

COUNCIL Business Paper



LISMORE
City Council

APRIL 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, APRIL 10, 2001, at 6.00pm and members of Council are requested to attend.

(Ken Gainger)
GENERAL MANAGER

April 3, 2001

COUNCIL BUSINESS AGENDA

April 10, 2001

PUBLIC ACCESS SESSION:

PAGE NO.

Linda Brooks re Traffic Advisory Committee – Item 9

PUBLIC QUESTION TIME:

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MAYORAL MINUTE

DESIGN FOR MEMORIAL BATHS REBUILD

A difference of opinion has arisen between some Councillors and the General Manager regarding the interpretation of Item 7 of the resolution dealing with the Lismore Levee Scheme discussed at the Council Meeting on March 13, 2001.

Item 7 reads as follows:

“That no other major capital works be considered for construction during the 2001/02 Management Plan unless the State and Federal Governments reinstate the 4:4:2 funding ratio”.

Some Councillors believe that as Council has resolved to rebuild the Baths, be it in 2001/02 or 2002/03, that the design process should proceed, particularly considering it has been 4 years since the matter of providing a new swimming facility was first discussed. I understand there is in the vicinity of \$700,000 to \$800,000 available to at least commence the design without having to resort to using loan funding which appears to be the main concern for the Manager of Finance.

Recent promises by the Premier of NSW which may help convince the Federal Government to reinstate the 4:4:2 funding ratio make it imperative that Council proceed with the design.

The General Manager has taken the term ‘construction’ to mean design and that delaying construction to 2002/03 is implying the pool will not be constructed at a later date.

To avoid any controversy relating to meaning of words or whether this matter requires a Rescission Motion, I am also requesting Council accepts a Rescission Motion to rescind Item 7 as referred to above.

General Manager’s Comments:

I would like to clarify the position of staff in relation to the interpretation of Clause 7 of resolution 45/01 of March 13th.

Contrary to the comment in the Mayoral Minute, the decision to defer action on advertising for EOIs for the Memorial Baths redevelopment design (a commitment of \$250K) and finalising the Deed of Agreement with the Lismore RSL over the proposed sale of land for the Baths redevelopment (a commitment of about \$240K), was made by staff members collectively, not just the GM. At the staff meeting held to discuss the issue (attended by all key staff associated with the pool redevelopment) the author of the report, the Manager-Finance and Administration, reiterated that the clear intention of his recommendation to Council was not to commit Council to any other significant capital works in the 2001/2 financial year until a decision is made by the federal government about the reintroduction of the 4:4:2 flood levee scheme funding formula. Mr. Santin emphasised this point again at the recent budget workshop held on Thursday 22nd March.

Staff are still convinced that this is the most appropriate course of action given that there is still uncertainty about:

- Whether the federal government will commit to a 4:4:2 flood levee funding formula;
- Whether the Minister for Local Government will approve a special rate variation to facilitate the annual collection of \$100K from those ratepayers deemed to benefit from the levee;

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Mayoral Minute – Flood Levee Scheme

- Whether the state government will “top up” their contribution should the levee construction cost realise the \$13.2M cost estimate rather than the \$10M cost upon which the Premier’s recent funding commitment is predicated.

It is responsible financial management for the Council to defer any significant capital works commitments other than the flood levee until the answers to these vital issues are known. To do otherwise is to potentially expose Council and it’s ratepayers to a long term debt burden that is not sustainable.

Should the Council proceed to commit itself to expenditure of nearly \$500K on design and land purchase options for the Memorial Baths redevelopment it is effectively committing itself to proceed with the project, which has a price tag in the vicinity of \$4M. Such a commitment on top of the recent decision to fund up to \$4.4M for the \$13.2M flood levee scheme whilst there are so many vital unanswered questions would be unwise.

Group Manager-Corporate Services Comments:

Normally a Mayoral Minute would have precedence over all other business. In this instance, it is suggested that the Notice of Rescission be dealt with prior to consideration of this Minute.

In relation to Point 3, it is suggested that voting continue until there are only two options remaining and that Councillors then vote and subsequently adopt a preferred option.

Manager-Finance & Administration’s Comments:

From a staff perspective, the intention of Resolution 45/01 - Item 7 was to ensure that we proceed carefully with our major capital works program. Obviously, Council’s first priority is the Lismore Levee Scheme. Due to the size of Council’s contribution to the Levee, it is more than likely that there will be insufficient funds available to construct any other major project without having a deleterious effect on Council’s financial position.

I believe that it is essential for Council to have all the information regarding the financial impact of its decisions, especially any significant additional commitment, prior to making those decisions.

Of equal importance is the 'expectation' created in the community. It is critical for this to be managed carefully so that expectations align as much as possible with what is achievable.

A report on this issue was intended for this meeting, however this was superseded by the Premier’s media release that the State would provide \$4.0 on a 2:2:1 basis. We have not been able to clarify the Federal Government’s position, but it is expected shortly or it may possibly be announced in conjunction with the Budget in May 2001. On receipt, I expect this will provide Council with all the financial information it needs to make an informed decision on the construction of it’s major capital works.

Recommendation (MM01)

1. Applications for registration of interest (R.O.I.) be called forthwith.
2. Applicants be advised that the process will be a step-by-step process and construction may be staged over a number of years and the R.O.I. be worded to reflect this concept.
3. Any future vote on swimming pool options be by popular vote on show of hands, i.e. the number of votes for each option be recorded and the option with the most number of votes be adopted.
4. Council confirm the Memorial Baths site is the preferred option for a new aquatic facility incorporating a new olympic size pool and leisure water.

NOTICE OF RESCISSION MOTION

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

Council rescind Part 7 of the motion dealing with the Lismore Flood Levee Scheme dealt with at Council meeting of March 13, 2001.

COUNCILLOR I R Gates

COUNCILLOR J R Hampton

COUNCILLOR R R Baxter

DATE March 30, 2001

Council resolved at its meeting on March 13, 2001 as follows:

46/01 7 *That no other major capital works be considered for construction during the 2001/02 Management Plan unless the State and Federal governments reinstate the 4:4:2 funding ratio.*

NOTICE OF MOTION

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

- 1 That Council support in principle an application to the Minister for Local Government for a special rate variation to be applied to all properties subject to a business rate within Nimbin village with the aim of raising up to \$20,000 per annum.
- 2 The funds raised by this special rate are to be expended within Nimbin village at the discretion of the Nimbin Chamber of Commerce in consultation with the local business community and Council.
3. That Council and the Nimbin Chamber of Commerce immediately engage in consultation with affected property owners and local business people to gauge the level of support for such a proposal.

COUNCILLOR D J Roberts

DATE March 28, 2001

STAFF COMMENTS BY:

Rating Services Co-Ordinator:

Council has agreed to make an application to the Minister for Local Government for permission to have a Special Rate Variation (SRV) in relation to the construction of the Lismore Flood Levee.

The addition of this proposal to the application would not impose an additional administrative burden to completing the application.

Point 3 of the Notice of Motion suggests consultation with the affected property owners and this would provide weight to the SRV if those affected supported the proposal.

There are approximately 27 Business/Commercial rate assessments in Nimbin and the average increase would be around \$740, with the highest increase being \$1353 and the lowest \$75.

Group Manager-Corporate Services:

Due to the financial impact upon the business owners, their overall support would greatly assist any application for a special rate variation to the Minister.

If approved, the available funds would preferably be administered and accounted for in a similar manner to the Lismore CBD funds through Lismore Unlimited.

(01-4580: S740)

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| | |
|----------------------------------|---|
| Subject/File No: | CLUNES WASTEWATER STUDY (AA:CD:S288) |
| Prepared By: | Anu Atukorala – Manager Lismore Water |
| Reason: | To continue investigating wastewater disposal options for Clunes |
| Objective: | To accept State Government financial assistance to complete investigation work. |
| Management Plan Activity: | Investigate sewerage schemes for existing villages. |

Background:

Council at its meeting on June 6, 2000 considered a report prepared on behalf of the Clunes Wastewater Committee and resolved:

- To adopt the revised estimate of \$521,000 for the concept phase for the Clunes Wastewater Study; and
- That the Mayor, on behalf of the Council, write to the Minister for the Department of Land and Water conservation (DLWC) seeking urgent attention to the request for additional funds to progress the study.

Since no funds were forthcoming and given the fact that DLWC staff had indicated that only a limited amount of funding will be available (\$120,000 for Clunes), Council at its meeting on October 31, 2000 resolved to write to the Minister:

- Stating that the allocation this year is insufficient and seeking additional funds; and
- Seeking guarantees on proposed funding allocations for the next three years.

In addition to Council's efforts to seek funds, the community representatives also decided to write to the Minister, which resulted in action being taken by the ministry.

