council Meeting Schedule

(Copy attached)

113/01 **RESOLVED** that the report be received and Council continue to meet on the second Tuesday of each month for the remainder of 2001.

(Councillors Irwin/King)

Voting Against: Councillor Swientek.

(S43)

Quarterly Review 2001/02 Management Plan – March 2001

(Copy attached)

114/01 **RESOLVED** that –

1 The report be received and content noted.

2 Staff be commended on their performance during the period.

(Councillors Irwin/Suffolk) (S755)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 16/5/01

(Copy attached)

- 115/01 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Clause 8 (TAC50/01).
(Councillors Roberts/Gallen)

Clause 8 (TAC50/01) – Intersection of Union Street/Three Chain Road – Line Marking

- 116/01 **RESOLVED** that –

- 1 This proposal be referred to Council's Design Services Section for investigation and preparation of a plan and estimate for a merge lane on the Bruxner Highway, south of the roundabout at Three Chain Road, and this be referred back to the Committee for further consideration.
- 2 The Group Manager-City Works also look at other intersections with roundabouts where two lanes merge to one so that the right lane must turn right.
(Councillors Suffolk/Chant) (R6938)
(S352)

DOCUMENTS FOR SIGNING AND SEALING:

- 117/01 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Lease: Council to Battista: Left Bank Cafe

This is a new 5x5 year lease for the Left Bank Cafe to the current tenants. The lease also contains a first right of refusal clause for either the leasing or purchase of the overall Art Gallery and Cafe premises, that would be exercisable in the event that Council decided to relocate the Art Gallery.
(S615)

Licence Agreement – The Mecca Café (S J Fry)

The licence agreement has been set up to enable Lismore food serving facilities to utilise outdoor kerbside areas for dining spaces under Policy 5.2.24. – 1/7/2000 to 30/6/2002.
(P6314)

Licence Agreement – Sistas Café

Licence agreement for kerbside dining at 1/48 Magellan Street – 1/11/2000 to 31/10/2002.
(P20683)

Funding and Performance Agreement – Koala Long Day Care Centre and Community Development staff

- Funding – Koala Child Care Centre - \$15,626
- Subsidy – Community Development staff - \$10,625
(01-7237: S728)
(Councillors Baxter/Tomlinson)

This concluded the business and the meeting terminated at 9.25 pm.

CONFIRMED this 10TH day of JULY, 2001 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 26, 2001 AT 7.00PM.

Present: His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen, Irwin, King, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Finance & Administration, Manager-Human Resources, Manager-Tourism & Economic Development, Manager-Client Services, Manager-Communications & Public Relations, Manager-Planning Services, Manager-Waste Services, Riverbank Project Officer (Lois Kelly) and Administrative Services Manager.

Apologies/
Leave of
Absence: Leave of absence was granted to Councillor Hampton by Council on May 1, 2001.

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 Alan Hoskins re Report – Lismore’s Wilsons River Redevelopment Project

(See Minute No. 119/01)

Mr Hoskins spoke in support of the Riverbank Project. He detailed his history with the river. He catalogued the improvements to the river in recent years that this project would capitalise on. He stressed the broad community support for the project and urged Council to provide leadership by supporting this project in the forthcoming budget.

(S775)

MAYORAL MINUTE:

Appointment of Salaried Staff

(Tabled) (Copy attached)

A MOTION WAS MOVED that the minute be received and the following motions be referred to the Department of Local Government and the Local Government Shires Association to seek their opinion as to whether the proposed motions are unlawful. If they are deemed to be unlawful how should they be worded to make them lawful to achieve Council’s objective of exercising control over the budget.

- 1 No additional Salaried Staff be employed over the following twelve months without Council approval. In particular the Manager of Business Development be deferred for at least 12 months. This does not prevent the General Manager putting forward a case to Council to employ consultants to compile business plans.
- 2 The 2001/02 budget remain unaltered except adjustment be made to increase the surplus to reflect the intentions of Item 1
- 3 Any existing salaried staff whose contracts have to be renewed over the next 12 months be extended rather than renewed.
- 4 The General Manger be requested to defer any appointment of salaried staff until a ruling is obtained

(Councillors King/Suffolk)

On submission to the meeting the MOTION was DEFEATED

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen, Swientek & Crowther.

A FORESHADOWED MOTION WAS MOVED that prior to the employment of the Manager-Business Development, the General Manager submit a report to Council justifying the position, particularly as a long-term position.

