

# COUNCIL Business Paper



FEBRUARY 12, 2002



## **NOTICE OF COUNCIL MEETING**

**An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, FEBRUARY 12, 2002, at 6.00pm and members of Council are requested to attend.**

(Ken Gainger)  
**GENERAL MANAGER**

February 5, 2002

# **COUNCIL BUSINESS AGENDA**

February 12, 2002

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**MAYORAL MINUTE**

**Subject/File No:** RECOGNITION OF BISHOP JOHN SATTERTHWAITE  
(1970 – 2001) SERVICE TO THE LISMORE COMMUNITY  
(S75)

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**Background:**

The Diocesan Chancellor (Father Peter Slack) has requested the Bishop's service to the community be recognised by an appropriate citation under the common seal of the Council and presented to him at a morning tea function in the Mayor's Office or Council Chambers depending on numbers present.

Invitees would include Bishop Satterthwaite, Bishop Jarrett and Father Slack, Councillors and partners and the media. Father Slack may also have other members he would wish to invite.

Attached to this minute is a copy of a letter of appreciation previously forwarded to Bishop John, which supports the following recommendation.

**Recommendation (MM02)**

Bishop John Satterthwaite be presented with a citation under the common seal of the council and presented to him by the Mayor at a morning tea function as detailed above.

**MAYORAL MINUTE**

**Subject/File No:** REQUEST FOR LOCAL GOVERNMENT & SHIRES ASSOCIATIONS TO HOLD A STATE ASSEMBLY (S187)

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**Background:**

Public liability claims have recently increased to a degree whereby they are starting to impact on our unique Australian culture. It is affecting sporting clubs, other clubs, voluntary organisations, individual entrepreneurs and Local Government.

The purpose of this minute is to request the Local Government and Shires Associations to call a State Assembly on how excessive claims are impacting on Local Government and our unique Australian culture.

The problem appears to be that insurance companies will not take a claim through the courts if the claim is under a certain amount as they claim the cost of such actions will exceed the cost of the claim.

One could be forgiven for thinking that this is a cosy arrangement as everyone gets paid except for Local Government and clubs who have to pay the bill.

**Recommendation (MM01)**

Council request the Local Government and Shires Associations to call a State Assembly to:-

- 1 Determine the impact of rising public liability premiums on Local Government and other bodies such as sporting clubs, other clubs and individual operators.
- 2 If Federal and State Government won't act to contain increases to a reasonable level then the Minister for Local Government be requested to allow for the extra cost when determining rate pegging.

**NOTICE OF RESCISSION MOTION**

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

**That the Mayoral Minute of 11/2/01 in regard to Rous Water be rescinded.**

**“256/01 RESOLVED that the minute be received and -**

- 1 Lismore City Council instruct the General Manager that he cease all activity in respect to this matter.**
- 2 The Mayor personally inform the Chairman of Rous County Council that Council does not endorse the claims made in the staff report of October 9, 2001 and advise that this Council will be taking no further action.”**

**COUNCILLOR** R M Irwin

**COUNCILLOR** D J Roberts

**COUNCILLOR** D R Tomlinson

**DATE** 11/12/01

(01-17655: S306)

**NOTICE OF MOTION**

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

**That Council formally request Rous County Council to provide us with a copy of the legal advice they received in response to our report.**

**COUNCILLOR** D J Roberts

**DATE** December 11, 2001

**STAFF COMMENT BY: Group Manager-Business & Enterprise**

Council staff, aware of this Notice of Motion, wrote to Rous County Council on December 17, 2001. Council requested a copy of the advice and for Rous to distribute the advice directly to Lismore City Councillors. To date Council has not received a response.

(01-17654: S306)



**NOTICE OF MOTION**

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

**That as recommended by the Civic Pride Advisory Panel, “The Lismore Flood Levee Committee and the Wilsons Riverbank Development Committee liaise between themselves and release to the community and other interested stakeholders an agreed position on the outcomes of the two projects as they interrelate”.**

**COUNCILLOR** K R Gallen

**DATE** December 12, 2001

**STAFF COMMENT BY:**

**Project Officer, Wilsons River Redevelopment, Lois Kelly:**

The Wilsons River Committee have been liaising with the flood levee committee on matters where the two projects inter-relate for the past twelve months. As yet there have been no defined outcomes of this project.

As has always been the case, the Wilsons River committee will ensure that all interest groups as identified during the initial consultation workshops for the riverbank redevelopment are kept informed on all areas pertaining to this project. This includes council and the media.

This will continue to happen as plans for the aesthetic treatment of the flood levee are formulated.

**Lindsay Walker, Manager-Client Services**

The Wilsons Riverbank Steering Committee has always ensured that it has a good understanding of the plans and timetable of the Lismore Levee Committee's work.

To ensure the continuance of this relationship and guarantee that both synergies and opportunities between the projects are not missed Lindsay Walker and Mark Stahlut make contact with each other several times a week. In addition to this working relationship several members of the Levee Committee have attended Riverbank meetings on appropriate occasions.

In conclusion, it is considered that both groups enjoy a good working relationship and that this situation is anticipated to continue.

(01-17679:S775,S106)

**NOTICE OF MOTION**

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

- 1 Lismore Council welcomes our residents who have come from other countries to make their homes here. We acknowledge the contribution they make to our community and we appreciate the opportunity to share understandings about different traditions and cultures and celebrate our similarities as human beings.**
- 2 A copy of this motion be sent to the Community Settlements Officer, with a request that it be disseminated to the people who attended the community settlements Christmas luncheon in December.**

**COUNCILLOR** R M Irwin

**DATE** January 21, 2002

**STAFF COMMENT BY: Manager Community Services**

The development of a Community and Social Plan is a State legislative requirement of all Councils. People from cultural and linguistically diverse backgrounds is one of the seven mandatory groups that Councils focus on as part of their social justice commitments. Council developed and adopted its Community and Social Plan in June 1999, which commits to creating greater community awareness of the different cultural groups within the Lismore district in order to combat social isolation.

**NOTICE OF MOTION**

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

**That Lismore City Council plant and nurture suitable shade trees in its carparks and main streets, especially in its CBD.**

**Comment:**

Carparks are often unattractive and very hot areas. Suitable Shade trees can have a cooling effect and make carparks much more visually attractive. This should also enhance Lismore's CBD as an attractive shopping venue even on the hottest of days.

**COUNCILLOR** F F Swientek

**DATE** January 23, 2002

**STAFF COMMENT BY:**

**Manager-Parks & Recreation**

The CBD beautification program identifies more tree plantings. Therefore as this project progresses the trees will get planted around the CBD. Good street tree plantings are a feature of any CBD.

As for the carparks, large trees would again be beneficial, providing amenity and shade. However as for any tree planting exercise, proper care must be taken to ensure proper planting procedures are followed. This includes breaking the bitumen, installing drainage and providing for adequate root development. These have not always happened in the past and the trees just struggle to survive. A staged program could be developed for each carpark and progressively planted out over a period of time. However there could possibly be a loss of car spaces in increasing the number of trees planted in these areas. This may also apply to the CBD.

**Operations Manager-City Safe Program**

When carrying out any new tree plantings consideration of safety camera locations would be of great benefit in maintaining future surveillance opportunities.

**NOTICE OF MOTION**

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

**In view of the significant contribution of the Rural Fire Service to the safety and protection of rural residences and property, Council provide funding for extensions to the existing RFS Control Centre to the value of \$50,000.**

**COUNCILLOR** Cr B R Suffolk

**DATE** January 29, 2002

**Supporting Notes**

The building will house the headquarters tanker, a training room, storage area and disabled WC.

The RFS currently use the existing works staff lunch room for training of volunteers, however it is inadequate in size and also lacks a disabled WC.

Council's contribution of \$50,000 will be matched with a labour contribution of equal amount by volunteer members of the RFS.

The extension area will be utilised in the case of emergencies as an extension of the existing emergency control centre. The building will remain the property of Council and an asset to the community and could also be used for Council staff training. (See attached letter from Lismore District Rural Fire Service.)

**STAFF COMMENT BY:**

**Group Manager-City Works**

The present situation is that the staff lunch room is used for meetings and training sessions by both Lismore City Council and the Rural Fire Service. This dual use causes some organisational difficulties.

With the continuing emphasis on training for both organisations, it is a logical move for a separated, dedicated training room and facilities to be provided.

**Manager - Finance & Administration**

The recent and ongoing efforts of the Rural Fire Service (RFS) in extreme circumstances deserve special mention and we should be supportive of initiatives which acknowledge this and enhance the Service's capabilities.

Lismore City Council has been a strong financial supporter of the RFS with our annual contribution steadily increasing over the last 5 years to a total of \$132,000 in 2001/02. When matched with the State Government's contribution, this has allowed for a major upgrade of vehicles, fire stations and equipment. We also have a Bush Fire Services Section 94 Plan which has contributed in excess of \$226,000 towards the requirements of the RFS. Consequently, I believe we already significantly support the RFS.

## **LISMORE CITY COUNCIL - Meeting held February 12, 2002**

### **Notice of Motion – Rural Fire Service**

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Given the fact that we already have a commitment to a number of major projects such as the Lismore Levee and Memorial Baths, it is not likely that there will be available funding for this purpose unless other capital projects, existing works and services are reduced or eliminated.

As such, if Council is to support this Notice of Motion, I would suggest that it be referred for consideration during the 2002/03 Management Plan deliberations as these extensions are not urgent or essential.

I would also suggest that as the RFS is in the process of organisational review and change, such as all Fire Control Officers now being transferred from Council to the RFS, it may be appropriate to consider offering the current facility to the RFS so as they can upgrade it to a regional training facility or the like, or pursue funding through the RFS direct. If funding were received, Council would be required to contribute 12.3% of the costs.

(02-1203:S104)

## LISMORE CITY COUNCIL - Meeting held February 12, 2002

### Proposed Amendments to DCP 17 - TPO

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<b>Subject/File No:</b>	PROPOSED AMENDMENTS TO DCP 17 – TREE PRESERVATION ORDER (SP:S453)
<b>Prepared By:</b>	ENVIRONMENTAL PLANNER – Sandy Pimm
<b>Reason:</b>	Request by Mayor for additional exemptions
<b>Objective:</b>	To incorporate the amended TPO, Environmental Weeds Species List and list of native plants for the local area into a Vegetation Management Order.
<b>Management Plan Activity:</b>	Strategic Planning

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#### **Background:**

Development Control Plan No. 17 – Tree Preservation was adopted by Council in 1993 and has been effective since 1994. During that time legislation relating to the conservation of native vegetation and for threatened species has either been introduced, or has changed significantly. In terms of exemptions, changes have occurred both in trees declared as noxious weeds, and species now known to present serious weed problems to the environment.

The matter of Cocos Palms requiring an application for removal under Council's Tree Preservation Order (TPO) has been raised recently and has prompted a re-consideration of the tree species listed as exemptions under this DCP. Cocos Palms are known to be an invasive environmental weed and are included in the '*Environmental Weeds Species List – what to plant and not to plant in the Lismore LGA*', adopted by Council on December 12, 2000 and included in Council's current web site.

A number of other tree species are also included on this list yet require Council approval prior to removal. Further tree species have been declared noxious in the Far North Coast County District, yet the TPO has not been amended to reflect this. Therefore we have the situation where both Lismore City Council and the Far North Coast County Council are encouraging removal and/or no further planting of a number of species for which a landowner must then apply to Council and pay a fee.

It would be a relatively simple operation to amend the list of exemptions attached to the DCP. Since this would require notification and exhibition, it seems opportune to re-examine the TPO, including its format and the function it performs.

In addition, incorporation of Council's Landscape Guidelines and Environmental Weeds Species List into the DCP to give them a link to the Lismore Local Environmental Plan (LEP) 2000 was suggested when the Environmental Weeds Species List was adopted by Council. Council resolved at that time "*That these guidelines be included within the proposed Development Control Plan for Landscaping and Native Vegetation Management*". Recent discussions with relevant staff has resulted in the conclusion that the Landscape Guidelines require considerable reworking and may better remain a separate document linked to development via consent conditions.