Report

The Minister has now made an offer to Council of 50% subsidy for the remainder of the investigation work. This includes completion of the options report, the Environmental Impact Statement (EIS) and the Value Management Study. The following are brought to the attention of Council:

1. GST has been excluded from Council's original submission.

At the time of the submission (in June 2000) Council was uncertain as to how GST (of \$40,000) was to be accounted for, hence it was included in the estimate. Since it is reimbursable, the Minister's offer does not include it. This is appropriate.

2. Reduced rate of subsidy

The interim rate of subsidy has been reduced from 67% to 50%. This is not considered to be a significant issue as it will be reviewed at the construction stage and appropriate adjustments made at that time. However, Council will have to carry the cost of approximately \$59,000 (\$344,000 x (67%-50%)) until the final rate of subsidy is determined.

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Report – Clunes Wastewater Study

3. No funding guarantees for Construction activities

Council in its letter to the Minister sought guarantees on proposed funding allocations for the next three years. The Minister in his letter (refer Attachment A) has indicated that financial assistance to construct the scheme will be considered only after the pre-construction activities are completed and that Council should be aware that there are heavy demands on Government funds for several years.

In addition Clause 7 of the standard conditions (refer Attachment A) of the Minister's offer states that there is *no obligation* on *either* funding partner to proceed past the pre-construction phase, *irrespective of the other partner's wishes*.

Given the current restrictions in funding, Councillors should be aware that there is a risk that construction funds could be delayed for several years or are not allocated at all. However, based on the Minister's letter, the only avenue available for Council to apply for construction funds is to complete the pre-construction activities.

It should be noted that there is little or no risk that the pre-construction activities will have to be repeated due to delays in constructing the project. Advice sought from DUAP, DPWS and DLWC indicate that once an EIS is approved for a project such as a wastewater scheme, it is valid indefinitely. If there are significant delays and there are changes in community values, environmental legislation or standards, amendments can be incorporated into the original EIS.

Funding

It is recommended that Council's share of the pre-construction activities (\$212,200) be funded from the sewer fund.

These costs should be recovered from the residents who would benefit from the scheme. The most appropriate time to do this would be at the time construction funds are approved by the DLWC. There is approximately a two-year period between, when funds are approved and the plant is commissioned to impose a Clunes Wastewater Rate or Charge, whichever is appropriate.

It would not be prudent to levy a charge at this stage due to the following reasons:

- The exact area to be sewered has not been determined as yet;
- The pre-construction costs are only an estimate and may vary;
- There is no certainty as to when the construction funds will be allocated; and
- It is difficult to determine an appropriate rate or charge given the above mentioned uncertainties.

It is also recommended that once the Options Report is completed, a report be presented to Council on the financial implications of the preferred option before commencement of the EIS.

Manager - Finance & Administration Comments

The offer of subsidy is to complete the EIS and Value Management Study for Clunes Wastewater. In total, preconstruction activities are estimated to cost \$481,000 of which DLWC will contribute \$268,800 and Council the remainder of \$212,200.

Council's contribution will be funded from Sewerage Fund Reserves. There is capacity within the reserve for this contribution.

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Report – Clunes Wastewater Study

It is important to note that existing Lismore and Nimbin sewerage users, not prospective Clunes sewerage users, are meeting these costs. As the Sewerage Fund is based on "user pays" principles, it is difficult to justify the use of these funds for this purpose unless the intention is to recover these costs from prospective Clunes sewerage users. The Manager – Lismore Water supports this approach.

Public Consultations

Public consultation is via Clunes Wastewater Committee.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable.

Conclusion

Further investigation is required to determine the best option for the management of wastewater in the village of Clunes. The Clunes Wastewater Committee is also eager to complete these works as soon as possible. Council should take advantage of the DLWC offer of 50% subsidy for pre-construction activities. Once these activities are complete, Council should lobby the State Government for funding the construction works.

Recommendation (ENT04)

It is recommended that:

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. Once the Options Report is completed, a report be presented to Council on the financial implications of the preferred option.
3. Council's share of the pre-construction activities of \$212,200 be funded from the sewer fund and the costs recovered by applying a Clunes Wastewater Rate or Charge, whichever is appropriate, at the time construction funds are approved.

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Subject/File No: DEVELOPMENT APPLICATION DETERMINATION POLICY
(HM:MG:S9/3)

Prepared By: Manager Planning Services – Helen Manning

Reason: To gain Council's adoption of the Policy

Objective: Efficient assessment of development applications

Management Plan Activity: Planning Services

Background:

The 'Development Application Determination Policy' for the Planning and Development Group was considered by Council at its meeting of February 13, 2001, where its adoption was refused. Council subsequently considered a rescission motion at the meeting of March 13, 2001.

Consequently the Policy was discussed at a Workshop for planning matters held on March 20, 2001. The Policy draft was amended and was generally acceptable to Councillors and staff present at the workshop, and it is now presented for formal adoption by Council.

Amended Policy

The major differences between the revised Policy and that considered previously by Council are:

- A subtitle has been introduced: "Getting It Right The First Time";
- The language used is less formal; and
- A new section describes the importance of pre-lodgement consultation and possible matters to be discussed.

It is proposed that the Policy be known with the less formal title of 'DA Determination Policy – Getting It Right The First Time'. If adopted it would be included in the Policy Manual for staff use and provided to applicants as part of a package of information designed to demystify the DA preparation and assessment process.

The new Policy is appended to this report.

Manager - Finance & Administration Comments

Not required

Public Consultations

See report to Council of February 12, 2001

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

The Policy acknowledges the complexity of the NSW Planning System and provides a plain English explanation of the requirements of the Environmental Planning and Assessment Act. It is intended that the Policy would form part of a package of information and advice provided to applicants to assist in the preparation of applications.

Recommendation

That Council adopt the Policy, to be known as the 'DA Determination Policy – Getting It Right The First Time'.

Subject/File No: "FIX THE ROADS" WORKING PARTY – MANAGEMENT PLAN AND ACTION PLAN
(GJH:VLC:S745)

Prepared By: Manager–Roads & Infrastructure – Garry Hemsworth

Reason: Request from Council

Objective: Advise Council of the "Fix the Roads" Working Party strategic direction and yearly action plan.

Management Plan Activity:

Background

Council, at its Ordinary Meeting held on May 16, 2000, resolved –

“That the Working Party using the general direction from Council, further refine its strategic direction through the preparation of a draft Plan of Management for the further consideration of the Council.”

Plan of Management and Action Plan

The "Fix the Roads" Working Party has developed a proposed Plan of Management over the past 10 months.

Attached as Appendices (A) and (B) are the proposed Plan of Management and Action Plan for the "Fix the Roads" Working Party.

Sub-Committees of the Working Party have been actively working to achieve the goals set out in the Action Plan.

Manager - Finance & Administration Comments Not required

Public Consultations N/A

Other Group Comments

Administrative Services Manager

The Plan of Management has been prepared following a standard format used by most Council Committees. Minor adjustments have been made to the Plan to fit the Committee's functions.

It should be noted that the Committee exceeds the model size adopted by Council, i.e. a maximum of three Councillors (currently 5) and a total size of 10 (currently 14).

Council will also recall that citizen membership of all its committees including this one are due to expire in September this year.

Author's Response to Comments from Other Staff

Noted.

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"Fix the Roads" Working Party

Recommendation (WOR2)

That Council adopt the proposed Plan of Management and Action Plan for the "Fix the Roads" Working Party.

Subject/File No: NETWORKING THE NATION
(GW/LM: S158)

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Opportunity to increase mobile phone coverage.

Objective: To determine Council's interest.

Management Plan Activity: -

Background:

Networking the Nation (NTN) is a Commonwealth initiative which *“aims to assist the economic and social development of regional, rural and remote Australia by funding projects which:*

- *enhance telecommunications infrastructure and services in those areas;*
- *increase access to, and promote use of, services available through telecommunications networks;*
and
- *reduce disparities in access to such services and facilities.”*

In this area its relevance is in the domain of increasing the span and quality of mobile phone coverage. In particular, the broad area covering Nimbin, The Channon and Dunoon has been identified as an area which may be suitable for funding support.

In many ways there is a similarity with the Television Blackspot funding process with which Council is familiar.

The administrative process involves Council calling for expressions of interest from carriers interested in supplying a service. These expressions are then submitted to an independent Board who determines if projects are to be funded, the level of any funding support for the carrier and who the carrier will be.

- NTN will provide up to 50% of establishment costs associated with any facility.
- Council, as the applicant, must contribute \$10,000.
- There are no ongoing costs for Council.

The concept as mentioned earlier is for mobile phone coverage to be provided/improved for an area being broadly covered by the areas of Nimbin, The Channon and Dunoon. This could be achieved by the erection of a suitable transmitter tower at Mt. Nardi.

I am advised that only with the contribution of NTN funding would the erection of such a tower be a profitable venture for any carrier.