(Councillors Gates/Crowther)

At the request of the mover the foreshadowed motion was WITHDRAWN.

A MOTION WAS MOVED that Council establish a forum to meet with the General Manager to discuss and review how to reduce the expenditure of Council.

(Councillors Swientek/Gates)

AN AMENDMENT WAS MOVED that this review include a review of services and all capital expenditure of Council to determine our long term position.

(Councillors Tomlinson/Roberts)

On submission to the meeting the AMENDMENT was DEFEATED

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

118/01 **RESOLVED** that Council establish a forum to meet with the General Manager to discuss and review how to reduce the expenditure of Council.

(Councillors Swientek/Gates)

(S252)

REPORTS:

Lismore's Wilsons River Redevelopment Project

(Copy attached)

119/01 **RESOLVED** that the report be received and –

- 1 Council endorse the use of existing \$50,000 grant matching funds and \$40,000 matching Section 94 funds over the next two financial years. Total funding from Council be conditional on receiving the \$302,000 from DEWRSB.
- 2 The Riverbank project be considered for inclusion in Section 94 plans.
- 3 At the appropriate time expressions of interest be called to establish and operate the boat hire kiosk. Operators be given the choice of operating the facility on the east bank or west bank.
- 4 Avoid constructing a toilet block on the west bank as there is an existing toilet block on the east bank. If it is a condition for the grant that it be on the west bank then a portable toilet be considered or a small block be established and made vandal proof.
- 5 Any boat hire shed should be flood proof and compatible with the flood plain management manual, which is currently being reviewed.
- 6 Investigate incorporating the boat storage area under the reconstructed wharf.
- 7 Landscaping and tree planting be designed not to impede flood waters to avoid increases in up stream flood levels.
- 8 Any activity on the eastern bank be co-ordinated to tie in with the levee bank construction.
- 9 Managers and designers of the project be made aware of the frequency of flooding, both major and minor, and how that may impact on the commercial viability of the project, particularly with regard to boat hire.
- 10 Redevelopment of Lismore Lake take place as funds become available in conjunction with the riverbank project.

(Councillors Crowther/Baxter) (S775)

IT Strategic Plan

(Copy attached)

- 120/01 **RESOLVED** that the report be received and Council adopt the Information Technology Strategic Plan.
(Councillors Roberts/Irwin) (S56)

Lismore Unlimited Promotions Plan 2001/2002

(Copy attached)

- 121/01 **RESOLVED** that the report be received and –
- 1 Council endorse the Promotions Plan 2001/2002.
 - 2 From the 2002/2003 Financial Year, the amount allocated for the Promotions Plan be indexed in line with overall indexing of Business Rate income, with the base year being the 1998/99 Financial Year (the year of introduction of the SBRVL).
 - 3 The next Promotion Plan be for the period 2002/2005 and involve a major consultation and review carried out by Lismore Unlimited.
(Councillors Irwin/Roberts) (S740)

2001/2002 Management Plan

(Copy attached)

- 122/01 **RESOLVED** that the report be received and Council adopt the advertised draft Management Plan including the Budget and Fees & Charges, and :-
- 1 That the Councillors and the Mayors attendance fees be increased to \$11,770 and \$24,860 respectively. This increases operating expenses by \$19,100 in total
 - 2 That the Section 356 donation for COSA be included at \$2,000 and for Children's Week be included at \$1,000.
 - 3 Of the additional \$151,000 from the NSW Local Government Grants Commission, \$14,000 for the local roads component be allocated to road rehabilitation and \$47,900 (after reducing for the increase in Councillors attendance fees \$19,100 and Section 356 donations \$3,000) from the general purpose component be transferred to reserves for use on the flood levee.
 - 4 The revenue and expense items for \$20,000 relating to the proposed business rate in Nimbin be deleted from the budget. This will result in the rate increase being reduced from 4.65% to 4.57% or by \$20,000.
 - 5 The allocation for the NEWLOG contribution be increased by \$2,500 to \$12,500 with a corresponding decrease in road rehabilitation funded from the FAGs local road component.
 - 6 A matching revenue and expense budget of \$90,100 be allocated for the transfer of street parking enforcement to local government.
 - 7 A total of \$90,000 be made available for the Riverbank Development Project with \$50,000 from the matching grant funds allocation and \$40,000 from the transfer to reserves for the Section 94 matching funds contribution.
 - 8 Each dwelling in Perradenya be levied the following user charges :-
 - a) *Potable Water* Fixed Service and Consumption Charges consistent with all other Lismore LGA users.
 - b) *Reclaimable Water* Consumption Charge only consistent with all other Lismore LGA users.
 - c) *Wastewater Charge* Annual Charge consistent with Lismore Sewerage users.
 - 9
 - a) Council allocate \$67,000 to fund the completion of Crozier Oval from the additional Financial Assistance Grants funds.
 - b) Management assess the working funds position for the current financial year with the objective to reserve all appropriate surplus funds to the Lismore Levee Scheme.