The final inclusion of a list of native plants suggested for the Lismore Local Government Area (LGA) is a natural extension of replacing trees removed with those better suited to site conditions. The attached document has therefore been divided into three sections for easy reference with each section retaining its original name and the whole document renamed *DCP 17 - Vegetation Management Order*.

Each of the three sections of the document is examined below:

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### 1. Tree Preservation

The definition of a tree (minimum height five metres or minimum branch spread 4 metres) and the land to which the Vegetation Management Order applies (urban and village areas) has not changed.

Major variations from the existing Tree Preservation Order (TPO) are:

- Exemptions – the list of tree species exempt from the requirement to seek approval for removal has been expanded from 11 in the old TPO to 32 in the new document. The list now includes all known environmental weeds of the area, as well as noxious weeds. The full list of proposed exemptions is included at the end of this report. Provision has been made to update this list by resolution of Council as new weeds may be declared or become a problem. The expansion of this list means that only trees of significance will require assessment, as is the intended purpose of any policy to preserve trees. The need to seek approval for fewer species will benefit the community and make better use of assessing officers' time. Any loss of revenue from this source will likely be made up by reduced staffing costs.

In addition the situations that are exempt, such as removal of dead branches, fruit tree pruning and tree removal by certain public authorities has been brought up to date with current legislation. Situations where Council staff may authorise tree removal, such as on public reserves or roadsides have been included.

- Conditions where development consent is required, such as environmental protection zones, threatened species and where other State legislation applies, have been explained. This section includes the Heritage provisions now included in the Lismore LEP 2000. Tree removal requiring consent from an authority outside Council has also been explained, including the Native Vegetation Conservation Act.
- The Register of Significant Trees now contains a list of threatened tree species known from the Lismore LGA. The intention of this register in the previous TPO was to provide a means for significant trees or stands of trees outside the urban and village areas to be included where the owner complied. The only listing was an unformed Crown road that has now been amalgamated with the adjoining property. No other unprotected significant stands are known. The intention of including the list of threatened species is to highlight the need to obtain development consent before removal of significant trees within or outside the urban and village areas. Profiles of these threatened species will be compiled in the near future for public information and education. The provision exists to extend this list to include, for example, significant koala food trees or native figs, but this is not proposed at this time.
- Application procedures, approval conditions and the criteria for removal or for refusal have been listed in more detail. It is hoped that this will reduce the need for refusals in the future.
- It is intended that the applicant/owner will receive two copies of the approval, one to be retained by the applicant/owner and one to be given to the contractor if engaged to carry out work. It is hoped that this will reduce query/complaint time as a Council officer or member of the public may ask to sight an approval from those carrying out the work.

## **LISMORE CITY COUNCIL - Meeting held February 12, 2002**

### **Proposed Amendments to DCP 17 - TPO**

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#### **2. Environmental Weeds Species List**

This list is identical to that adopted by Council in December 2000. Including the list in this DCP means it now has a link to Council's LEP 2000 and provides education to the community on undesirable species, so that trees are not replaced with weed species.

#### **3. Native Plants for the Lismore LGA**

The list of native plants for the LGA includes trees, shrubs, vines and groundcovers suitable for the local area. Features of the plants are given, as well as soil types, aspect, etc. in which they grow best. It is hoped that this list will be used to select replacement species.

#### **Manager - Finance & Administration Comments**

Noted.

#### **Public Consultations**

To be undertaken in association with notification and exhibition.

#### **Other Group Comments**

##### **Acting Manager Building and Regulation**

The review of the DCP is welcomed, with greater explanation of terms and procedures, providing the public with an up to date working living document. The DCP now provides clearer guidelines for the removal of trees and identifies species that are valuable to the local environment and those that are detrimental.

The community will benefit from the expanded exemption list, minimising the cost and infrastructure required to remove trees detrimental to the Lismore Local Government Area.

The inclusion of Cadaghi Trees as "exempt", at this time, may be pre-mature, as although deemed an environmental weed in the schedule, some control on the removal is still required to minimise the impact upon the streetscape and the local amenity. They contribute to the vista and should be discouraged as future plantings, but their removal needs to be managed, with a replacement programme and this can be achieved, with removal from the "exemption list".

There will be some loss of revenue as a result of the amended DCP, which may be offset by directing the Section's limited resources to other under-resourced professional areas.

##### **Manager Parks and Recreation**

The Parks and Recreation Department support the proposed changes. It is envisaged that the new format will decrease the amount of time assessing applications on inappropriate species, this will in turn speed up general processing times and result in improved customer service. The proposed administrative procedures are consistent with other Local Government authorities and with contemporary urban tree management principles.

Regarding the inclusions of endangered and threatened species, it should be remembered that these are state legislative requirements and as such we have little control over such decisions/determinations. In this case it seems appropriate to include these species in the DCP as a means of ensuring that the State Legislation is administered in the best possible way.



## LISMORE CITY COUNCIL - Meeting held February 12, 2002

### Proposed Amendments to DCP 17 - TPO

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#### Author's Response to Comments from Other Staff

The decision to include Cadaghi (*Corymbia torrelliana*, formerly *Eucalyptus torrelliana*) on the list of exemptions was not taken lightly and it is recognised that the species can add significantly to a streetscape. However, the problem with the Cadaghi is not only that it spreads as a weed, but that it also hybridises with local Eucalypts to create a sort of "super gum" that has the potential to take over large tracts of bushland yet have low value for native fauna. The North Coast Weed Advisory Committee has recommended that this species be declared a W4(g) category noxious weed, i.e. can not be sold, propagated or knowingly distributed. It is considered too widely spread to consider declaration as a W2 weed, i.e. must be fully and continuously suppressed and destroyed. If declared noxious, the Cadaghi would be automatically exempt from requiring approval under this DCP.

Figures for the total income obtained from TPO applications over the last few years are:

1999/2000	\$2742	186 applications
2000/2001	\$3190	214 applications
2001/2001 (to date)	\$1551	109 applications

It is considered that loss of some of this income will be more than offset by better use of the relevant officers' time.

#### Conclusion

Changes to the Tree Preservation Order are mainly administrative and are needed to reflect current legislation and environmental awareness. The inclusion of the Environmental Weeds Species List and list of Native Species suggested for the Lismore LGA means that the document raises awareness and provides suitable options for planting or replacement. It is hoped that this will mean less need to remove undesirable trees in the future.

#### Recommendation (PLA2)

- 1 That Council approve the notification and exhibition of the amended DCP 17 – Vegetation Management Order for a period not less than twenty-one (21) days.
- 2 That a further report be submitted to Council following the exhibition period, detailing submissions and other advice received.

**Schedule 1**  
**Tree Species Exempt from the Vegetation Management Order**

COMMON NAME	BOTANICAL NAME	REASON
Camphor Laurel	<i>(Cinnamomum camphora)</i>	Noxious weed
Groundsel Bush	<i>(Baccharis halimifolia)</i>	Noxious weed
Rhus Tree	<i>(Toxicodendron succedaneum)</i>	Noxious Weed
Willows	<i>Salix species</i>	Noxious Weed
African Boxthorn	<i>Lycium ferocissimum</i>	Environmental weed
Brazilian Cherry	<i>(Eugenia uniflora)</i>	Environmental weed
Broad-leaved Pepper	<i>Schinus terebinthifolia</i>	Environmental weed*
Cadaghi	<i>(Corymbia torelliana)</i>	Environmental weed**
Cherry Guava	<i>(Psidium cattleianum)</i>	Environmental weed
Chinese Celtis	<i>(Celtis sinensis)</i>	Environmental weed*
Chinese Tallow	<i>Triadica sebera (Sapium sebiferum)</i>	Environmental weed*
Cocos Palm	<i>(Syagrus romanzoffianum)</i>	Environmental weed
Coffee	<i>(Coffea arabica)</i>	Environmental weed
Coral Tree	<i>(Erythrina X sykesii)</i>	Environmental weed
Cockscomb Coral Tree	<i>(Erythrina crista-galli)</i>	Environmental weed
Common Olive	<i>(Olea europaea subsp. africana)</i>	Environmental weed
Golden Rain Tree	<i>(Koelreuteria paniculata)</i>	Environmental weed
Guava	<i>(Psidium guajava)</i>	Environmental weed
Honey Locust	<i>Gleditsea triacanthos</i>	Dangerous spines, vigorous roots, suckering
Large-leaved Privet	<i>(Ligustrum lucidum)</i>	Environmental weed**
Loquat	<i>(Eriobotrya japonica)</i>	Environmental weed
Luceana/Tree Lucerne	<i>Leucaena lucifolia</i>	Vigorous growth
Mulberry	<i>(Morus alba)</i>	Environmental weed
Paulownia	<i>Paulownia tomentosa</i>	Vigorous growth
Rubber Tree	<i>(Ficus elastica)</i>	Environmental weed, vigorous root system
Small-leaved Privet	<i>(Ligustrum sinense)</i>	Environmental weed**
Slash Pine	<i>(Pinus elliotii)</i>	Environmental weed
Thorny Poinciana	<i>Caesalpinia decapetala</i>	Environmental weed*
Umbrella Tree	<i>(Schefflera actinophylla)</i>	Environmental weed, vigorous root system
Yellow Bells	<i>Tecoma stans</i>	Environmental weed*
Willow	<i>(Salix spp.)</i>	Environmental weed, vigorous root system
Winter Senna	<i>Senna pendula var glabrata</i>	Environmental weed**

**NOTES:**

This list may be updated as required by resolution of Council.

The declared noxious weeds (trees) listed are accurate as at December 2001. All declared noxious weeds are exempt from the provisions of this DCP. A full list of noxious weeds and their control categories is contained in Appendix 2.

\* The North Coast Weeds Advisory Committee is applying to have these environmental weeds declared as noxious weeds in the near future. If accepted landholders would be required to "fully and continuously suppress and destroy" them.

\*\* The North Coast Weeds Advisory Committee is applying to have these environmental weeds declared as noxious weeds in the near future. If accepted this would mean that they could not be sold, propagated or knowingly distributed.

## LISMORE CITY COUNCIL - Meeting held February 12, 2002

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**Subject/File No:** WAIVING OF WATER AND WASTEWATER DEVELOPER CONTRIBUTIONS (AA:CD:S744)

**Prepared By:** Anu Atukorala – Manager Lismore Water

**Reason:** Council Request

**Objective:** To clarify Council's ability to waive developer contributions.

**Management Plan Activity:** Water Supply Service and Wastewater Services

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### **Background:**

At its meeting held on December 11, 2001 Council resolved that, in view of the significant contribution the FNC Hockey Association Inc has made and is making to the Lismore community, the Water and Wastewater Funds waive the Section 64 contributions for its clubhouse, subject to legal opinion.

A legal opinion was sought and is attached (Attachment 1). Please note that the advice is in two parts, namely:

1. Not charge developer contributions; and
2. Waive developer contributions already imposed.

Both have very similar legal implications. For clarity, this report summarises the key findings of the advice received with respect to waiving of developer contributions.

### **Terminology**

#### Water supply and Wastewater Developer Contributions (hereafter called developer contributions)

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

#### Development Servicing Plan (DSP)

This is the term used in the guidelines to describe a Section 64 Plan. It is recommended that the above terminology be used in the future for consistency.

#### Water Management Works

This is the term used in the Water Management Act 2000 to describe water supply and wastewater infrastructure.

### **Report**

Developer contributions provide a source of funding for provision of expensive water and wastewater infrastructure required for new urban developments. If adequate funds are not available in the future, it is the consumers who will have to bear the shortfall.