Should Council not be an applicant it could be considerable time before this area receives mobile coverage equivalent to that experienced in the more populated areas.

There is the possibility that the \$10,000 cost may be shared by adjoining councils such as Kyogle and Tweed. However, it is likely that these councils will also be making their own applications. This may lessen their desire to share our costs.

Manager - Finance & Administration Comments

Whilst I acknowledge that there will be benefits for some ratepayers, I do not see it as Council's responsibility to provide for mobile phone coverage.

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Networking the Nation

As advised, *"only with the contribution from NTN (and Council's \$10,000) would the erection of such a tower be a profitable venture for any carrier"*. This basically implies that we would be supporting private enterprise, such as Telstra or Optus, but not necessarily local business.

Given Council's financial commitment to major capital works, it is suggested that we not support this proposal due to a lack of discretionary funds.

Public Consultations

Not requested.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

The arguments presented by the Manager-Finance & Administration are certainly valid and indeed I have some sympathy for them. However the bottom line seems to be that if we don't spend this money then our ratepayers don't receive the improved service. Of course this type of decision is one which Councillors constantly face and one which they are best placed to make.

Conclusion

The question for Council is whether it should spend the \$10,000 to enable this additional coverage.

Recommendation (COR22)

That Council make an application to the Networking the Nation Fund (at a cost of \$10,000) to improve mobile phone coverage for the area broadly described as Nimbin, The Channon and Dunoon.

Subject/File No: ALTERNATE FUELS FOR COUNCIL'S FLEET
(NATURAL GAS VEHICLES)
(CS:VLC:S360)

Prepared By: Workshop & Fleet Manager - Col Starr

Reason: To investigate the possible alternate fuels for Council's fleet utilising Australia's indigenous fuels.

Objective: To inform Council of possibilities of using alternate fuels for Council's fleet.

Management Plan Activity:

Background

The introduction of Compressed Natural Gas as both an Alternate Fuel and Dual Fuel has attractive benefits for all Australians as Australia has an immense supply of Natural Gas and is in fact, exporting this fuel in its liquefied state, being LNG.

The downfall for this system for regional and rural areas is that it is reliant upon the supply to the refuelling locations. All Capital Cities on the east coast of Australia are being fed this fuel via high pressure pipelines. However, for locations outside the boundaries of these cities the constant supply via pipeline is nil and supplies will need to be delivered by road transport.

Another downfall of the CNG is that its compression into the receiver / fuel tank is limited and therefore the range is, in turn, reduced in comparison to that of both LPG and other liquid fuels (Petrol & Diesel).

The majority of the transport industry has shown reluctance to use this fuel in general because of the reduced range on a tank of fuel, and the installation of additional gas tanks on the vehicles means reduced payload plus the small number of refuelling locations.

Current Position

There is now movement to produce and retail the next generation of this fuel, being Liquefied Natural Gas. This is the same product which has been liquefied rather than simple compression into a storage cylinder, and has a similar storage capacity in cylinders to that of LPG (In excess of 200:1).

The CSIRO and the Australian Greenhouse Office are currently conducting a "Life-Cycle Emissions Analysis of Alternate Fuels for Heavy Vehicles" which includes the LNG product. The analysis is expected to be complete by mid-2001 and results published soon thereafter.

Similar studies are being carried out in the USA with its results being available to the public also during the latter part of 2001.

The future of the LNG product is probably more favourable than the CNG as it can be distributed Nation-wide similar to the LPG fuel.

In the September 2000 issue of "Natural Gas for Vehicles News", a joint venture between Woodside Energy (WA) and Energy Equity Corporation was announced to establish a LNG facility on the Burrup Peninsula (WA) for local use LNG. The future of this service should not be affected by the attempted take-over of Woodside by Shell Petroleum.

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Alternate Fuels for Council's Fleet (Natural Gas Vehicles)

All of the factors listed above will have an impact on the ability of regional areas of Australia to use these locally produced fuels. The major push is for the Cities to cut their pollution practicals' emission and also use this fuel rather than importing fuel. With the introduction of the LNG product, rather than the CNG fuel, Lismore and surrounding areas will be able to access a cleaner and wholly Australian fuel which can be used across a wide range of vehicles that currently use ULP and Diesel. Also, the heavy vehicle industry leaders are producing various forms of Natural Gas combinations for use in their engines which can only mean lower toxic and ozone depleting emissions than currently being experienced.

While current progress appears slow, it is appropriate for councils to support this new fuel, in particular LNG; and lodge joint enquiries (NOROC, etc) for the release and proposed infrastructure of retail outlets so that the fuel industry can gauge the potential usage.

Commitment by Government Departments, including Local Government, to utilise this fuel when available will further enhance the introduction to the regional areas.

Manager – Finance & Administration Comments

The proposal to utilise Australia's natural gas resources to produce a fuel capable of serving transport needs is well worthy of our support. The dramatic increase in petrol prices over the past 12 months is a good incentive for Council to embrace alternative fuels such as LNG.

Logically speaking, until the research is complete and cost implications assessed, it is difficult to provide unqualified support of such a project. At the same time, we need to ensure that if it is viable, then Regional and Rural Australia has access to this fuel.

Public Consultations N/A

Other Group Comments

Comments by Acting Group Manager - City Works, Garry Hemsworth:

Council should take every opportunity to investigate alternate fuel sources which may benefit Council and the community from both an economic and environmental perspective. It appears early days in the development of Liquefied Natural Gas. Staff will keep Council informed as further information becomes available.

Comments by Manager – Environmental Health:

Council's adopted Integrated Waste Minimisation and Management Strategy Recommendation No. PP31/Policy/Fuel states: "Investigate the feasibility of conversion of Council vehicle fleet to natural gas". The recommendation is given a strategic importance rating of 'to be considered'. Continued investigation of the utilisation of alternative natural fuels is supported as recognised above.

Author's Response to Comments from Other Staff Not required

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Alternate Fuels for Council's Fleet (Natural Gas Vehicles)

Conclusion

While the use of Natural Gas in vehicles is still in its infancy, the prospect of utilising a totally Australian fuel is the logical and economical choice for part, and possibly eventually all of Council's fleet, and should be thoroughly utilised where possible.

The results of further research into the fuel choice (LNG v's CNG) will be distributed to Council when available together with information as to their likely availability within the region.

Recommendation (WOR1)

That Council make representation to NOROC for that authority to seek further and continual information regarding Natural Gas for vehicles, and make representation for the supply, in particular Liquefied Natural Gas, into the Northern Rivers Region of NSW.

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Subject/File No: MASTERS GAMES UPDATE & COMMITTEE MEMBERSHIP
(JB:LC:S757)

Prepared By: Event Co-Ordinator - John Bancroft

Reason: Request by Council

Objective: Inform Council and determine membership issues.

Background:

Council was advised in October 2000 that it would receive a report on Games matters in April 2001. The following information is submitted for Councils information.

Sponsors

All sponsorship targets have been met. Sponsors are:



Membership

A number of committee positions are vacant for various reasons. Current membership is

Council x 2 - Councillor Chant & Councillor Hampton
North Coast Academy of Sport x 1 – Mr Tony Clarke
Southern Cross University x 3 – Mr Peter Cordery, Ms Alison James & Mr Jak Carroll
Economic Development Unit x 1 – Mr Dave Arthur
Lismore Unlimited x 1 – Vacant
Southern Cross University Student Union x 1 – Mr Dave Graham
Tourist Office x 1 – Vacant
Department of Sport & Recreation x 1 – Vacant
Lismore District Sports Association x 2 – Ms Therese Crollick & Mrs Gloria Mortimer
Community/Sport x 2 – Mr Paul Deegan & Mr Chris Hayward.

As can be seen three (3) spots are vacant and the following has been determined;

1. Lismore Unlimited have nominated Mr I Carrington (is the owner of Recycled Sports)
 2. Tourist Office nomination is to be further discussed with the Manager Economic Development & Tourism.
 3. NSW Sport & Recreation will remain vacant due to no nomination/candidate.
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LISMORE CITY COUNCIL - Meeting held April 10, 2001

Masters Games Update and Committee Membership

General Games Information

Eight (8) Southern Cross University students have commenced Internships with Games staff on various promotions, administration and venue related matters. All seem keen and interested.

Telephones are steadily ringing – Promotional campaigns at other events seems to have worked.

The Entry Form primary outlet is Lismore Tourist Office.

The Games Organising Committee will be holding a Games Sponsors Breakfast to be held at 7.15am at the Southern Cross University Union Building on April 10, 2001. Councillors are welcome with RSVP to Leanne Clark on 66250411 by April 7, 2001.

Manager - Finance & Administration Comments

N/a

Public Consultations

N/a.

Other Group Comments

N/a.