10 The Environmental Levy be increased from \$13.25 to \$19.45 to maintain the existing level of service delivered through the Waste Minimisation programme.

(Councillors Crowther/Chant)

Voting Against: Councillors Irwin, Roberts and Swientek.
(S779)

2001/2002 Rates and Charges

(Copy attached)

123/01

RESOLVED that the report be received and the following motions be adopted to **continue the levying of the Special Rate for the Flood Levy**

(A) SUBJECT: GENERAL FUND RATES

Whereas Council has advertised its Draft Management Plan for 2001/2002, 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** to be known as the “**Business Inner CBD**” Rate, of **three point five six seven eight (3.5678) 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 eighty four dollars sixty cents (\$384.60)** per assessment, be now made for the rating year July 1, 2001 to June 30, 2002, on all rateable land within the centre of activity known as the ‘Inner CBD’ 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** to be known as the “**Business Urban**” Rate, of **two point four seven five four (2.4754) 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 eighty four dollars sixty cents (\$384.60)** per assessment, be now made for the rating year July 1, 2001 to June 30, 2002, 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** to be known as the “**Business Other**” Rate, of **two point one six two six (2.1626) 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 eighty four dollars and sixty cents (\$384.60)** per assessment, be now made for the rating year July 1, 2001 to June 30, 2002, 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 eight four six three (.8463) 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 eighty four dollars sixty cents (\$384.60)** per assessment, be now made for the rating year July 1, 2001 to June 30, 2002, 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 six four three zero (1.6430) cents in the dollar**, on the Land Value as at Base Date July 1, 1998, subject to a minimum amount of **three hundred and eighty four dollars sixty cents (\$384.60)** per assessment, be now made for the rating year July 1, 2001 to June 30, 2002, on all rateable land within the centres of population defined in Schedule 'A' attached and meeting
- (vi) 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 six four three zero (1.6430) cents in the dollar**, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **two hundred and seventy dollars sixty cents (\$270.60)** per assessment, be now made for the rating year July 1, 2001 to June 30, 2002 on all rateable land within the centre of population defined in Schedule 'B' attached and 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 two four eight eight (1.2488) cents in the dollar**, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **three hundred and eighty four dollars sixty cents (\$384.60)** per assessment be now made for the rating year July 1, 2001 to June 30, 2002 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.
- (viii) It is hereby resolved that a Special Rate to be known as the “ **Flood Levee**” rate of **point one zero zero seven (.1007) of a cent in the Dollar**, per assessment, on the Land Value as at Base Date July 1, 1998 subject to a minimum amount of **two dollars** be now made for the rating year July 1, 2001 to June 30, 2002 on all land within the area defined in Schedule 'I' attached to this report which in Council's opinion will receive a special benefit from the construction of the Flood Levee from a one in ten year flood event

(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 motions 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 resolutions.

Sewerage and Trade Waste Charges

Whereas Council has advertised its Draft Management Plan for 2001/2002 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 and Perradenya 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 dollars and seventeen dollars (\$317.00)**, 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, 2001 to June 30, 2002.

- (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, 2001 to June 30, 2002, 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 ninety dollars (\$190.00)** 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, 2001 to June 30, 2002.

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, 2001 to June 30, 2002.
- (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 six cents (76 cents) per kilolitre of discharge; plus*
 - A charge of one dollar and fifteen cents (\$1.15) per kilogram of Biochemical Oxygen Demand; plus*
 - A charge of seventy three cents (73 cents) per kilogram of Suspended Solids; plus*
 - A charge of two dollars (\$2.00) per kilogram of Oils and, or Grease*to be known as the “Established Strength” charge for the period July 1, 2001 to June 30, 2002.

Nimbin Sewerage Scheme

- (vii) 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 fifty dollars (\$450.00) 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, 2001 to June 30, 2002.