## LISMORE CITY COUNCIL - Meeting held February 12, 2002

### Report – Waiving of Water and Wastewater Developer Contributions

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Section 306 of the Water Management Act 2000 requires councils to follow guidelines issued by the Minister for the Department of Land and Water Conservation (DLWC) in preparing the development servicing plans (DSPs). These guidelines are prescriptive in terms of:

- Content of the DSP;
- The methodology to be used in calculating the contributions;
- Publication of any cross subsidies due to a council electing to charge less;
- Public exhibition and registration of the adopted document with the DLWC.

In April 2001, Council adopted DSPs for water and wastewater that were prepared in accordance with the above-mentioned guidelines.

#### Key findings of the legal advice

- ❖ The clear public policy purpose of section 306 is to ensure that development is not carried out at a cost to other developers or to the community as a whole.
  - ❖ The financial purpose of section 306 is therefore to require developers to fund water management works necessary to serve their developments.
  - ❖ The consequences, therefore, of Council deciding not to require developer contributions under section 306 in a particular case where such a requirement would be ordinarily imposed are that:
    - The subject development will be cross-subsidised by other developments or by the community for the cost of water management works if they are carried out;
    - The subject development will create social and economic costs to the community if such works are foregone;
    - Council's overall water management works funding strategy through section 306 is impaired in either event.
  - ❖ The purpose of preparing DSPs (through a process of public exhibition) is to expose Council's intentions with respect to the developer contributions and to indicate to the community that these contributions will be imposed in the manner, at the rate and in the circumstances specified in the DSP (Refer to Paragraphs 13 and 15 of the advice). In other words, the DSP are policy documents that Council needs to adhere to.
  - ❖ Decisions by Council to not require (or waive) developer charges may create legal difficulties for the administration of Council's DSPs and these may translate into breaches of the WM Act. There is a good argument (although it is not as clear as in relation to section 94 contributions) that Council is under an enforceable statutory duty to apply developer charges for the purpose for which they were required (Paragraph 18).
  - ❖ The proper way in which decisions with respect to waiver of developer contributions needs to be made is to act in accordance with a policy that is clearly set out in the DSP (Paragraph 31). The DSPs adopted by Council in April 2001 do not specify any waivers.
  - ❖ Given that the guidelines require any reduction in charges to be explained, it is implied that any waiver or non-requirement of developer contributions also needs to be clearly explained and stated in the DSP. As part of the explanation the resulting cross-subsidies need to be disclosed in the DSP as well as Council's Annual report.
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## LISMORE CITY COUNCIL - Meeting held February 12, 2002

### Report – Waiving of Water and Wastewater Developer Contributions

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- ❖ Unless the waiver is specifically authorised in the DSP, it would be difficult to find sound reasons to justify a waiver (For additional information please refer to paragraphs 25 to 27). It goes on to state that “a council that did not require or waived developer contributions in accordance with a DSP would be far less likely to be found by the Land and Environment Court to have breached the WM Act than otherwise. Moreover, it would also be far less likely that a watchdog body would inquire into the council’s decision than otherwise” (Paragraph 30).
- ❖ Section 8 of the Local Government Act, states council’s charter. It requires among other things that council considers the following:
  - To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
  - To exercise community leadership;
  - To have regard to the long term and cumulative effects of its decisions;
  - To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
  - To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
  - To ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected.

If it is Council’s intention to establish a policy (within the DSP) for waiving of charges, such a policy should not contravene the charter and should be watertight so that it is not subject to abuse/misinterpretation by other developers.

As part of this decision-making process, it is also appropriate that Council consider whether the current charges are reasonable. Since being reviewed last year, the charges are extremely reasonable when compared with costs of on-site solutions. In fact, it is very likely that projects such as those proposed by the FNC Hockey Association Inc may not be able to proceed if a reticulated system was not available due to the high shock loads that they generate when events are held. Generally most developers are willing to pay their contributions provided the charges are applied consistently.

#### Current Issues

Since waiving developer charges for Crozier Oval, requests for waivers have been made by the FNC Hockey Association Inc and, more recently, by Mr Jim Armstrong for the table tennis facility at the RSL Club (refer Attachment 2). The developer charges attributed to the above developments are \$17,934, \$19,114 and \$7,142 respectively.

Other developers, including those approved in the recent past, may also request exemptions based on “the significant contributions they make to the Lismore Community”. It would be necessary for all such requests to be resolved by Council and developers may seek legal remedies if their requests are not granted.

#### Alternatives available to Council

As recommended in the advice, decisions with respect to waiver of developer contributions should be made in accordance with a policy that is clearly set out in the DSP. Such a policy should be based on proper development servicing considerations and the financial consequences of such a

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## **LISMORE CITY COUNCIL - Meeting held February 12, 2002**

### **Report – Waiving of Water and Wastewater Developer Contributions**

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policy should be subject to community consultation. This process implies that any cross-subsidies provided by the Water and Wastewater Funds need to be highlighted in the DSP and merely making a provision for it in the budget is not acceptable practice.

If it is Council's intention to follow this approach, it needs to be noted that the process is relatively lengthy (at least four months), given that a new DSP needs to be prepared, exhibited, comments received, addressed and reconsidered by Council.

The preferred alternative is that a subsidy for developer charges related with sporting organisations be provided via the General Fund. The policy should be limited to an amount of (say), \$40,000 annually. This has the advantage of Council not having to alter its DSPs and the cost being shared by the entire community.

The above two options are long-term alternatives. Given that the Crozier Oval contribution (\$17,934) and the FNC Hockey Association contribution (\$19,114) are due for payment immediately, an interim solution is to fund them from the General Fund (if discretionary funds are available). No further applications should be entertained until the above-mentioned policy is formulated and adopted.

#### **Manager - Finance & Administration Comments**

On the basis that the existing DSPs have been appropriately costed and formulated in accordance with the DLWC guidelines, then the amount of any 'waived' S64 Charges will need to be funded from either a) existing water and wastewater service users or b) general fund.

If we choose option a), the legal advice suggests that to ensure the legal integrity of the DSPs, a policy should be prepared and included in the DSPs that allows for the waiver of S64 Charges. If this does not occur, it is possible that any developer may request Council to waive their S64 Charges because of their "significant contribution to the Lismore community" and unless approved, could successfully challenge the decision. Appropriate steps must be taken to ensure this does not eventuate.

This option is not supported primarily because we propose to waive S64 Charges due to the "significant contribution to the Lismore community" which suggests that the community at large should pay, not other water/wastewater services users.

In regards to option b), effectively, general funds pays the contribution. This would require the adoption of a policy similar to the "Incentives for Investment" Policy 11.1.1, however, it would be independent to the DSPs and therefore no changes to the DSPs would be required. An annual amount would need to be included in the Management Plan for this purpose.

This option is supported, but Council would need to appreciate that General Fund does not have sufficient discretionary funds available to meet existing demands. If this is sufficiently important to Council, then some other demands will need to be curtailed.

As for the short-term solution to fund both Crozier Oval (\$17,934) & FNC Hockey Association Inc. (\$19,114) from General Fund, I must, reluctantly, support the proposal otherwise it may compromise the existing DSPs. There is some capacity within General Fund to fund these amounts for this year, but it will diminish our ability to meet any other unexpected event. As such, what we are proposing is for Council to pay the S64 Charges, not for them to be waived.

The only other option is for Council to totally reconsider its position on this issue and require the relevant developers to pay the S64 Charges on the basis that it will create an unfair and unsustainable precedent for future water and wastewater users, and General Fund.

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**Public Consultations**

Public consultation would be required if the DSP is to be amended.

**Author's Response to Comments from Other Staff**

Not required.

**Conclusion**

User charges and developer contributions are the two main sources of income to provide water and wastewater services. Waiving developer contributions may have significant long-term financial implications.

In order to ensure equity and transparency, Section 306 of the Water Management Act 2000 requires Councils to have DSPs and to follow guidelines issued by the Minister for DLWC in developing DSPs.

There is a good argument that the Council is under an enforceable statutory duty to apply developer charges for the purpose for which they were required.

Failure to implement the DSP as intended may create legal difficulties for the administration of the Council's DSP and these may translate into breaches of the WM Act. In this instance, other developers are also likely to seek exemptions on the basis of "the significant contributions they make to the Lismore Community".

Unless the waiver is specifically authorised in the DSP, it is difficult for Council to justify waivers.

If it is Council's intention to authorise waivers, then due consideration be given to Council's charter and the reasonableness of the present developer charges.

With respect to authorising waivers for sporting organisations, Council has two policy options:

1. To allow such waivers within the DSP; or
2. Allow provision within the General Fund for subsidising such developer contributions. (Preferred option).

In the interim, until such time as one of the above policies is formulated and adopted the General Fund, funds the developer contributions for Crozier Oval and the FNC Hockey Association.

**Recommendations (ENT01)**

1. That the legal advice be noted.
  2. Given the legal difficulties associated with waiving developer contributions, charges levied for Crozier Oval and the FNC Hockey Association Inc. be funded from the General Fund.
  3. If it is Council's desire to exempt sporting organisations from developer charges (S306), a policy be formulated authorising the General Fund to subsidise these charges.
  4. No further applications for subsidy be considered until the new policy is finalised and Mr Jim Armstrong be informed of this decision.
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## LISMORE CITY COUNCIL - Meeting held February 12, 2002

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**Subject/File No:** LISMORE LEP 2000 AMENDMENT NO. 8  
(BB:S784)

**Prepared By:** Strategic Planner

**Reason:** Close of exhibition period

**Objective:** Adoption of Amendment No.8

**Management Plan Activity:** Strategic Planning

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### **Background:**

At its meeting of July 10, 2001 Council resolved to prepare a draft amendment to the Lismore Local Environmental Plan 2000 to permit rural residential subdivision, detached rural dual occupancy and rural landsharing community development in nominated areas in accordance with the provisions of the Lismore Rural Housing Strategy.

At the time of Council's resolution the Director-General of Planning had yet to agree to the Lismore Housing Strategy. Council therefore resolved to proceed with consultations with relevant Government Departments and to exercise its delegations to exhibit the draft plan following receipt of the Director-General's agreement. The draft plan was placed on public exhibition on November 22, 2001. A copy of the draft plan is included as an attachment.

### **Manager - Finance & Administration Comments**

Not required

### **Public Consultations**

Draft Amendment No. 8 was placed on public exhibition for a period of twenty-eight (28) days. No submissions were received in response to the exhibition period. The draft amendment seeks to implement the Rural Housing Strategy the preparation of which underwent an extensive process of public consultations.

### **Other Group Comments**

Not required

### **Author's Response to Comments from Other Staff**

N/A

### **Conclusion**

Given that there were no public submissions to the draft plan, no changes to the plan are recommended.

### **Recommendation (Pla 5)**

That Council use its delegations under Section 69 of the Act and refer the draft Amendment No. 8 to the Minister for Planning with a request that he make the plan.



**Subject/File No:** WAIVING OF SECTION 94 CONTRIBUTIONS  
(01-17389: S517)

**Prepared By:** Strategic Planner – Bruce Blackford

**Reason:** Council Resolution.

**Objective:** For Council's Information.

**Management Plan Activity:** Strategic Planning

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**Background:**

At its meeting of December 11, 2001, Council resolved to waive water and sewer contributions for the FNC Hockey Association's Clubhouse at Hepburn Park subject to receipt of legal advice concerning Council's ability to waive Section 64 contributions. The resolution was made in recognition of the significant contribution the Hockey Association has made to the Lismore community. Legal advice has now been received from Phillips Fox and that advice is the subject of a separate report in this Business Paper.

Advice from Phillips Fox was also sought concerning Council's ability to waive Section 94 contributions under certain circumstances. Specifically, advice was sought as to whether it is lawful for Council to:

- (a) Decide not to impose conditions under Section 94 of the EP&A Act, when determining a Development Application to which a Section 94 Contributions Plan authorises such a condition to be imposed, and
- (b) Waive payment of a Section 94 contribution otherwise required to be paid by virtue of Development Consent that has been previously granted and is in force.