Author's Response to Comments from Other Staff

N/a

Conclusion

N/a

Recommendation

1. The update information be noted.
2. Mr Ian Carrington be appointed as a member of the Lismore Masters Games Organising Committee.

Subject/File No: REVIEW OF COUNCIL POLICIES (S9)
Prepared By: Administrative Services Manager – Graeme Wilson
Reason: Council requirement
Objective: To ensure all Council policies are correct.

Management Plan Activity:

Background:

Council requires that staff carry out an annual review of policies with any proposed changes being the subject of a report to Council. As part of this review, Councillors were invited to review the policies and submit any proposed changes for inclusion in this report. No submissions were received.

The following review deals largely with what might be called “housekeeping” issues, i.e. minor changes to reflect changes in legislation or other circumstances, rather than major philosophical changes in direction. These “major” reviews will be the subject of separate reports to Council throughout the year.

This report should be read in conjunction with the Policy Register.

Policy 1.2.6 Councillor Access to Council Files

Councillors’ attention is drawn to the requirement contained within Clause 2 of this policy. No change is proposed.
Clause 4 of the policy should be deleted, as Clause 41 of the Meeting Regulation was deleted by the State Government.

Policy 1.4.7 Development and Building Application Fees Subsidy

Although this is a function of Administration, changes to Development Legislation necessitate changing of the following specific verbage within the policy.

- a) Delete the Policy Title: *“Development and Building Application Fees Subsidy”*
Insert Policy Title: *“Development and Construction Certificate Application Fees Subsidy”*.
- b) Delete the heading under Item B: *“Development, Building Application and Advertising Signs, Licence Fees Payable by Charitable Organisations”*.
Insert the heading under Item B: *“Development, Construction Certificate Applications and Advertising Signs, Licence Fees Payable by Charitable Organisations”*.
- c) Delete Item 3: *“In respect of DA and BA fees for Council Bush Fire Sheds, all fees be waived”*.
Insert Item 3: *“In respect of DA and Construction Certificate Application Fees, all fees be waived”*.

Policy 1.5.3 General Fund Working Fund

Change heading to *“Council’s Financial Position”*.
The previous policy has become outdated with the assumption that one financial indicator would be able to reflect Council’s financial soundness.
Obviously we are not going to be able to cover all bases with a policy statement on financial indicators but the four items listed below should provide a broad guideline.

LISMORE CITY COUNCIL - Meeting held April 10, 2001

Review of Policies

Delete *“Council should aim to achieve by December 31, 1996 a Working Fund surplus of \$1M (1990 \$) for General Fund.*

Add –

- a) *Council should aim to maintain an Unrestricted Current Ratio of greater than 2:1 for all of its individual funds.*
- b) *Council should aim to achieve a budget surplus of at least \$50,000 for General Fund at the start of a new financial year to give Council and Management some financial flexibility in decision making throughout the course of the year.*
- c) *Council should aim to minimise the level of outstanding rates with the level not to exceed 10% of amounts collectable.*
- d) *The debt service ratio for all individual funds should not exceed 15%.*

Policy 1.5.4 Inclusion in Section 149 Certificates of Reference to Section 94 Levies

Council cannot legally include such information on its Section 149 Certificates. Even if it were possible, the quantum of Section 94 levies varies according to the type of development, existing use rights (credits) etc.

This policy should be **deleted**.

Policy 1.5.5 General Fund Debt Service Ratio

Delete – incorporated under new Policy 1.5.3.

Policy 1.5.6 Garbage Service to Sporting Clubs

Delete as Waste Services are a “user pays” service and as with all services such as water and wastewater, users generally pay.

Policy 1.5.7 Income from Tourist Centre to be Transferred to Reserves

Delete – incorporated under new Reserves Policy 1.5.10.

Policy 1.5.8 Taxation Reform

Delete Point 9 as the GST has been introduced and Council is affected.

Policy 1.8.1 Private Sewer Lines

This policy is rarely enacted, however it is suggested that it remain subject to the wording being amended as follows:

Council may pay the first claim after an investigation suggests a Council tree is at fault. This payment will be made as a one off on an ex-gratia basis. The claimant will be advised that further payments will not be made as the condition of the pipes is a contributing factor and Council recommends the pipes be replaced.

This policy will also be renumbered to facilitate its transfer to the Sewerage Services section of the Policy Register.

Policy 1.8.23 Sealing of Road Shoulders in Commercial Areas

Some minor rewording of the policy has been undertaken to clarify the developer's and Council's responsibility. The changed wording has been highlighted.

*Council requires, as a condition of development approval for commercial premises (including residential flats where appropriate), that the road shoulders over the full frontage of the premises concerned be bitumen sealed from kerb to existing bitumen road surface. **The developer shall be required to undertake the works with Council to contribute the (estimated) cost of any work in excess of a single traffic lane 4 metres wide, for the purpose of –***

Review of Policies

- 1 *Providing roadside parking to accommodate angle parked cars where necessary.*
- 2 *Conforming with Council's policy of completing all roads in business areas in bitumen sealed construction from kerb to kerb.*

Policy 5.2.11 Development Consent – Compliance with North Coast Regional Environmental Plan:

Requires that planning reports address compliance of a development proposal with the North Coast REP. This policy duplicates the provisions of S.79C of the EP & A Act and should be **deleted**.

Policy 5.2.17 Scale Models for Major Developments

Requires that for development proposals worth more than \$3 million dollars, and comprising residential buildings of more than 10 units and two storeys, a scale model and perspective drawings will be required. This Policy has not been used within the last few years and has been superseded by technology which permits computer simulations of all aspects of a building, and by planning requirements for site analyses to be undertaken. This policy should be **deleted**.

Policy 5.2.19 Plan of Management – Post Development Control

Aimed to ensure compliance with conditions of consent and identification of illegal land uses by formalising a procedure for inspections of previous years' consents. It appears to have been initiated in 1994 under the legislation and staffing arrangements current at the time, but now superseded by current practices which require that compliance with conditions of most consents are audited at the time of issue of subdivision or construction certificates. The identification of illegal land uses occurs during site inspections for other purposes, or by complaint from a member of the public.

It is not clear why there should have been a Council policy for an issue which is an operational requirement of the development control function and for which no discretion is permitted under the Act; if a program needs to be documented it should be in the internal Procedures Manual. This policy is considered redundant and should be **deleted**.

Policy 5.2.22 Covenants

States simply that included on S149 Certificates will be a statement that Council is not bound by covenants. This Policy dates from 1993 and has been superseded by changes in legislation and recent legal advice to the effect that information on S149 Certificates should be limited to that required by Cl. 279 and Schedule 4 of the E P & A Regulation, which makes no mention of covenants. This policy is superfluous and should be **deleted**.

Policy 5.3.1 Strategic Planning Study Guidelines

This policy dates from 1996 and its intention was to ensure the involvement of Councillors in the preparation of major studies in strategic land use planning and to set out a process to be followed. However, the wording of the policy appears to relate to specific circumstances surrounding the 1995 Heritage Study and which are not necessarily applicable to other studies produced in recent years. There are no major planning studies proposed to be undertaken in the current Management Plan, nor in the draft 2001/02 Management Plan, and therefore the policy could be considered redundant and be **deleted**. In any case, the planning reform program recently signalled by the government in its "PlanFirst" White Paper, will necessitate a review at some stage in the near future.

LISMORE CITY COUNCIL - Meeting held April 10, 2001

Review of Policies

If Council wishes to retain a policy on this issue it should be amended to cover more general circumstances for a broader range of studies.

The differences between the existing Policy 5.3.1 and that suggested above are:

- The requirement to justify the need for the study and quantify its resource demands;
- The recognition that community consultation requirements will differ with the nature of each project.

A reviewed policy is attached for consideration.

Policy 6.1.2 Water Meters – Hardship Response

Recommended change to being the responsibility of someone within Lismore Water.

Policy 9.1.4 Street Awnings – Central Business District

The whole policy can be **deleted** as it is the requirement of the Environmental Planning and Assessment Act that a Development Application and a Construction Certificate be submitted for the replacement of awnings, and thus compliance with the current building codes is ensured.

Lismore Local Approvals Policy No. 1

a) Part 1 – Exemptions from the Necessity to Obtain Approval

With the change from the Local Government Act to the Environmental Planning and Assessment Act, this policy has been superseded by DCP 39 – Exempt Development, and thus can be eliminated.

b) Part 2 – Criteria – Council Must Consider When Determining Applications

This part of the Local Approvals Policy listed Council's DCP's, policies and codes that were relevant to building applications. This has also been superseded by the change of building legislation from the Local Government Act to the E P & A Act, and is thus now adequately covered by Section 79C of the E P & A Act.

c) Other Matters Relating to Approvals

This part specified the criteria for notifying adjoining lands of building application submissions. This has once again been superseded by legislative changes to the E P & A Act and is now adequately covered by DCP No. 41.