- (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 parcel of land connected to the Nimbin Sewerage Scheme to be known as the “Nimbin Sewerage Multiple” charge for the period July 1, 2001 to June 30, 2002, 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 seventy dollars (\$270.00) 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, 2001 to June 30, 2002.

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 tenements 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, 2001 to June 30, 2002.

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 six dollars (\$56.00)** be now made for the annual inspection of properties connected to either the Lismore or Nimbin Sewer Schemes with grease arrestors or corrugated plate interceptors , to be known as the ‘ **Sewer Inspection**’ charge for the period July 1, 2001 to June 30, 2002.

(C) SUBJECT: WATER CHARGES

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

Water

Whereas Council has advertised its Draft Management Plan for 2001/2002 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 **Eighty six Dollars (\$86)** per fire fighting service; for the year July 1, 2001 to June 30, 2002 to be known as the “**Fixed Service Charge**” is hereby made in respect of:

<i>Size of Service</i>	<i>Fixed Service Charge</i>
20mm	\$ 86
25mm	\$ 145
32mm	\$ 240
40mm	\$ 371
50mm	\$ 579
65mm	\$ 971
80mm	\$ 1,477
100mm	\$ 2,308
150mm	\$ 5,190

- (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, 2001 to June 30, 2002, to be known as the "**Water Availability**" charge, of **Eighty six dollars \$86.00** 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, 2001 to June 30, 2002 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 2001/2002 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 **Thirty three dollars (\$33.00)** 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, 2001 to June 30, 2002.
- (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 (\$19.45)** 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, 2001 to June 30, 2002.
- (ii) 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 **forty one dollars (\$41.00)** per assessment, for properties with multiple units of resident occupancy a charge of **forty one dollars (\$41.00)** 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 Service or Non-Domestic Waste Collection – Rural, Charge for the period July 1, 2001 to June 30, 2002.

- (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 Lismore CBD, 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 **one hundred and ten dollars (\$110.00)** per bin collected per annum, to be known as the "**CBD Non-Domestic Waste**" charge for the period July 1, 2001 to June 30, 2002.
- (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, except for those properties located within the North Woodburn Waste Collection service area as defined, maps of which are 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 **one hundred and four dollars (\$104.00)** per bin collected per annum, to be known as the "**Rural Non-Domestic Waste**" charge for the period July 1, 2001 to June 30, 2002.
- (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, a map of which is available at Council's office, for the removal, weekly, of a 140 litre approved wastemaster bin. In addition, on a fortnightly basis Council will remove a 240 litre approved wastemaster bin. This charge is to be known as the "**Integrated Waste**" collection service for the period July 1, 2001 to June 30, 2002 and will be charged at **one hundred and nineteen dollars (\$119)** per annum. Additional services will be charged at **one hundred and nineteen dollars (\$119) 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 wastemaster bin each week, from domestic premises, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office, of **one hundred and ten dollars (\$110.00)**, to be known as the "**Waste Collection Service**" charge, additional services will be charged at **one hundred and ten dollars (\$110.00)**, for the period July 1 2001 to June 30 2002. Services commenced during the charging period will be charged for on a proportional basis.
- (viii) 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 where Council collects an approved 240 litre mobile waste bin on a fortnightly basis and a 140 litre approved wastemaster bin on a weekly basis from that property, of **one hundred and four dollars (\$104.00)** per bin collected per annum, to be known as the "**Non Domestic integrated waste**" charge for the period July 1, 2001 to June 30, 2002. For services commenced during the year a proportional charge will be made.

- (ix) 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 North Woodburn Waste Collection service area as defined, a map of which is available at Council's Administration offices, Council has a weekly collection service of an approved 240 litre mobile waste bin from that property, a charge of **two hundred and eleven dollars (\$211.00)** per annum, to be known as the “**North Woodburn Waste**” charge for the period July 1,2001 to June 30,2002.

(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 00/23, that the maximum allowable amount of interest for 2001/2002 is 11 %. This Council has generally adopted the maximum interest Rate as the amount to be charged.

- (i) It is hereby resolved that the 2000/2001 interest Rate on outstanding Rates and Charges will be **11%**.
(Councillors Roberts/King) (S384)

This concluded the business and the meeting terminated at 8.19 pm.

CONFIRMED this 10TH day of JULY 2001 at which meeting the signature herein was subscribed.

MAYOR