A copy of the advice from Phillips Fox is included in the attachments.

In relation to the first part of the question, Phillips Fox has advised that Council must have sound planning reasons for not imposing conditions under Section 94 where a Contributions Plan authorises such conditions. For example generic reasons for not imposing a contribution may include:

1. That the nexus between the subject development and the demand for public amenities and services cannot be made and the condition is not justified,
2. That the demand for public amenities and public services to meet the subject development can or has been satisfied in another way that is acceptable to Council in the proper exercise of its planning discretion, or
3. That sufficient funds have been obtained from other sources, eg Government Grants, to provide the public amenities or public services to meet the subject development.

In relation to the second part of the question, the advice states that a simple resolution of Council is legally insufficient, as the condition of consent imposed under Section 94 will still remain. The usual manner by which relief from payment would be given is through the removal of the condition by way of modification to the consent under Section 96 of the Act. However, Section 96 provides limited scope for this to occur. For instance this option would not be available in circumstances where removal of the Section 94 condition could be said to not result in substantially the same development.

**Waiving of Section 94 Contributions**

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On this point there is substantial case law to suggest that ordinarily the Court will regard a Section 94 condition as a fundamental element of a development, so that the removal of the condition would fundamentally change the development. The advice from Phillips Fox concludes that the proper way by which Council should make decisions either not to impose conditions under Section 94, or to waive contributions for an existing consent, would be to act in accordance with a policy that is clearly set out in its Contributions Plan. Such policy should be based on proper planning considerations and the financial consequences of such a policy should be exposed for public scrutiny.

It is considered that the current Contributions Plan already gives Council sufficient flexibility to waive or reduce contributions under the three circumstances identified by Phillips Fox. For example, the plan requires that a nexus must be demonstrated between a development and the demand for public amenities and services. Where there is no clear nexus, a contribution is not levied. Where the demand generated by a particular development is assessed to be less than that which might be otherwise be anticipated for similar developments, the Contributions Plan has sufficient flexibility to allow for the ET rate to be reduced accordingly. The current Plan also allows for a developer to satisfy a contribution through the provision of a material public benefit. This gives Council the discretion to accept a building or work that is not included in the Plan's schedule of works in lieu of full or part payment of normal contributions. In the situation where funds have been obtained from other sources, such as from Government grants, the formula for calculating the contribution takes this into account and the contribution rate is adjusted accordingly.

Where Council decides to waive Section 94 contributions for an organisation in recognition of that organisation's contribution to the wider community, it should allocate an equivalent amount from its general revenue towards the Section 94 fund. This should avoid a potential shortfall of funds in its work programme. It should also help to ensure that the decision is open and transparent and the financial consequences are exposed to public scrutiny.

**Manager - Finance & Administration Comments**

Based on the legal advice, there is limited scope for Council to 'waive' properly calculated S94 Charges. The three options to achieve this identified by Phillips Fox are already included in the existing S94 Plans, so there is sufficient flexibility to waive or reduce contributions if requested and the applicant meets the required criteria.

From a financial perspective, the fact that the S94 Plans are based on a schedule of works funded by S94 Charges, other revenues sources and Council, is very important. If Council resolves to waive the S94 Charges applicable to a developer, then theoretically, the waived contribution will need to come from either other revenue sources or Council. In the majority of cases, this will be Council responsibility.

Given the fact that there is insufficient funding available in General Fund to meet the current demand for capital works, and other works and services, the funding of waived S94 Charges will reduce our ability further.

From this perspective, it is strongly suggested that if Council is considering waiving S94 Charges, it gives due consideration to the financial impact this will have on available funds for all other works and services.

**Public Consultations**

Not required.

**Waiving of Section 94 Contributions**

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**Other Group Comments**

Not required.

**Conclusion**

It is considered that the existing plan already provides sufficient flexibility for Council to consider applications for the waiving Section 94 Contributions in those circumstances described in Phillips Fox's advice.

**Recommendation (PLA5)**

That the report be noted.

**Subject/File No:** APPOINTMENT OF GENERAL MANAGER  
J2002-01

**Prepared By:** Manager – Human Resources  
Isabel Perdriau

**Reason:** To obtain Councillors' endorsement of the process to be followed.

**Objective:** To adhere to sound Human Resource practices, and follow due process in the recruitment and selection of Council's General Manager.

**Management Plan Activity:** Human Resource Management

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### **Background**

In November 2001, the Manager Human Resources made some preliminary inquiries in order to clarify the estimated time required for the General Manager recruitment process. Information provided during these discussions confirmed that the process would take **3-4 months**.

On 14 January 2002 discussions were held with the Mayor and the outcomes of these discussions were communicated to Councillors the following day.

**Further to the 14 January meeting with the Mayor and subsequent Councillor feedback, it was decided that the consultancy brief also be forwarded to the Executive Staff Service (ESS) of the LGSA. It was felt that this would enable the ESS to put forward a proposal framed around the guidelines provided to the other agencies. The original proposal from the ESS was sent to the MHR on 16 November 2001 and will be considered by the selection panel members together with the other consultants' proposals.**

### **Current Status**

Proposals have been received from the recruitment agencies as requested by 25 January 2002 and an overview is attached to this report for information. (Attachment B) The first steps in the timetable have been undertaken. It will be important for the timetable to be followed closely, however, there is enough in-built flexibility to accommodate minor changes deemed necessary, as a result of the discussion at this meeting of Council.

### **Overview of Proposals Received**

The proposals outline clearly how the process of recruiting a General Manager would be undertaken. All agencies have responded acknowledging the critical importance of achieving the right appointment for Council.

There is not a great deal to differentiate the submissions in terms of how each firm proposes to go about the task, however, some stand out due to a more sophisticated approach, and greater depth and relevance of their experience. There is a significant price differential when comparing the submissions, and in addition to the industry standard practice of charging a fee based on a percentage of the Total Remuneration Package offered to the incoming General Manager, there is also scope to negotiate a flat fee and this option has been offered by some. Guarantee periods are offered at either 6 or 12 months.

This report recommends that the selection panel review the detail of the submissions and provide a report to the March meeting of Council. However, should any other Councillors wish to obtain copies of these submissions they are available on request.

**Appointment of General Manager**

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**Specific Issues for Consideration**

It will be useful for Councillors to give special consideration to the following issues, which have arisen both in informal briefing discussions between consultants and the Manager Human Resources, and highlighted in their written documentation.

- An opportunity for the consultants to address Councillors on the selection panel prior to a decision being made on the choice of agency to undertake this task. This would 'add value' to Council's financial commitment to this exercise, enabling a 'fleshing out' of the points made in submissions. More importantly this would be an opportunity to assess whether the consultant would be a good 'fit' with Council, providing the desired level of involvement to facilitate this appointment.
- The original timetable presented to Councillors in January did not have recommendation (ii) 'factored in'. This face to face meeting opportunity will enable a better understanding of what the consultant can offer, however, the available time during the coming weeks is limited due to Expenditure Review Forums with individual groups and other sessions already in Councillors' calendars. A more efficient and appropriate approach would be for Council to delegate authority to the appointed selection panel to appoint and proceed with the consultant of their choice.
- The research capacity and resources of the firm. This will be an important factor which will determine the extent, thoroughness and quality of results of the 'executive search' that is proposed to be undertaken in conjunction with the standard advertising process.
- Provision of support and guidance from the Manager Human Resources.
- The importance of ensuring that the selection criteria and position description accommodate Council's specific requirements of the person to fulfil this role, and reflect the unique nature of our Council.
- A balanced interview panel be selected, enabling sound Human Resource practices to be demonstrated, and following Council's recruitment procedures (GM.2.33). Additionally, Sections 348 and 349 of the Local Government Act require the advertising of staff positions and the appointment of applicants on merit.

**Manager - Finance & Administration Comments**

The appointment of the 'right person' as General Manager is absolutely essential to ensure Council's strategic direction and consequent delivery of works and services is 'in line' with community expectations.

The process recommended will support that outcome.

In regards to the consultant's costs associated with this process, they will be funded from the Employee Recruitment allocation. This will cause this budget to be over expended, but this will be offset by savings in other budget items or surplus oncost charges.

**Public Consultations**

N/A

**Appointment of General Manager**

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**Other Group Comments**

N/A

**Author's Response to Comments from Other Staff**

Whilst it is acknowledged that the cost of this exercise is considerable and outside the current allocation for that budget item within the HR budget, the cost should be seen more as an investment in achieving the desired outcome for Council.

Discussions have been held with the Manager - Finance & Administration in relation to budget impact.

**Conclusion**

The report and associated recommendations emphasise the importance of this undertaking. It will be even more important that the process is open, with rigorous attention to detail, and is underpinned by a sound basis of the fundamental guiding principles of equity, fairness and a merit based selection decision.

Councillors' adoption of this report and recommendations will enable the above goal to be achieved.

**Recommendation (HR01)**

That Council endorse the Recruitment Timetable (Attachment A) and associated recommendations as set out below:

- i) *A selection panel be formed comprising at least **4 Councillors**. The Panel include the **Mayor** and have a balanced representation enabling the abovementioned HR practices to be demonstrated. The panel to include the **Manager Human Resources**.*
- ii) *The Manager Human Resources schedule times for consultants to be interviewed and assessed by the panel prior to a decision being made at the **March 12** meeting of Council.*
- iii) *The Manager Human Resources negotiate the best fee for Council and undertake referee checks on consultants.*
- iv) *Council delegate authority to the Panel to work with the Manager Human Resources and with the consultant to **draft the position description, selection criteria and information package details**.*
- v) *The Manager Human Resources liaises with consultant to **finalise documentation on the position**. Council endorses the MHR as the key contact point, maintaining information flow to the Mayor and other members of the Selection Panel.*
- vi) *Council endorse the inclusion of a session for shortlisted candidates to briefly meet other Councillors and staff representatives*
- vii) *The panel recommend a candidate to Council for formal appointment as the General Manager at its **May 14** meeting.*

**Subject/File No:** GOONELLABAH INDOOR SPORTS AND LEISURE CENTRE  
(P22522)

**Prepared By:** Manager Client Services, Lindsay Walker

**Reason:** To inform Council of project status.

**Objective:** To obtain a resolution of Council to further investigate options and opportunities for the advancement of the Goonellabah Indoor Sports and Leisure Centre.

**Management Plan Activity:**

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**Background:**

In February 2000 Council commissioned the preparation and costing of concept plans for the Goonellabah Indoor Sports and Leisure Centre. These plans came to the attention of Consolidated Properties' Managing Director Mr Don O'Rorke and led to his offer to adjust the common boundary between Council's land and that of Consolidated Properties to enhance the area available for the construction of the proposed sports centre.

Council resolved in August 2001 to proceed with this boundary adjustment and preliminary plans were prepared and sent to Consolidated Properties for their comment. In November 2001 Vantage Project Management Pty Ltd, writing on behalf of Consolidated Properties, sought confirmation from Council that it "has allocated funds or made a commitment to the construction of the sports centre in a defined timeframe, at this point in time."

Following advice that Council had Section 94 funds available for this project and had prepared plans for same a further letter was received from Vantage Project Management Pty Ltd. A copy of this letter is enclosed and it is clear that the proposal to adjust the common boundary between Council's land and that of Consolidated Properties is now contingent upon a commitment by Council to proceed with the Goonellabah Indoor Sports and Leisure Centre.

It is disappointing that the boundary adjustment is now being made conditional on the project's commencement however the merit of the boundary adjustment proposal dictates that Council consider the options available to it.