Social Impact Assessment Policy

In the introduction there is reference to Section 90(1)(d) of the Environmental Planning & Assessment Act 1979. This section of the Act does not exist anymore. It was replaced by Section 79C(1)(b).

It is proposed to change the policy by deleting from the Introduction:

*Section 90(1)(d) of the Environmental Planning & Assessment Act 1979, already requires an assessment of the social and economic impact of proposed developments and replacing it with **Section 79C(1)(b): The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.***

Manager - Finance & Administration Comments

Not required.

LISMORE CITY COUNCIL - Meeting held April 10, 2001

Review of Policies

Public Consultations

Not required.

Other Group Comments

All Groups have been involved in the review of these policies.

Author's Response to Comments from Other Staff

Not required.

Recommendation

- 1 That Policies Nos. 1.5.4, 1.5.5, 1.5.6, 1.5.7, 1.5.8, 5.2.11, 5.2.17, 5.2.19, 5.2.22 and 9.1.4 be deleted.
- 2 That Policies Nos. 1.2.6, 1.4.7, 1.5.3, 1.5.8, 1.8.1, 1.8.23, 5.3.1, 6.1.2, Lismore Local Approvals Policy No. 1 and the Social Impact Assessment Policy be amended as detailed within the report.

LISMORE CITY COUNCIL - Meeting held April 10, 2001

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD MARCH 21, 2001 (Cont'd)

Present: Mr Garry Hemsworth (*Chairperson*), Councillors Ken Gallen, John Chant and Mervyn King, Messrs Thomas George, MP, Mike Baldwin (*Roads and Traffic Authority*), John Daley (*Lismore Unlimited*), Snr Const Michael Hogan (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

In Attendance: Mr Andy Dunning and M/s Linda Brooks (*Mardi Grass*) for Item No. 9.

Apologies: An apology for non-attendance on behalf of Mr Bill Moorhouse (*another engagement*) was received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – February 21, 2001

Members were advised that the Minutes of the meeting held on February 21, 2001 were adopted by Council at its meeting of March 13, 2001.

Disclosure of Interest: Nil

Business Arising:

1. **Village of Clunes – Vehicle Speeds (Item 14 of Minutes of 21/2/01)**

Mr Hemsworth advised that he had attended a recent meeting with the RTA to discuss traffic issues in the Villages of Clunes and Bexhill. The Authority had recently carried out a road safety audit through the Villages and identified a number of locations where facilities required upgrading. These included a pedestrian refuge at Clunes in front of the General Store; entry threshold treatments at each end of the Clunes Village; line-marking maintenance, and other minor matters.

The RTA has requested that Council provide an estimate with a view to carrying out the works within the current financial year. A proposal to install a fixed speed camera within the Clunes Village was also discussed. However, it was understood that this is still under investigation and would need to meet certain criteria including a history of excessive vehicle speeds and a significant accident history.

Members agreed that the proposed physical works needed to be undertaken at the earliest opportunity.

TAC17/01 **RECOMMENDED** that the above be noted. (R1302)

Correspondence:

2. **NSW Roads & Traffic Authority;** distributing copy of the "Regional Traffic Committee Appeal" form for the Committee's consideration.

Members viewed the proposed form and offered no objection to its format.

TAC18/01 **RECOMMENDED** that the RTA be advised accordingly. (01-3484:S352)

3. **Mrs C White;** seeking the inclusion of "No Through Road" on the Anstey Street road sign and requesting that vehicles be prohibited from parking outside the new Social Development Council building situated on the corner of Ballina and Cathcart Streets due to the sight distance restriction afforded to motorists entering Ballina Street.

An inspection of the site revealed that visibility was restricted for motorists exiting onto Ballina Street from Cathcart Street when vehicles were parked parallel to the kerb on Ballina Street in front of the Social Development Council building. This could be remedied by the installation of a 'No Parking' sign at a distance of 18m east of Cathcart Street. Members raised no objection to the erection of a 'No Through Road' sign on the Anstey Street sign.

LISMORE CITY COUNCIL - Meeting held April 10, 2001

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD MARCH 21, 2001 (Cont'd)

TAC19/01 **RECOMMENDED** that the above works be carried out. (01-3576:R7404,S346)

General Business

4. **Visitor Information Centre, Molesworth Street, Lismore**

The Lismore Tourism Centre had conveyed a suggestion from visitors that the entry/exit driveways to its complex be reversed.

After an inspection of the site, it was felt that the status quo should remain in relation to the positioning of the 'entry/exit' driveways; the reasons being that better visibility was afforded to motorists exiting from the southern-most driveway, particularly when buses were parked in the Bus Zone between the two driveways. The existing 'Entry' driveway was further away from the Ballina Street roundabout, giving motorists more time to prop and turn into the driveway.

It was noted that one of the 'No Entry' signs was missing and arrangements would be made for its replacement.

TAC20/01 **RECOMMENDED** that the driveways remain as currently signposted, for the reasons set out above. (R7322)

5. **Orion Street, Lismore - 'Top End'**

Concern was raised regarding the merging of traffic between the upper and lower sections of Orion Street.

Mr MacDonald advised that there was a series of loops along the top end of Orion Street to provide adequate access to properties on the top and bottom side of the street. This was necessary because of the significant cross-fall. The street was a local dead-end street with no accident history. 'Give Way' signs were not considered warranted at locations where the road merged at the end of each loop.

TAC21/01 **RECOMMENDED** that the above be noted. (R6051)

6. **BBC Hardware House Development, Bruxner Highway, South Lismore**

Members were advised that it was proposed to install classifiers along the Highway, before and after the access road, to ascertain the 85th percentile speed. Cr Gallen suggested that an additional count be carried out in the vicinity of the Motel to determine the extent of any proposed extension of the 60 kph limit. The results of the counts would be used to determine whether or not any additional works were required fronting the development.

TAC22/01 **RECOMMENDED** that the results be submitted back to the next meeting for further discussion. (R4807)

7. **Northern Rivers Herb Festival – August 11-19, 2001**

Mr MacDonald advised that as part of the festival it was proposed that a parade would be held on Saturday, August 18, 2001, which would leave the western end of the Clyde Campbell Carpark at approximately 11.00 am and travel south along Molesworth Street.

It was also proposed to close Victoria Street, between the RSL Club and the Ballina Street Bridge, between 6.00 am on Saturday, August 18, 2001, and approximately 9.00 pm on Sunday, August 19, 2001.

The City Hall had been identified as a wet weather contingency venue which may require the closure of Molesworth Street, between Ballina and Bounty Streets.

TAC23/01 **RECOMMENDED** that the above proposals be agreed to as outlined. (S704)

8. Kadina Overpass Funding

Mr Hemsworth advised that at a recent meeting with the RTA, its representatives had confirmed that an additional \$100,000 would be available in the current financial year, making a total of \$200,000 towards the project. The project was due to commence shortly.

TAC24/01 **RECOMMENDED** that the above be noted.

(S774)

Late Items

9. Nimbin Mardi Grass

Mr Andy Dunning and M/s Linda Brooks were in attendance for this item and were invited to address the Committee on proposed traffic issues relative to the staging of the Mardi Grass. During the Mardi Grass weekend, it has been proposed that qualified Traffic Controllers be engaged to control traffic at the intersections of Cullen and Cecil Streets and Cullen and Thorburn Streets, allowing alternate one-way movement of traffic through Cullen Street.

In addition, it was proposed that Sibley Street, between Thorburn and Cullen Streets, would also be closed. Access for the Rural Fire Service would be maintained at all times.

Off-street parking would be provided, both at the northern and southern sides of the Village. It was proposed that kerbside parking be prohibited along both sides of Cullen Street in order to provide larger and safer areas for pedestrians.

Mr Hemsworth advised that as there had been problems in previous years with signs, barriers, etc, not being returned after the event, it was unlikely that Council would lend materials this year.

Consideration would also need to be given to –

- a) ensuring that local motorists leave the western carpark once they had finalised their shopping so that parking continued to be available
- b) the exit to the western carpark should be controlled to ensure motorists exited in accordance with the one-way traffic flows
- c) private parking adjacent to the western carpark, at the rear of the shops, would need to be kept clear of use by general public.

TAC25/01 **RECOMMENDED** that approval be granted for road closures and traffic control measures, as outlined above, provided that -

- a traffic control plan is prepared by an accredited person
- a traffic control plan is implemented by an accredited person
- traffic is controlled by accredited persons
- Public Liability Insurance is in place to cover the event
- the Organisers comply with the Occupational Health & Safety Act at all times.

(S352)

10. Parking Facilities - Keen Street – South of Conway Street

Concerns were raised for the apparent abuse of on-street parking limits, particularly in the above area. Snr Const Hogan took the matter on board to raise with appropriate Police personnel.

TAC26/01 **RECOMMENDED** that the above be noted.