**Précis of Financial Considerations**

- The adopted "Local Community Facilities Works Program – Urban Catchment (East)" identified that 18.5% of the cost of the subject sports centre would be attributable to new development. This percentage of the total cost was estimated to be \$888,000.00.
- The appropriate Section 94 fund has a balance of a little over \$1,000,000.00 and could cover the abovementioned \$888,000.00.
- Cost Estimates prepared in March 2000 for the proposed plans indicated;  
Stage 1 (two courts, toilets, café) \$2,512,550  
Stage 2 (pool and leisure facilities) \$1,789,200
- A building incorporating 2 x basketball/netball courts, change rooms, storage areas, entry foyer, kiosk, managers office, multi-purpose room and constructed with a curved colourbond roof, open truss steel frame, precast concrete panels to 2.4m or 2.8m and balanced with colourbond cladding has recently been tendered for \$1.4m at Lithgow.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Goonellabah Indoor Sports and Leisure Centre

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A similar building could be constructed on councils site in Goonellabah and would form an alternative stage 1 to the current proposal. Plans of the Lithgow facility are included as an attachment to this report.

### **Manager - Finance & Administration Comments**

The dilemma faced by Council is that there are many capital and other works/services worthy of support, but unfortunately, this is not matched by available funds to construct, maintain or operate them. This is the situation with this facility.

It is clear that Council's priorities are the Lismore Levee Scheme and Memorial Baths Redevelopment. The adopted Financial Plan supports the fact that we have little capacity to undertake any significant major capital works beyond these, if at all, depending on their final cost.

If Council wishes this project to proceed within a time frame reasonable to the developer, we will need to review recurrent works and services with the objective of saving funds by either reducing service levels or discontinuing works/services. If agreed, I suggest that this should not be done in isolation, but in conjunction with assessing the available funding for the Lismore Levee and Memorial Baths.

This will effectively place this project as 'the next major project' and curtail available funding for any other project.

It is important to note that if we use all the planned S94 funds for this project in constructing Stage 1 (about 18.5% of the total project cost), then we are committed to funding the balance in a reasonable time frame of say three to five years. This would mean that we may need to find around \$3.4 million or capacity to repay this amount, in a very short period. Given the demand on limited resources, I'm not confident this would be readily achievable even though it is highly desirable.

### **Public Consultations**

Not required.

### **Other Group Comments**

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

The long-term plan is to complete Gordon Blair Drive from Lombardo's roundabout to a new roundabout on Oliver Avenue just east of the Council Chambers. Traffic modelling suggests that 2001 vehicle volumes would be in the order of 5000 per day. The 1994 TTM study identified the developer needed to construct Gordon Blair to be a split-level road of 2 levels each 7 m wide. Council would contribute the equivalent of 5/14 the cost of the road from the Section 94 funding. The developer would be required to fund 75% of the cost of constructing the roundabout.

Under the current plan Gordon Blair Drive would have Council land both sides, which would make it more difficult for Council to require the developer to fund the lion's share of the roadworks.

Order of Cost of Roadwork's is

150 long x 7 wide x 2 lanes each way x \$100 /msq	=	\$210 000
Roundabout Partially Constructed	=	\$150 000
Order of Cost to Complete Gordon Blair Drive	=	\$ 360 000

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## **LISMORE CITY COUNCIL - Meeting held February 12, 2002**

### **Goonellabah Indoor Sports and Leisure Centre**

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It will be difficult to allocate much of this to Consolidated Properties which will mean Council will have to fund the major component of the work by a combination of General fund and Section 94.

While it is clearly an advantage for Council to take advantage of the offer by Consolidated Properties to adjust the boundaries to accommodate the proposed sports complex there are substantial cost savings for Consolidated properties and additional costs for LCC.

#### **Manager - Community Services**

It has been made very clear from public and local agency consultation and comment that a recreational / youth activities centre is sorely needed in Goonellabah. Community Services fully supports a proposal for a recreation centre, however a business plan outlining centre management options together with an analysis of ongoing financial viability is now required.

#### **Author's Response to Comments from Other Staff**

With respect to the comments made by the Group Manager – City Works, it should be noted that the subject Gordon Blair Drive is an arterial road within the definitions contained in the S94 plan. As such it would be possible for council to allocate approximately \$160,000.00 from the S94 funds to the construction of this road.

The further investigations which would be undertaken as part of the preparation of the further report noted in the first recommendation would also explore opportunities to share these road expenses with Consolidated Properties.

#### **Conclusion**

If Council were to resolve to utilise the available \$888,000.00 from its S94 funds it would still need to allocate sufficient additional funds to construct an appropriate Stage 1 facility.

In addition Council would have to allocate sufficient funds to construct and or provide the required infrastructure and landscaping.

It is clear that for Council to provide Consolidated Properties with the commitment they seek a careful examination of funding options will be required.

#### **Recommendation – GM33**

1. That Staff prepare a report for the April meeting of the Council exploring the feasibility of an alternative staged facility together with funding options in regard to the Goonellabah Indoor Sports and Leisure Centre.
2. That Vantage Project Management Pty Ltd be advised that Council is committed to the project but cannot provide an estimated commencement date prior to its April Council meeting.

**Subject/File No:** VOLUNTARY FLOOD PRONE ACQUISITION SCHEME  
43 UNION STREET, SOUTH LISMORE  
(P9653 – FA106)

**Prepared By:** Manager Client Services – Lindsay Walker

**Reason:** The subject site has been identified as floodway in the 'Draft Lismore Flood Plain Management Plan' and has two thirds subsidy under the Voluntary Flood Prone Acquisition Scheme.

**Objective:** Obtain approval to proceed with the acquisition.

**Management Plan Activity:** Emergency Services

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**Background:**

No. 43 Union Street, South Lismore was the location of the Lismore Soup Kitchen prior to its being burnt down last year and has a cadastral description of Lot 12 Section 12 in Deposited Plan 2613.

Prior to the fire, Council had identified that the site was a "floodway", being the path which floodwater utilised when Leycester Creek first breaks its banks at Frank Street, South Lismore.

In addition to the site's flood significance Council had also received a significant number of complaints from nearby residents concerning the operation and practices of the Soup Kitchen.

In recognition of the abovementioned difficulties with the subject site's continued usage as a Soup Kitchen it is considered that Council should take advantage of the opportunity to purchase No. 43 Union Street, South Lismore with a Voluntary Flood Prone Acquisition Scheme subsidy.

An independent valuation by Tsikleas and Andrews, conducted after the fire, found that the property had a value of \$35,000.00. It is this value which will attract a subsidy of 1:1:1 being Commonwealth : State : Local Council.

**Manager - Finance & Administration Comments**

Sufficient funding is available for Council's 1/3 share (\$12,300) towards the acquisition of this property. As such, this purchase of 43 Union Street on this basis is supported.

**Public Consultations**

Not required.

**Group Manager - City Works Comments**

Buildings located in floodways have been identified as a major concern to Council and should be removed. The worst situation would be for Council to allow the building to be redeveloped in such a manner that it deflected flood water onto neighbouring properties. Council should now purchase the land, demolish the building and create a floodway.

**Author's Response to Comments from Other Staff**

Not required.

**Conclusion**

The property at 43 Union Street, South Lismore has been confirmed as being eligible for subsidy under the Voluntary Flood Prone Acquisition Scheme.

Given the further identification of the site as floodway in Council's most recent flood modelling coupled with the Soup Kitchen's vacating the site it is considered that acquisition by Council is to be recommended.

**Recommendation – GM34**

1. Council authorise the General Manager or his delegate to negotiate the purchase of 43 Union Street South Lismore under the Voluntary Flood Prone Acquisition Scheme, as outlined in Richmond River County Council's letter of January 7, 2002, for a purchase price of \$35,000.00 together with legal and valuation expenses.
2. The General Manager and the Mayor be authorised to sign and apply the Common Seal of the Council to the Contract of Sale and Property Transfer as necessary.

## LISMORE CITY COUNCIL - Meeting held February 12, 2002

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**Subject/File No:** VOLUNTARY FLOOD PRONE ACQUISITION SCHEME –  
1 PINE STREET, NORTH LISMORE (P8310)

**Prepared By:** Manager - Client Services, Lindsay Walker

**Reason:** A Council resolution is required prior to acquisition.

**Objective:** To gain Council authorisation to proceed with the purchase of 1 Pine Street, North Lismore.

**Management Plan Activity:** Emergency Services

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### **Background:**

The abovementioned property, being Lot 8 in Deposited Plan 709768 is the most southerly property in Pine Street, North Lismore. The land abuts Leycester Creek.

In recent floods this property has experienced significant loss of riverbank occasioned by the flood velocities experienced on the outside of the river curve at this location. The landowner has sought to stabilise the bank and compensate for the loss of land by placing fabric at the top of the bank and fill material on the slope. These remedies are unlikely to be effective in a major flood event and more bank will be lost.

The landowner has been aware for some considerable time of the untenable nature of her occupancy of the site and has periodically sought to have Council purchase this property.

On previous occasions Mrs Zanuso was not prepared to accept the independent valuation offered by Council, as it was not enough to cover her cost to purchase an alternative dwelling.

However on this occasion Mrs Zanuso accepts that Council is not prepared to offer more than the \$80,000.00 current valuation for the purchase of her dwelling. She also accepts that her situation continues to deteriorate with each flood and now seeks a resolution to her circumstances.

### **Valuation**

Mr A.J. Andrews valued the property, being Lot 8 in Deposited Plan 709768 on November 30, 2001.

The value was determined to be \$80,000.00.

### **Manager - Finance & Administration Comments**

There is likely to be an increasing demand on Council to acquire flood prone properties as a result of the Lismore Levee and Lismore Floodplain Risk Management Plan. The funding of Council's share of acquisition costs is the subject of another report in this business paper due to the fact that it is inadequate. Should the funding option recommended in that report be adopted, i.e. use the current annual contribution to repay a loan, then there will be sufficient funds available to meet Council's contribution (\$27,400) in this instance.

If not, the recurrent funding will not be available until July 1, 2002 assuming Council maintains it's current allocation next financial year.

### **Public Consultations**

N/a

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**Other Group Comments**

N/a

**Author's Response to Comments from Other Staff**

N/a

**Conclusion**

There is little or no long-term future for the dwelling constructed on Lot 8 in Deposited Plan 709768. This is acknowledged in conversations with both Councils Group Manager, City Works and Richmond River County Councils Mr Paul O'Sullivan.

The property is within the area currently designated "Acquisition Area" in Clause 22 of the Lismore LEP 2000.

**Recommendation – GM35**

1. That Council authorise the General Manager or his delegate to purchase No. 1 Pine Street, North Lismore.
2. That Council contribute its 1/3 funding contribution for the purchase of Lot 8 in Deposited 709768, for an agreed price of \$80,000.00 together with all reasonable legal expenses, from its Voluntary Acquisition Funding, when available, and such contribution be contingent upon matching 2/3 funding being provided through Richmond River County Council from the Department of Land and Water Conservation.
3. That the General Manager and Mayor be authorised to sign and apply the Common Seal of the Council to the Contract for Sale of property transfer as necessary.
- 4.

**Subject/File No:** 43 CALDWELL AVENUE, EAST LISMORE – RIGHT OF CARRIAGEWAY  
RELEASE  
(P18500)

**Prepared By:** Manager Client Services, Lindsay Walker

**Reason:** In satisfaction of Local Government Act requirements pertaining to Council Property.

**Objective:** To seek a resolution to place Councils signatures and seals on the “Transfer Releasing Easement” document pertaining to a Right of Carriageway benefiting Lot 1 in Deposited Plan 713167.

**Management Plan Activity:** Property

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**Background:**

Council is in receipt of a request from the owners of Lot 1 in D.P. 865002, being land having frontage to Neilson Street, East Lismore for the release of a Right of Carriageway which Council has the benefit of over their land.

This Right of Carriageway benefits Lot 1 in D.P. 713167, being a Council drainage reserve having frontage to Caldwell Avenue, in the north and Harmony Avenue in the south.

This Right of Carriageway was created by the registration of D.P. 631887 in 1982 and Lot 39 in that Deposited Plan was the beneficiary. The aforesaid Lot 39 was further subdivided into Lots 1 and 2 by the registration of D.P. 713167. Council became the owner of this lot 1 and as is the practice of the Registrar General both lots retained the benefit of the Right of Carriageway originally pertaining to Lot 39. This is in spite of the fact that Council’s Lot 1 is separated from the Right of Carriageway by Lot 2 and no longer has any practical benefit from the Right of Carriageway, as it no longer abuts same.

Notwithstanding the separation of the benefited Council land from the Right of Carriageway this encumbrance does provide an access to the stormwater drain. This access should not be lost and any amendment to the Right of Carriageway should ensure that Council retains an access to the stormwater drain.

**Manager - Finance & Administration Comments**

Not required.

**Public Consultations**

Not required.

**Other Group Comments**

**Group Manager – City Works**

This section of the East Lismore Drain requires upgrading similar to the work carried out adjacent to Wyrallah Road Public School. It is vital to have effective and legal access to the drain for both construction and maintenance activities.

The recommendation covers these requirements.

**Author's Response to Comments from Other Staff**

Not required.

**Conclusion**

The Right of Carriageway, the subject of this report, is no longer of any practical benefit to Lot 1 in D.P. 713167 as it has available street frontage and no longer abuts the Right of Carriageway.

Councils retention of the benefit to Lot 1 in D.P. 713167 serves no practical purpose and Council should accede to the request to release the facility. Such release should be coupled with a new facility which will provide direct access to the drain off the western end of the proposed new access driveway to be constructed on Lot 1 in D.P. 865002.

**Recommendation (GM32)**

That Council;

1. Authorise the General Manager and Mayor to execute, under seal the Transfer Releasing Easement of the Right of Carriageway benefiting Lot 1 in D.P. 713167 and register a new Right of Carriageway to provide direct access to the stormwater drain abutting the western boundary of Lot 1 D.P. 865002.
2. That all costs for release of the Right of Carriageway be met by others.

**Subject/File No:** ON-SITE SEWAGE MANAGEMENT STRATEGY REVIEW (S245)

**Prepared By:** Acting Manager-Environmental Health Tony Kohlenberg

**Reason:** To Review Council's On-Site Sewage Management Strategy.

**Objective:** For Council to endorse Consultants on the Working Party.

**Management Plan Activity:** Environmental Health

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**Background:**

At a meeting of December 11, 2001, Council approved of a report to form a Working Party for the review of Council's On-Site Sewage Management Strategy. The review working party is to comprise of three Councillors, two Council staff and four consultants. In order to select the four consultants for the Working Party, advertisements for nominations were placed in Council's newsletter in December 2001. Correspondence, with nomination forms, were also sent to all consultants in the region.

At the closing date of January 21, 2002, the following consultants had nominated for the four vacant positions

- Kieran Byrne – KBL East Coast Testing Laboratories
- Duncan Dey – Independent consultant/Aspect North
- Helen Tunks – HMC Environmental
- Brian Oberdorf – Ardill Payne and Partners
- Lester Gellatly – Frank Spinaze & Assoc.
- Jacob Pfaeffli – Aspect North
- Richard Crandon – Richard Crandon & Assoc.
- Craig Nowlan – Nowlan & Bryant
- Michael Lacey – Systematic Flow Design
- Greg Alderson – Greg Alderson & Assoc.
- Peter Lucena – Peter Lucena and Assoc.
- Keith Bolton – Academic Researcher Southern Cross University
- Craig Zerk – GeoLINK
- John Cravan – Independent Consultant

It is apparent from the number of consultants who nominated for the Working Party that there is very keen interest in the industry for review of the strategy.

Thirteen of the fourteen nominees fulfilled the criteria of being a consultant with one having experience in scientific research in the field of on-site effluent disposal. All nominees fulfilled the criteria of having Professional Indemnity Insurance cover.

Due to the large number of nominees, all with various levels of experience and expertise in regard to on-site effluent disposal, selection of the four consultants to the Working Party is a difficult process. It would be impractical for all fourteen nominees to be selected to the Working Party. Council procedure policy CorS 134 Council Committees, supports this as it limits the number of members to ten.

However, as all nominees have a high level of interest and offer a high level of expertise in on-site effluent disposal, it is felt that their input into the strategy review would be valued.



## **LISMORE CITY COUNCIL - Meeting held February 12, 2002**

### **On-Site Sewage Management Strategy Review**

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It is therefore proposed that all nominees be invited to attend a half-day forum in order to document concerns and relevant discussion points that can be referred to the Working Party. The forum will also allow the opportunity for consultants to select their four representatives to the Working Party. This procedure would allow transparency in the selection of the four consultants and an opportunity for those consultants not selected to the Working Party to be involved in the review process.

In order to circumvent time delays in this process it is envisaged that the forum be held as soon as possible after the Council meeting, possibly the following week and the Working Party to meet soon after.

#### **Manager - Finance & Administration Comments**

Not required.

#### **Other Group Comments**

Not required.

#### **Recommendation (PLA4)**

It is recommended:

1. That Council endorse Council's Environmental Health Section holding a half day forum for all fourteen (14) nominees to the working party.
2. That four (4) consultants be elected at the forum to be representatives on the committee.

**Subject/File No:** RECYCLING SERVICE REVIEW – CONTRACT TENDERING PROCESS (S763)

**Prepared By:** Waste Minimisation Officer - Lesley Trott

**Reason:** Circumstances have changed to now warrant Council going to tender with the recycling service contract. Three potential service providers (other than those previously identified) have expressed an interest in tendering for one, or all parts of the contract.

**Objective:** Council call for tenders for recycling service delivery.

**Management Plan Activity:** Waste Minimisation

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**Background:**

Council resolved in June 2001 not to go out to tender for the recycling service contract, by implementing sub clause (3) of Section 55 of the Local Government Act 1993, that: *“A contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders”*.

The reason stated, was that Council had previously received only two submissions (one from a compaction sales company and one from Richmond Waste Services), in response to the ‘Request for Information’ advertised in January 2000, for individuals, companies or organisations capable of recycling service delivery in Lismore.

However, during recent weeks Council officers have become aware of at least three potential service providers (other than those previously identified), who have expressed an interest in tendering for one, or all parts of the contract.

Given the level of interest expressed in providing the service, it would be appropriate to now go out to tender for the delivery of recycling services for Lismore.

**Manager - Finance & Administration Comments**

From a financial perspective, the servicing of the DOC's will be costly and to achieve the best possible price and service is highly desirable.

Given the fact that the number of potential service providers has increased beyond that previously identified, logically, we should go to the market to gain the best outcome.

**Contracts Officer – Client Services**

Given staff have established that there are competitive tenders in the market and the value of works is in excess of \$100,000, Council is required under Section 55 of the Local Government Act to invite tenders for the work. Therefore, I concur with the recommendation.

**Recommendation (PLA1)**

1. Council call for tenders for recycling service delivery.
2. Council approve the release of the Request for Tender document, in order that the matter be expedited at the earliest opportunity.

**Subject/File No:** FUNDING - FLOOD PRONE PROPERTY ACQUISITION  
(RS: S779)

**Prepared By:** Manager – Finance & Administration, Rino Santin

**Reason:** To create an opportunity to accelerate the acquisition of flood prone properties

**Objective:** To gain Councils approval to use the annual contribution for flood prone property acquisition to leverage a loan.

**Management Plan Activity:** Emergency Services

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**Background:**

Council has for many years acquired flood prone properties under the Flood Prone Property Voluntary Acquisition Program. This program attracts a 2:1 government subsidy. In recent years, we have included a budget of \$100,000 in the Management Plan for the purchase of property under this Program with our contribution being around \$33,000. This budget has often been insufficient to meet requests from residents.

Given the fact that the Lismore Levee Scheme has and will require the purchase of properties, and the draft Lismore Floodplain Risk Management Plan reaffirms that there are a number of high risk properties, the demand on these funds is likely to increase.

With the objective of being financially confident when dealing with these requests, a meeting was arranged between Richmond River County Council's General Manager, Paul O'Sullivan, and Council's Group Manager – City Works, Bill Moorhouse, Manager – Client Services, Lindsay Walker and myself to discuss options.

Mr O'Sullivan advised that he was able to secure significantly more government subsidy, but this would require Council to meet its one third share. It was assumed that our share would be more than the \$33,000 we currently provide on an annual basis, and with a range of competing priorities requiring funding generally, it was not likely that we would be able to revenue fund an increase in our share.

To overcome this situation, it was suggested that Council's share could be loan funded and the annual contribution used to meet repayments. Based on the current situation, this would effectively provide a \$200,000 Council contribution and an overall buying capacity of \$600,000. Mr O'Sullivan indicated that Richmond River County Council would be willing to borrow the funds with Council servicing the loan.

This option was supported as at least 6-7 properties could be purchased immediately, rather than one a year. However, it needs to be recognised that a further 25-28 properties, which have been identified as high risk in the draft Lismore Floodplain Risk Management Plan, could not be acquired under the current funding levels until the loan was repaid in 2010.

While there are a large number of properties, which could not be acquired for some time under this option, it should be mentioned that acquisition is voluntary, some of these properties may be acquired as part of the Lismore Levee Scheme and other funding opportunities may arise from time to time.

A resolution to acquire any property would still be required for each acquisition and this gives Council the 'final say' should any other issues arise.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Funding – Flood Prone Property Acquisition

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### Public Consultations

N/a

### Other Group Comments

Group Manager – City Works

The option to use loan funds to purchase 6 to 7 houses immediately is very welcome and will certainly assist with getting rid of the backlog of houses that have been identified for removal. The down side is that the existing allocation will be used to repay the loan for approximately 8 years, i.e. no further purchases will be made for 8 years.

While the loan funding will solve the initial problem for the next 1-2 years there will be a need to purchase more houses within the 3 to 8 years time frame. I do not believe Council will be able to defer some future purchases for up to say 6 years.

The answer is to:

- 1 Use the current \$33,000 annual allocation to loan fund the current demand/backlog as recommended.
- 2 Allocate an additional \$33,000 p.a. that will be available to purchase one additional house for each future year for up to 8 years

Manager – Client Services

Client Services supports this initiative to accommodate an increase in interest in the Voluntary Purchase scheme. The proposal will not disadvantage any future residents who may seek to access the funds nor require the allocation of additional resources to the scheme.

### Author's Response to Comments from Other Staff

In regards to the Group Manager-City Works comments, this would require an increased commitment to flood mitigation. Given the demand for funding for other projects, this is difficult to justify.

### Conclusion

To create an opportunity to accelerate the acquisition of flood prone properties under the Flood Prone Properties Voluntary Acquisition Program, Council will need to increase its funding of this program. By doing this, we will be eligible for an increased government subsidy and 6-7 prospective residents wanting to sell their property can be satisfied immediately, rather than one a year.

As it is unlikely that any increase in funding levels can be afforded from revenue sources, Council's contribution is loan funded to the maximum amount that can be serviced by the annual budget of \$33,000.

### Recommendation (COR02)

That:

- 1 Council agree to increase its 1/3 share towards the Flood Prone Properties Voluntary Acquisition Program from loan funds.
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## **LISMORE CITY COUNCIL - Meeting held February 12, 2002**

### **Funding – Flood Prone Property Acquisition**

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- 2 The amount of Council's 1/3 share be limited to the maximum amount that can be serviced by the annual budget of \$33,000.
- 3 Richmond River County Council be requested to borrow loan funds on Lismore City Council's behalf and use them as approved for this purpose.