(R7313)

11. Road Safety Issues

Mrs Johnson advised that investigations were underway into obtaining a 'Speed Monitoring Device' to assist Council with investigations of speed complaint areas and campaigns such as "Check your Speed".

A new brochure was also tabled that had been developed to assist in public education for the correct use of 'Scooters'.

LISMORE CITY COUNCIL - Meeting held April 10, 2001

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD MARCH 21, 2001 *(Cont'd)*

11. **Road Safety Issues** *(Cont'd)*
'Coggers Night' was also discussed and it was noted that there had been some problems with the use of the Crowther Carpark. The Organisers of 'Coggers Night' had produced a brochure for distribution to users in an effort to reduce the current problems. Cr King advised that investigations were still underway into the construction of a 'burn out' pad at the Showground.
- TAC27/01 **RECOMMENDED** that the above be noted. (S596)

This concluded the business and the meeting terminated at 11.30 am.

CHAIRPERSON

TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

Agreement between Wyrain Pty Ltd, Kumasi Pty Ltd, Bennett Industries Pty Ltd and Council

Agreement to close existing unformed East Street, South Lismore and dedicate a new road at a preferred location approximately 30m to the west of the existing road.

(D96/239)

Licence Agreements – Council & Lismore City Council Rural Fire Service

The Agreements have been set up to allow radio equipment to be installed on Council's reservoir sites for a yearly fee. Each individual user of Council's sites will be required to enter into a separate licence agreement with Council.

(P4031)

Variation to Agreement/Conditions of Funding for Gingerbread House Occasional Care for the Goods and Services Tax (GST)

(P9918)

Department of Employment, Workplace Relations & Small Business

Funding contract for "Art in the Heart Cultural Arts Precinct" project under the Regional Assistance Programme.

(01-4477: P26243,S181)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, MARCH 13, 2001 AT 6.04PM.

- Present:** His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin, King, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-EDU/Tourism, Manager-Community Services, Manager-Planning Services, Communications & Community Relations Manager, Manager-Environmental Health, Recreation Planner, Manager-Client Services, Manager-Finance & Administration, Recreation Officer and Administrative Services Manager.
- 27/01 **Apologies/** Leave of absence was granted to Councillor Irwin for the next two
Leave of meetings and Councillor Chant from March 27 to April 3, 2001.
Absence: (Councillors Roberts/Hampton)
- 28/01 **Minutes:** The Minutes of the Ordinary Meeting held on February 13, 2001, were confirmed, subject to it being noted that Councillor Roberts voted against Minute No. 4/01.
(Councillors Roberts/Irwin)

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 Graham Meineke re Mayoral Minute – Lismore Fire Brigades – 24 Hour Manning

(See Minute No. 30/01)

Mr Meineke spoke on behalf of Lismore Unlimited in support of Council funding 10 full-time positions for Lismore, citing the broad benefits to the community in quicker response times and economic benefits.

(01-2305: S103)

Ms Louise Barry re Report – Northern Rivers Herb Festival

(See Minute No. 40/01)

Ms Barry provided the Council with a detailed overview of the Herb Festival and its economic benefits to Lismore.

(S704)

Ms Effie Ablett re Report –Workshop for Koala Management Plan

(See Minute No. 41/01)

Ms Ablett raised concern over the long term future of the koala in this area and outlined the Plan of Management.

(S310)

Mr Stan Heywood re Report – Management Plan Review – Quarter Ended December 2000

(See Minute No. 43/01)

Mr Heywood, with the aid of a much appreciated poetry reading, covered a broad expanse of tourism related issues.

(S4)

Mr Brett James re Notice of Motion – Paid Part-time SES Unit Controller

(See Minute No. 36/01)

Mr James gave a broad overview of the activities covered by SES through the year. He stressed the co-ordination benefits a part-time controller would bring to the SES.

(01-2886: S152)

CONDOLENCE:

Late Earl Kirkland

29/01

The Mayor drew attention to the recent passing of Earl Kirkland.

Mr Kirkland was the son of the founder of Kirklands Coaches and was the travel manager, sales manager and then co-manager of the bus and travel business until the business was sold in June 1986. The business began with one bus and grew to own more than 100.

Earl Kirkland had served the Lismore community extremely well.

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

(S75)

MAYORAL MINUTES:

Lismore Fire Brigades – 24 Hour Manning

(Copy attached)

A MOTION WAS MOVED that the minute be received and a firm costing be obtained for the increase in staff and the additional funding be listed for consideration during the budget workshop.

(Councillors Gates/Hampton)

AN AMENDMENT WAS MOVED that the minute be received and Council –

- 1 Advise the Commissioner that it strongly supports the proposal of additional staff at the Lismore Fire Station.
- 2 Make a commitment of \$71,000 to fund this proposal either from within the existing budget or from other funds.

(Councillors Gallen/Hampton)

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

Voting Against: Councillors Roberts, Suffolk and Gates.

30/01

RESOLVED that the minute be received and Council –

- 1 Advise the Commissioner that it strongly supports the proposal of additional staff at the Lismore Fire Station.
- 2 Makes a commitment of \$71,000 to fund this proposal either from within the existing budget or from other funds.

(Councillors Gallen/Hampton)

Voting Against: Councillor Roberts

(01-2305: S103)

Council Meeting May 8, 2001

(Tabled) (Copy attached)

31/01

RESOLVED that the minute be received and Council change the date of the May meeting to May 1, 2001.

(Councillors Gates/Gallen) (S43)

RESCISSION MOTIONS:

Development Application Approvals Policy

(Copy attached)

- 32/01 Formal notice having been given by Councillors Irwin, Tomlinson and Roberts it was **RESOLVED** that this Council rescind its decision at the Council meeting of February 13 in regard to the Development Application Approvals Policy.
(Councillors Irwin/Chant)
Voting Against: Councillor Suffolk.

A MOTION WAS MOVED that –

- 1 Council proceed to approve the Development Application Approvals Policy which it requested its staff to provide.
- 2 That the policy title be amended to read Customer Service Commitment.
(Councillors Irwin/Gallen)

AN AMENDMENT WAS MOVED that consideration of the policy be deferred to a Planning Workshop on March 20, 2001 to endeavour to put a more friendly face on planning procedure.

(Councillors Gates/Suffolk)

Voting Against: Councillors Irwin, Roberts, Tomlinson, Gallen, Swientek and Crowther.
The voting being tied the Mayor declared the amendment APPROVED on his casting vote.

- 33/01 **RESOLVED** that consideration of the policy be deferred to a Planning Workshop on March 20, 2001 to endeavour to put a more friendly face on planning procedure.
(Councillors Gates/Suffolk)
(01-2564: S9)

Recycling Service Review

(Copy attached)

- 34/01 Formal notice having been given by Councillors Swientek, Hampton and Crowther it was **RESOLVED** that Council rescind its decision on the Recycling Service Review of February 13, 2001 (Min. No. 14/01)
(Councillors Swientek/Baxter)

- 35/01 **RESOLVED** that -

- 1 Following a response from Ballina Shire Council staff prepare an updated report outlining the full costs and issues involved with the future of Council's drop-off centres.
- 2 That the Mayor urgently write to the NSW Premier and the Minister for Local Government warning them that Lismore's long-standing commitment to recycling is under threat unless it immediately introduces container deposit legislation.
- 3 That the Mayor also issue a press statement, to be sent to all major media outlets in NSW calling on the State Government to introduce CDL and outlining the consequences if this does not occur.
- 4 The Premier be made aware of the disadvantage that rural NSW faces in making recycling an economically viable proposition.

(Councillors Swientek/Baxter)

Voting Against: Councillor Crowther.
(01-2272,01-2820: S763)

NOTICE OF MOTIONS:

Paid Part-time SES Unit Controller

(Copy attached)

- 36/01 Formal notice having been given by Councillor King it was **RESOLVED** that Lismore City Council write to the Premier and the Minister for Emergency Services seeking funding for the appointment of a paid State Emergency Services Unit Controller for the Lismore State Emergency Service on a part-time basis.
(Councillors King/Gallen) (01-2886: S152)

Proposed North-East Corridor

(Copy attached)

Formal notice having been given by Councillor Swientek it was **MOVED** that Lismore City Council prepare a submission to the RTA to have the proposed Pacific Highway upgrade deviated to go from Woodburn to Lismore then on to Bangalow via the proposed North-east Corridor, with appropriate interchange connections for Ballina off the North-east Corridor.

(Councillors Swientek/Gallen)

On submission to the meeting the **MOTION** was **DEFEATED**

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

(01-3056: S182)

MATTER OF URGENCY:

Lifesaving Action by Law Enforcement Officer, Stuart Thomson

- 37/01 **RESOLVED** that this matter be admitted to the business paper as a matter of urgency.
(Councillors Irwin/Roberts)

- 38/01 **RESOLVED** that Council convey to Stuart its appreciation and gratitude for a very courageous act in saving a young boy's life.
(Councillors Irwin/Swientek) (S75)

SUSPENSION OF STANDING ORDERS:

- 39/01 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- **Report – Northern Rivers Herb Festival**
 - **Report - Proposed Workshop on Koala Management Plan**
 - **Report – Rural Quarries Rehabilitation**
 - **Report – Management Plan Review – Quarter Ended December 2000**
- (Councillors Roberts/Irwin)

Report – Northern Rivers Herb Festival

(Copy attached)

- 40/01 **RESOLVED** that the report be received and –
- 1 That Council agree to supporting the Festival with the funding to come from operational savings achieved during 2000/2001.
 - 2 That the Manager-Community Services be requested to see if some assistance could be provided to the organisers of the Herb Festival to ensure that Lismore's artistic community is invited to participate.
- (Councillors Tomlinson/Irwin) (S704)
-

Report - Workshop for Koala Management Plan

(Copy attached)

A MOTION WAS MOVED that the report be received and –

- 1 That Council agree to hold a workshop on the draft KPoM, the purpose of which is to consider the contents and recommendations of the draft Plan prior to a report on further action being brought before Council.
- 2 Councillors be invited to attend a bus tour of the area covered by the Plan scheduled for March 24, 2001.
- 3 The Council workshop be conducted after the Committee has read its recommendations to Council.

(Councillors Swientek/Gallen)

AN AMENDMENT WAS MOVED that the report be received and Council hold a workshop to consider the following –

- 1 Whether to continue with a Draft Plan.
- 2 If it is decided to continue then consider the guidelines for redrafting of the Koala Plan of Management.
- 3 Attendance be limited to Councillors, Koala Management Committee and relevant staff.

(Suffolk/Crowther)

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

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

41/01 **RESOLVED** that the report be received and Council hold a workshop to consider the following –

- 1 Whether to continue with a Draft Plan.
- 2 If it is decided to continue then consider the guidelines for redrafting of Koala Plan of Management.
- 3 Attendance be limited to Councillors, Koala Management Committee and relevant staff.

(Councillors Suffolk/Crowther)

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

Dissenting Vote:

Councillor Gallen. (S310)

Report – Rural Quarries Rehabilitation

(Copy attached)

42/01 **RESOLVED** that the report be received and –

- 1 Council adopt the rehabilitation strategies nominated in this strategy report.
- 2 An amount of \$95,000 be allocated from the Quarry Rehabilitation Reserve to carry out the rehabilitation.
- 3 Any proceeds on the sale of surplus land be reimbursed to the Quarry Rehabilitation Reserve.
- 4 The General Manager be authorised to negotiate and finalise the sale of development consents and quarry lands now surplus to Councils requirements, as nominated in this report.
- 5 The General Manager be authorised to sign Contract of Sale and Memorandum of Transfer documents regarding the sale of existing quarry development consents.
- 6 In the case of Parmenters Quarry, the General Manager be authorised to negotiate finalisation to this matter, in line with the principle that Council pay for the material removed and Council rehabilitate the whole quarry site and fence the rehabilitated area on completion.

Also the General Manager be authorised to sell the surplus roadside land at independent valuation, being the disused quarry, to Ian and Dorothy Cullen.

7 Prior to any quarries being sold they be referred to the Group Manager-City Works to determine whether there is any value in keeping some sites for disposal of road works waste fill or storage of roadworks materials.

8 Action be deferred on North Lismore Quarry until it is determined if the Quarry could become a source of fill or rock associated with the Lismore Levee Bank.

(Councillors Swientek/King) (S324)

Report – Management Plan Review – Quarter Ended December 2000

(Copy attached)

43/01 **RESOLVED** that –

1 The report be received and noted.

2 Staff be commended on their performance during the period ended December 2000.

(Councillors Roberts/Tomlinson) (S4)

RESUMPTION OF STANDING ORDERS:

44/01 **RESOLVED** that standing orders be resumed.

(Councillors Swientek/Irwin)

REPORTS:

Northern Rivers Herb Festival

(See Minute No. 38/01)

Lismore Flood Levee Scheme

(Copy attached)

A MOTION WAS MOVED that the report be received and -

1 Council agree to the project estimate of \$13.2 million.

2 Council's reluctantly agree to its contribution being \$4.4 million on a 1:1:1 basis, but strong representations again be made to State and Federal Governments requesting that the subsidy ratio of 4:4:2 be reinstated for this project.

3 Council apply for a \$100,000 Special Rate Variation for a set period of ten years, during the 2001/2002 Management Plan process to be applied as a Special Rate to ratepayers who will receive a benefit from the Lismore CBD Levee.

4 Council provide for the "Annual Additional Allocation" as required in all future Management Plans with at least \$100,000 commencing from 2001/02.

5 The required loans funding be either borrowed by Council or Richmond River County Council dependent upon the level of revenue or reserve funding available. The estimated amount be included in the Management Plan for each relevant year for Council's consideration.

6 Staff pursue the option to construct the Lismore Levee Scheme on a one project (stage) basis.

7 That no other major capital works be considered for construction during the 2001/02 Management Plan unless the State and Federal governments reinstate the 4:4:2 funding ratio.

(Councillors Swientek/Crowther)

AN AMENDMENT WAS MOVED that the report be received and –

1 That the Mayor and General Manager urgently organise a concerted lobbying and state-wide media campaign aimed at –

- a) forcing a change in policy by the Federal Government regarding the levee funding formula;
 - b) obtaining reassurances from the Leader of the Opposition, the Australian Democrats and the State Government and local members that they continue to support a return to the 2:2:1 funding formula.
- 2 That the campaign point out that should the funding formula not be changed, Lismore will have to abandon a number of major projects aimed at partly offsetting the disastrous effects on this area of dairy deregulation and government office and agency closures.
 - 3 That for political reasons Council temporarily defer any decision on the flood levee until a response has been received from the Federal and State Governments.

(Councillors Tomlinson/Irwin)

On submission to the meeting the AMENDMENT was DEFEATED

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

45/01 **RESOLVED** that the report be received and –

- 1 Council agree to the project estimate of \$13.2 million.
- 2 Council reluctantly agree to its contribution being \$4.4 million on a 1:1:1 basis, but strong representations again be made to State and Federal Governments requesting that the subsidy ratio of 4:4:2 be reinstated for this project.
- 3 Council apply for a \$100,000 Special Rate Variation for a set period of ten years, during the 2001/2002 Management Plan process to be applied as a Special Rate to ratepayers who will receive a benefit from the Lismore CBD Levee.
- 4 Council provide for the “Annual Additional Allocation” as required in all future Management Plans with at least \$100,000 commencing from 2001/02.
- 5 The required loans funding be either borrowed by Council or Richmond River County Council dependent upon the level of revenue or reserve funding available. The estimated amount be included in the Management Plan for each relevant year for Council’s consideration.
- 6 Staff pursue the option to construct the Lismore Levee Scheme on a one project (stage) basis.
- 7 That no other major capital works be considered for construction during the 2001/02 Management Plan unless the State and Federal governments reinstate the 4:4:2 funding ratio.

(Councillors Swientek/Crowther)

Voting Against: Councillors Irwin, Roberts and Tomlinson.

46/01 **FURTHER RESOLVED –**

- 1 That the Mayor and General Manager urgently organise a concerted lobbying and state-wide media campaign aimed at
 - a) forcing a change in policy by the Federal Government regarding the levee funding formula;
 - b) obtaining reassurances from the Leader of the Opposition, the Australian Democrats and the State Government and local members that they continue to support a return to the 2:2:1 funding formula.
- 2 That the campaign point out that should the funding formula not be changed, Lismore will have to abandon a number of major projects aimed at partly offsetting the disastrous effects on this area of dairy deregulation and government office and agency closures.