## LISMORE CITY COUNCIL - Meeting held February 12, 2002

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**Subject/File No:** LISMORE REGIONAL ART GALLERY – DEDUCTIBLE GIFT RECIPIENT  
RS:P20696 & S210

**Prepared By:** Manager – Finance & Administration, Rino Santin

**Reason:** To satisfy Australian Taxation Office registration requirements.

**Objective:** For Council to adopt a position in relation to this registration.

**Management Plan Activity:** Art Galleries

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### **Background:**

Council considered a report on this subject at its December 11, 2001 meeting and: -

*281/01 Resolved that the report be referred back to the General Manager for further consideration prior to resubmission to Council.*

After considered the following information the General Manager agreed that it was appropriate to pursue this registration: -

- a) The overriding reason for the registration of the Lismore Regional Art Gallery (LRAG) as a Deductible Gift Recipient (DGR) is to ensure that we are eligible to receive gifts, which are tax deductible for the donor.
- b) Prior to the introduction of Goods & Services Tax and other taxation reforms, the LRAG already held tax deduction status for gifts and this process would only reinstate that situation. It is important to note that the Australian Taxation Office (ATO) has endorsed the tax deductible status of such gifts and that staff members are not precluded from taking advantage of this situation.
- c) The LRAG Advisory Panel considered and supported the proposed donation of artworks by the (former) Art Gallery Director on many occasions and this is recorded in their meeting minutes of October & December 2000, February, March & August 2001.
- d) The potential for the LRAG to miss the opportunity to gain these artworks by donation because of the delay in registering as a deductible gift recipient.

Unfortunately, to complicate this matter further, there was a time constraint associated with this registration and approval was given for the application to be lodged with the ATO. The application has been completed and forwarded.

A copy of the memo sent to Councillors detailing the reasons for this decision is attached for your information.

The original December 2001 report sought Council's approval to nominate the Lismore Regional Art Gallery Foundation Pty Ltd (LRAGF) as the DGR organisation it would transfer the balance of any gifts received should either Council determine not to continue operating the LRAG or if the ATO revoked the registration. This is a requirement of registration and should be resolved by Council.

As the objectives of the LRAG include *"a permanent, public facility which collects, conserves, researches, interprets and exhibits works of art for the enjoyment and education of the public and the cultural development of the community and region"*, an organisation with a similar perspective, such as the LRAGF, is the logical option.

## **LISMORE CITY COUNCIL - Meeting held February 12, 2002**

### **Lismore Regional Art Gallery – Deductible Gift Recipient**

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LRAGF is legally constituted and Council, through the Art Gallery Director, was one of the driving forces behind its creation. Its objectives include the *“creative programs including but not limited to artists in residence schemes, public education and public art work, acquisition of artworks for the permanent collection of the art gallery and capital expenditure for the gallery infrastructure”*.

Council has a strong representation on LRAGF with the Mayor or delegate, General Manager or delegate and Art Gallery Director being part of the Foundation Management Committee.

For administrative and practical purposes, this would be a desirable outcome should Council be required to transfer the balance of any gifts to another DGR.

#### **Public Consultations**

N/a

#### **Other Group Comments**

N/a

#### **Author's Response to Comments from Other Staff**

N/a

#### **Conclusion**

It is appropriate that Council seek endorsement of the LRAG as a DGR. There are potential benefits to be realised from this status if approval is received from the ATO.

To meet the ATO's requirements for registration of the LRAG as a DGR, Council needs to nominate another DGR as the beneficiary of any funds held as gifts should the registration be revoked or Council resolve not to operate the Gallery.

As it has similar objectives and has Council membership, the LRAGF is nominated as that DGR to meet that requirement.

#### **Recommendation (COR01)**

- 1 Council endorse the action taken by Management to pursue the Deductible Gift Recipient registration.
- 2 To meet the Australian Taxation Offices requirements for Deductible Gift Recipient registration, if the Lismore Regional Art Gallery's registration is revoked or Council resolves not to operate the Gallery, then the balance of any gifts received be transferred to the Lismore Regional Art Gallery Foundation Pty Ltd.

**Subject/File No:**       **REPLACEMENT OF COUNCIL PLANT - V309 (CATERPILLAR 130G MOTOR GRADER)**  
(CS:VLC:T22009)

**Prepared By:**           Fleet Manager - Col Starr

**Reason:**                To inform Council of replacement purchase of major plant items.

**Objective:**             To seek Council's approval for purchase of one (1) new 15-16 Tonne motor grader.

**Management Plan Activity:**     1.12 - Plant Operations

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**Background:**

Tenders closed on December 19, 2001 for the supply of one (1) new 15-16 Tonne (approx) Motor Grader and the sale of -

- V309 – 1986 Caterpillar 130G Motor Grader.

Lismore City Council is currently operating five (5) motor graders, with all five being allocated particular tasks. With the normal replacement programme, the older machines are usually replaced first at the end of their economical working life but due to the difference in their capabilities, the order of replacement is varied.

This report and attachments (*separately enclosed*) will explain why some of the older machines are kept in service, albeit reduced service (*when they will be sold and not replaced*), and why the most used and more essential graders are replaced first.

The existing graders comprise –

- **V301 - 1967 Allis Chalmers DD Grader** which is approximately a 6-T operating lightweight machine, able to be used only for light duty work due to its operating weight - mostly used within the Parks & Recreation Department and occasionally some confined urban sites.
- **V309 - 1986 Caterpillar 130G Grader.** This particular grader is larger than the 120H graders and smaller than the 140H machine, and is dedicated to rural gravel roads maintenance in combination with a hired grid roller. It has a free-roll attachment fitted to the ripper frame and often assists with some of the heavier road construction duties. **This grader is being replaced in this tender.**
- **V311 - 1997 Caterpillar 140H Grader.** This unit has the task of the heavier work due to its size and operating weight of 16T+.
- **V318 – 1999 Caterpillar 120H Grader** and is used with the other 120 size grader for both urban and rural roads maintenance and construction.
- **V322 - 2000 Caterpillar 120H Grader** is also used with the other 120 size grader in conjunction with rural roads maintenance and urban roads maintenance respectively.
- ❖ **V328 - 1977 Caterpillar 12E Grader** was being used exclusively for back-up or during heavy workload times. This machine has now been sold (Fowles Auctions, Brisbane – December 19, 2001) and returned an exceptional price of \$34,000.

There were a total of six (6) graders being tendered; and seven (7) 'Private Offers to Purchase the Trade-In'.

Consultation with the users of this grader (Roadworks – City Works Group) resulted in grader requirements being larger than the last graders purchased (1999 and 2000), and slightly heavier in the operating weight and upgrade to 14ft (4.2m) blade length.



# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Replacement Of Council Plant - V309 (Cat 130G Motor Grader)

### Schedule of Tenders:

SUPPLIER	Make, Model & Details of Grader	Cost to Council before Trade-in	Trade in Offer for V322	Cost using 'No-Trade-In' Offer	Best Change-Over Cost & Delivery
HITACHI CONSTRUCTION MACHINERY (Aust) P/L Archerfield Qld.	John Deere 670CH-VHP Op. Weight: 15,600kg	\$298,210.00	\$77,000.00	\$290,510.00	\$215,710.00 Using the Bruce Trees Earthmoving private offer <i>Delivery: 2 weeks</i>
CJD EQUIPMENT P/L Rocklea Qld.	Volvo 710A-VHP Op. Weight: <u>14,225kg</u>	\$293,150.00	73,150.00	Not given	\$218,350.00 Using the Bruce Trees Earthmoving private offer <i>Delivery: Not given</i>
NS KOMATSU Sherwood Qld.	Komatsu GD530A-2C Op. Weight: 15,600kg	\$305,107.00	\$36,300.00	\$301,807.00	\$227,007.00 Using the Bruce Trees Earthmoving private offer <i>Delivery: 12-14 wks</i>
CJD EQUIPMENT P/L Rocklea Qld.	Volvo 720A-VHP Op. Weight: 15,560kg	\$315,700.00	\$73,150.00	Not given	\$240,900.00 Using the Bruce Trees Earthmoving private offer <i>Delivery: Not given</i>
GOUGH & GILMOUR NSW Grafton NSW	Caterpillar 12H Op. Weight: 16,400kg	\$326,263.30	\$55,000.00	\$320,763.30	\$245,963.30 Using the Bruce Trees Earthmoving private offer <i>Delivery: Feb. '02</i>
NS KOMATSU Sherwood Qld.	Komatsu GD650A-2C Op. Weight: 16,713kg	\$340,560.00	\$36,300.00	\$337,260.00	\$262,460.00 Using the Bruce Trees Earthmoving private offer <i>Delivery: 12-14 wks</i>
<b><u>Private Offers to Purchase V309</u></b>	<b>BRADLEY'S FLAT PASTURES P/L Bathurst NSW</b> \$21,152.00 (Inc. GST)	<b>AUST. PACIFIC MACHINERY Yass NSW</b> \$38,071.00 (Inc. GST)		<b>TOOWOOMBA EARTHMOVING Toowoomba Qld</b> \$46,404.60 (Inc. GST)	
<b>GERRON PASTORAL Co P/L</b> \$46,600.00 (Inc. GST)	<b>REES EDWARDS AUTO BARN Toowoomba Qld</b> \$57,536.60 (Inc. GST)	<b>T &amp; J CAMPBELL P/L Toowoomba Qld</b> \$59,125.00 (Inc. GST)		<b>**BRUCE TREES EARTHMOVING Ballina NSW</b> \$74,800.00** (Inc. GST)	

### Note:

1. All figures given applied to graders fitted with the 12-foot blade and the 'Sandvik 2000' cutting edges to suit that length.
2. During the grader field trials, evaluations of different blade lengths showed that for this grader's application, the 14-foot blade is well within the grader's capabilities and would be more usable and productive.
3. The final recommendation will include the upgrade of blade length and additional cutting edge costs.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Replacement Of Council Plant - V309 (Cat 130G Motor Grader)

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### Tender Analysis:

An evaluation panel of Messrs Col Starr (Workshop & Fleet Manager), Darren Patch (Rural Works Engineer), Peter Brewer-Charles (Rural Works Supervisor), Michael Conroy (Operator) and Chris Allison (Contracts Officer) assessed the tenders as per the criteria set out in the tender documents.

<b>Evaluation Criteria</b>	<b>Price 40%</b>	<b>Capability 30%</b>	<b>Functionality/ Conformity 30%</b>	<b>Evaluation Total %</b>
<i>Hitachi Construction Machinery John Deere</i>	40%	17.4%	25.5%	82.9%
<i>CJD Equipment Volvo</i>	39.5%	15.0%	21.0%	75.5%
<i>NS Komatsu Komatsu</i>	37.91%	17.1%	22.5%	77.5%
<i>CJD Equipment Volvo</i>	35.33%	15.0%	25.5%	75.8%
<i>Gough &amp; Gilmour Caterpillar</i>	34.39%	26.4%	28.5%	89.3%
<i>NS Komatsu Komatsu</i>	31.33%	9.9%	19.1%	60.4%

### Group Manager - City Works' Comments:

The high re-sale value of \$74,800 (ie, approximately 25%), of the replacement price is a very clear indication of the high regard held within the industry of Caterpillar machinery.

### Key Points to Consider:

- Purchase best possible unit capable of completing tasks, both 'Rural Gravel Road Maintenance' and 'Road Construction', as required, when required.
- Only replace with a grader in size, capable of the applications designated to it.
- Proven back-up support from supplier and manufacturer.
- Operator comfort with 'Ergonomic Design' during operation.
- Ability to keep machinery working with minimal maintenance and repair time.
- Uniformity of graders that are operating in similar situations and conditions.

### Principal Accountant's Comments

At the start of this financial year all plant was separated into the major operational areas of Council that utilise machinery. All areas have been allocated a portion of the Plant Reserve balance at the start of the year and now fund any plant replacement from funds they control and generate throughout the year.

This grader falls under the roads programme and there are adequate funds available within this section of the plant system to replace the machine, as recommended.

Other Group Comments      Not required

# **LISMORE CITY COUNCIL - Meeting held February 12, 2002**

## **Replacement Of Council Plant - V309 (Cat 130G Motor Grader)**

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### **Conclusion**

Graders are a key component within the road construction and maintenance system. This item of machinery cannot afford to be burdened with prolonged downtime due to lack of availability of parts or inherent faults leading to failures, etc.