(Councillors Swientek/Gallen) (S106)

Proposed Workshop on Koala Management Plan

(See Minute No. 41/01)

Lismore Lake Draft Plan of Management

(Copy attached)

47/01

RESOLVED that the report be received and –

- 1 Council give in-principle endorsement of the Draft Plan of Management for Lismore Lake, subject to –
 - a) the installation of a submersible pump to allow for gradual topping up of the lake as a first priority;
 - b) the timing of the project to be
short term (4 years)
medium term (after 4 years)
long term (long term)
- 2 The Draft Plan be placed on exhibition and public submissions be invited in accordance with provisions of the Local Government Act 1993.
(Councillors Baxter/Suffolk) (P15861)

Old Lismore High School Site Strategic Plan

(Copy attached)

48/01

RESOLVED that the report be received and pursuant to Sections 31 and 34 of the Local Government Act 1993, Lot 14 of DP 867281 be classified as operational land and that Council adopt the following as its strategy towards the development of the Cultural Centre at the Old Lismore High School Site:

- 1 Relocate the Central Library to B Block when funds for the renovation of the building become available.
- 2 Relocate the Lismore Neighbourhood Centre to C Block when funds from the developer of Lismore Square are made available.
- 3 Set aside an adequate area on the site for the future development of a new Art Gallery/Museum complex.
- 4 Further investigate the possibility of creating an Aboriginal Cultural Centre at the site.
- 5 Complete the Business Planning process within the available funding of \$50,000 by June 30, 2001.
- 6 After Council's adoption of the Business Plan, call for Expressions of Interest for the commercial development of the air space over the Harold Fredericks Car Park and for sympathetic commercial activity in the Cultural Centre.
- 7 Call for Expressions of Interest from community, arts and cultural bodies for leasing of space at the Cultural Centre.
- 8 Raise funds for the development of the site through the following means:
 - ✓ Application for State and Federal Grant Programs;
 - ✓ Community based fund raising through service clubs and community organisations;
 - ✓ Sell or lease the current library and art gallery buildings;
 - ✓ Continue to make contribution to reserve for the replacement of the library/art gallery, currently \$100,000 per annum;
 - ✓ Sympathetic commercial leasing and development of the site;
 - ✓ Investigate the possibility of applying the proceeds from the sale of surplus Council properties to the development of the site.
- 9 Council's debt position not be increased as a result of the development of the Cultural Centre.
- 10 Each of the buildings remain "boarded-up" until funds are raised sufficient for the refurbishment of each specific building.
- 11 That any services, facilities and subleasing of the site be in accordance with a Plan of Management approved by Council.
(Councillors Irwin/Tomlinson) (P26243,P26242)

Lismore Saleyards, Pig and Calf Pen Enclosure

(Copy attached)

49/01

RESOLVED that the report be received and –

- 1 That an amount of \$25,000.00 be provided in the 2001/2002 draft budget to demolish, remove and reinstate the pig and calf pen area at the Lismore Saleyards.
 - 2 High priority be given to this project in budget considerations.
 - 3 Council investigate the cost and implications of gravelling the area.
- (Councillors King/Baxter) (T21003,P5986)

NSW Ombudsman – Complaint about Council re Nimbin Community Development Association (NCDA)

(Copy attached)

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

- 1 Extend the policy to include NCDA.
 - 2 Advise the NSW Ombudsman of Council's decision.
- (Councillors Gallen/Tomlinson)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Council advise the Ombudsman of the subsidised facilities it provides for Nimbin compared to Clunes. This was circulated to Councillors on July 11, 2000. Also advise the Ombudsman the contribution to COSA was to address the inequity that exists between the two villages.
- 2 Council review the finances of COSA to determine how long they will require Council assistance.
- 3 If the Ombudsman is still of the opinion there is discrimination then Items 1 and 2 as recommended in the report be adopted and provisions be made in the budget to pay COSA an equivalent amount if the review of its finances warrant it.

(Councillors Gates/Hampton)

On submission to the meeting the AMENDMENT was DEFEATED.

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

On submission to the meeting the MOTION was DEFEATED

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

A FORESHADOWED MOTION WAS MOVED that Council -

- 1 Amend Policy 1.4.11, by deleting COSA from the list of organisations eligible for a donation.
 - 2 Advise the NSW Ombudsman of Council's decision.
- (Councillors Crowther/Hampton)

50/01

RESOLVED that the report be received and Council –

- 1 Amend Policy 1.4.11, by deleting COSA from the list of organisations eligible for a donation.
 - 2 Advise the NSW Ombudsman of Council's decision.
- (Councillors Crowther/Hampton)

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

(01-2070: P16044,S164)

“Road to Recovery” Funding – Proposed Schedule of Works 2000/2001

(Copy attached)

A MOTION WAS MOVED that the report be received and –

- 1 That Council approve the “Proposed Schedule of Works” outlined in the body of the report.
 - 2 That funds equivalent to the two (2) special rate increases collected in previous years for roads be allocated to roads in the 2001/02 Budget.
 - 3 Council advise the Fix the Roads Committee that it should include the regional roads network in the “Roads to Recovery” program for the next financial year.
- (Councillors Roberts/Irwin)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That Council approve the “Proposed Schedule of Works” outlined in the body of the report.
- 2 That funds equivalent to the two (2) special rate increases collected in previous years for roads be allocated to roads in the 2001/02 Budget.

(Councillors Hampton/Gates)

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

The voting being tied the Mayor declared the amendment APPROVED on his casting vote.

51/01 **RESOLVED** that the report be received and –

- 1 That Council approve the “Proposed Schedule of Works” outlined in the body of the report.
- 2 That funds equivalent to the two (2) special rate increases collected in previous years for roads be allocated to roads in the 2001/02 Budget.

(Councillors Hampton/Gates)

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

(S182,S374)

Rural Quarries Rehabilitation

(See Minute No. 42/01)

Lismore Airport Terminal Project – Cost Outcome

(Copy attached)

52/01 **RESOLVED** that –

- 1 The report be received and noted.
- 2 Council congratulate those involved in the completion of the project.
- 3 Council pursue the maintenance guarantees with respect to the landscaping of the terminal building and the resealing of Airport Drive.

(Councillors Crowther/Baxter)

Voting Against: Councillor Swientek.

(T99011)

Television Blackspot Funding

(Copy attached)

53/01 **RESOLVED** that the report be received and Council –

- 1 Accept the television black spot grant (if successful), for the East Lismore, Base Hospital, Lismore Heights, and North & South Lismore area.
- 2 Agree to pay to Byron Shire (if successful) a pro-rata contribution for ongoing costs associated with the re-transmission site for Rosebank, Upper Coopers Creek and Goonengerry area. (approximately 22%).
- 3 Hold further discussions with the commercial television broadcasters in an attempt to obtain a contribution towards the ongoing re-transmission costs.
- 4 Provide an allocation within the annual budget process to cover the ongoing re-transmission costs.

(Councillors Roberts/Hampton)

Voting Against: Councillor Crowther. (S571)

Management Plan Review – Quarter ended December 2000

(See Minute No. 43/01)

Regional Companion Animals Committee

(Copy attached)

- 54/01 **RESOLVED** that the report be received and Councillor Irwin be appointed to the Regional Companion Animals Committee.
(Councillors Roberts/Hampton) (01-2230: S309)

Clunes Wastewater Committee – Vacancies

(Copy attached)

- 55/01 **RESOLVED** that the report be received and that Kate Thomas, Chrissi Claff and Glenn Osborne be appointed to the Clunes Wastewater Committee.
(Councillors Swientek/Chant) (S288)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 21/2/01

- 56/01 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted.
(Councillors Irwin/Hampton) (S352)

DOCUMENTS FOR SIGNING AND SEALING:

- 57/01 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Lease Agreement between Summerland Credit Union Limited and Council

Provision of ATM facilities at the Lismore Regional Airport for a period of three years from 1/1/01.
(P9733)

Variation to Agreement/Conditions of Funding for Lismore After School Care Service for the Goods and Services Tax (GST)

(P15880)
(Councillors Irwin/Baxter)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:

Item 1: Purchase of Land from Larkin – 97 Caniaba Street

A MOTION WAS MOVED this matter be dealt with in open Council.
(Councillors Irwin/Crowther)

Item 1: Purchase of Land from Larkin – 97 Caniaba Street

(Councillors Baxter/Hampton)

Voting Against: Councillors Swientek, King, Baxter, Hampton, Suffolk and Gates.
The voting being tied the Mayor declared the motion DEFEATED on his casting vote.

- 58/01 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters:-

Item 1: Purchase of Land from Larkin – 97 Caniaba Street

(Councillors Baxter/Hampton)

Voting Against: Councillors Irwin, Roberts and Tomlinson. (P1723)

RESUMPTION OF OPEN COUNCIL:

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Committee of the Whole, had resolved to exclude the press and public during its consideration of the beforementioned matters to preserve the confidentiality of commercial negotiations

AND IT NOW RECOMMENDED

Item 1:

- 1 The General Manager be authorised to conclude negotiations and proceed with the acquisition of 97 Caniaba Street (Lot 2 DP596412) for the agreed amount with each party being responsible for their own legal and other costs.
- 2 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 88B or other instrument necessary for the transfer of the property and the creation of the easement for the Levee Bank.
- 3 The General Manager write to Richmond River County Council requesting that the acquisition of this parcel of land be included in the Levee Scheme so that Council can obtain the benefit of matched State and Commonwealth funding.
- 4 That if the cost of the acquisition cannot attract Federal and State Government subsidy, then funding sources for the acquisition be reviewed.

59/01 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and adopted.
(Councillors Suffolk/Swientek)

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

This concluded the business and the meeting terminated at 11.27 pm.

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

MAYOR