Four (4) of the six machines tendered were field trialled and assessed for capabilities of performance as required. The other two (Volvo and Komatsu) were the smaller version of the trialled machines and the Komatsu machine trialled was in fact a rebuild as there were none to trial within reasonable proximity at that time.

The users of this machine have stated that the operating weight is critical as they require a grader which is primarily able to grade and finish roll rural gravel roads as determined by the Consultant (CMS) and the Roads Advisory Committee (formerly "Fix The Roads" Working Party), and also has construction capabilities; hence the need for the "15 to 16-Tonne Operating Weight" classification.

With road construction, a grader is classified as a "Production Machine" because there is mostly only one on-site and if it stops the entire construction site stops, unlike that of a truck or roller coming off-line when there is usually more than one unit on this construction site and work is able to continue.

Back-up for the grader needs to be as local as possible. Caterpillar have branches located at Grafton and Tweed Heads and the added bonus of a resident service mechanic based in Lismore. Note that Komatsu also have a resident mechanic based in Lismore but its branch is located in Brisbane.

An added feature of the Caterpillar brand grader is that it still retains the 70%-72% Australian built status.

### **Staff Involvement:**

Acceptance of any proposed machine purchase by operating staff is important as it enhances a long operating life. Keeping this fact in mind, staff have inspected the available graders.

All of the staff and users who inspected the graders available were convinced that the Caterpillar machine is the better purchase for the application required.

### **Author's Comments:**

Reliability and prompt back-up service by the supplier are key factors in the purchase of this machine. This factor is highlighted by locations of the supplier network.

While the initial purchase price carries weight, 'whole of life' costs and productivity have the main influence for purchase. The 'Rural Roads Grading Programme' has a very tight schedule which has minimal allowances for downtime. The main variation is for construction duties in parallel with the bigger grader (Cat 140H).

The users of this grader (Roadworks) are convinced that this machine will suit the needs of Council better than the others tendered.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Replacement Of Council Plant - V309 (Cat 130G Motor Grader)

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### Recommendation (WOR1)

That Council purchase one (1) only Caterpillar 12H Motor Grader as tendered (T22009) by Gough & Gilmour, Grafton, for the cost of **\$320,988.30 (No trade-in offer)**. (Includes GST \$29,771.66 – Blade extension from 12' to 14' \$250 and additional 'Sandvik 2000' cutting edges \$950 and deduction of \$1,000 for payment on delivery.)

**and**

Accept the 'Private Offer to Purchase V309' from **Bruce Trees Earthmoving of Ballina** for the amount of **\$74,800.00 (Includes GST component)**.

Change-over cost to Council is **\$246,188.30**

Anticipated delivery of this grader being within February 2002, after placement of purchase order.

## LISMORE CITY COUNCIL - Meeting held February 12, 2002

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**Subject/File No:** DECEMBER 2001 QUARTERLY BUDGET REVIEW STATEMENT  
(GB: S779)

**Prepared By:** Principal Accountant – Gary Boyd

**Reason:** Clause 7, Local Government (Financial Management) Regulations 1993

**Objective:** To gain Council's approval to amend the 2001/02 budget to reflect actual or anticipated results.

**Management Plan Activity:** N/A

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### **Background**

The Local Government Act 1993 (LGA) requires the annual budget to be reviewed on a quarterly basis and any significant variances to be reported to Council. This report satisfies the LGA's requirements.

The rationale for this review is to ensure that the 2001/02 Budget reflects the actual and anticipated results, as it will be compared to the proposed budget during the 2002/03 Management Plan process.

### **General Fund**

The 2001/02 Management Plan provided for a working fund surplus of \$30,000. The September review amended the result to a working fund deficit of \$15,900. This review details a return to a surplus situation with the working fund balance at December being \$100,600.

For Councillors benefit, the detail of this movement is as follows.

<b>Description</b>	<b>Amount \$</b>
<b>Opening Balance at October 1, 2001 - (Deficit)</b>	<b>(15,900)</b>
Add – reduction in salary costs following a review of the oncost rate and change in workers compensation insurers	101,000
Add – a deferment of costs required to maintain vegetation under powerlines for this financial year due to delays within the energy industry	40,000
Add – an increase in anticipated interest income following better than expected cash flow outcomes and interest rate returns	77,500
Add – an increase in anticipated building control revenue based on trends for the first half of the year	55,700
Add – an increase in anticipated planning services revenue based on trends for the first half of the year	42,900
Add – an increase in anticipated Section 603 certificates revenue based on trends for the first half of the year	15,000
Add – an increase in anticipated environmental health revenue based on trends for the first half of the year	6,000
Less – an increase in rates and charges costs for the City Hall that were not adequately budgeted for	(4,500)
Less – Reduced landing fee income for the Airport to the December Quarter due to the collapse of Ansett and adjustments in capital and reserve budgets required	(217,100)
<b>Closing Balance at 30 December, 2001 – Surplus</b>	<b>100,600</b>

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# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## December 2001 Quarterly Budget Review Statement

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For Council's information, listed below are the particulars of the activities with significant variances. Please refer to the attachment for individual programs for details of all budget movements.

### **Salary Costs**

Following the decision to change our insurers for workers compensation and the reduced premium that has resulted, the oncost rates have been reduced. Other factors contributing to the change include a less than expected level of average sick leave taken by staff and a higher amount of ordinary base pay.

The dollar impact on the budget for salary staff is the \$101,000 reduction in expected expenditure highlighted earlier. The impact for wages staff is an indirect saving across all programs with staff being able to achieve more with every budget dollar.

### Parks and Recreation

Recent events in the energy industry have slowed up the process of passing on the costs associated with maintaining vegetation underneath powerlines to Council. The Manager Parks and Recreation has indicated that it is unlikely that the \$40,000 initially allocated in the 2001/02 original budget will be required. It is likely that Council will be required to undertake this task in the future and the commitment Council gave to this issue in the 2001/02 Management Plan should be continued in 2002/03.

### **General Purpose Revenues - Interest Income**

Interest earned on investments has been revised and adjusted. This follows a combination of better than expected cash flow outcomes (i.e. receiving more income earlier and outlaying less cash) and better than expected interest rates.

General fund interest income has been increased by \$265,000. Of this \$187,500 has been transferred to reserves in accordance with Council's policy. The balance of \$77,500 has been attributed to the working fund surplus. Sewerage fund interest income has been increased by \$117,000 with a corresponding transfer to reserves.

### **Building Control**

The fees and charges collected for the Building Control program have been better than expected for the first half of the year. Consequently, revenue budgets for the remainder of the year have been adjusted upwards to reflect the current trend. It is important to closely monitor revenue items in this section as they can rise and fall significantly due to demand in the market. The additional revenue of \$55,700 has increased the working fund surplus.

### Planning Services

Similarly for the planning section revenue is ahead of budget. A \$42,900 adjustment has been made that has increased the working funds balance.

### Airport

Operating revenue has been adjusted downwards to the passenger number level suggested by the Group Manager – Business and Enterprise in the report to Council for December. That is 37,500 including 5,000 which are listed as an unsecured creditor of Ansett. Revenue from passenger landing fees now stands at \$292,500 for 2001/02, being 32,500 passengers at \$9 per head.

Following the December report, to achieve the adjusted revenue target for 2001/02, the Airport required, on average 798 passengers per week from November onwards. The November and December figures are now available. The November average was 548 passengers and the December average was 701. These figures are improving but they are still short of what has been budgeted for.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## December 2001 Quarterly Budget Review Statement

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As was stated in the September Quarterly Budget Review, the level of passengers will have a major impact on the financial result for the Airport and Council for 2001/02. This is still the case for the remainder of 2001/02 and passenger numbers will continue to be closely monitored.

The original 2001/02 budget showed a transfer from reserves of \$100,100. This was based on an estimate of the remaining reserves at June 30, 2001 during the budget process last year. The actual amount in reserves was only \$49,300. The adjustment has resulted in a shortfall of funds available for the Airport and Council of \$50,800.

Similarly for capital works, the original budget has been amended. Initially there was \$64,700 allowed for capital items. This figure was derived as a result of the original projection of the reserves balance. That is, the level of capital works was set to reflect the expected level of total funding available from the Airport for 2001/02.

The capital works budget has been increased in this review by \$82,900 to \$147,600. This was required to fund essential capital works. These works related to completion of the new terminal and car park and apron/runway resurfacing.

It is anticipated that these costs will be offset by the sale of land in the airport industrial subdivision.

### Economic Development Unit

Budgets have been finalised for the Masters Games, with operating revenue and expenses netted off with a transfer from reserves of \$48,000 being the carried over funds from 2000/01.

A \$35,000 grant has been received from the Department of State and Regional Development to part fund the Riverbank Development Officers position.

### Environmental Health

Funds have been transferred from reserve for projects within the Environmental Health Section totalling \$28,000. These primarily relate to the Stormwater Management Plan \$17,200 and the identification and mapping of environmentally sensitive land, \$ 8,700.

### Waste Strategies

Funding of \$87,000 for the North East Waste Forum has been transferred to reserves for the ongoing operation of the forum in future years. This relates to member contributions received from other member Councils in 2001/02.

### Urban and Rural Roads

Movements under the Roads Program are essentially adjusting budgets to reflect the agreed works schedule between the urban, rural and RTA areas for the remainder of the year. For example, \$130,000 in funds received under the RTA cycle-ways funding program, which sits under the Urban Roads program has been reallocated to the Kadina overpass job, which is situated under the RTA program.

### RTA Works

Various changes have been made to revenue and expense budgets as the RTA provides information to Council on agreed projects.

### Water Fund

There have been no budget adjustments made against the Water Fund to the end of December 2001.

# **LISMORE CITY COUNCIL - Meeting held February 12, 2002**

## **December 2001 Quarterly Budget Review Statement**

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### Sewerage Fund

Funds for capital works totalling \$300,000 have been transferred from reserves. These works were deferred from last years schedule and are now underway.

### **Manager - Finance & Administration Comments**

Included in the body of the report.

### **Public Consultations**

Not required.

### **Other Group Comments**

#### **Group Manager-Business & Enterprise**

The situation with the airport funding was reported to Council at the December, 2001 meeting. The impact of the industry dislocation on the operating performance of the airport were estimated in that report. Further to this the bulk of the outstanding capital works are now complete and this work is costed into this quarterly review. The total financial position remains consistent with the estimates included in the December report.

The capital income from the proposed, but not budgetted, sale of hangar sites will be applied to the aerodrome reserve to support ongoing activities. Council has two contracts and deposits held awaiting the completion of the subdivision process and the release of the titles. These are expected to be effected prior to June 2002.

### **Author's Response to Comments from Other Staff**

Not applicable.

### **Conclusion**

#### Change in Net Assets

The 2001/02 Management Plan showed a surplus in the "Change in Net Assets" of \$938,000. Based on the September Quarterly Review for 2001/02 this amount was reduced by \$15,000 to \$923,000. This review increases the surplus by \$538,000 to \$1,461,000.

It should be noted that this amount reflects the estimated change in net assets held under the Council's control for this year. It does not reflect in any way the Council's cash or liquidity position.

### **Recommendation**

1. Council adopt the December 2001 Budget Review Statement for General, Water and Sewerage Funds.
2. This information be submitted to Council's Auditor.



**Subject/File No:** MANAGEMENT PLAN REVIEW 2001-2002 –\_DECEMBER QUARTER  
2001  
(S4)

**Prepared By:** General Manager's Office

**Reason:** Requirement of the Act

**Objective:** Information and annotation of Councillors.

**Management Plan Activity:**

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**Background:**

Council is required under Clause 407 (1) of the Local Government Act, 1993 to periodically report on the performance set by the Management Plan.

This report, which is prepared in a new format, includes information that relates to the performance of programmes and activities highlighted in the Plan for completion during the quarter ended December 2001.

**Recommendation:**

That the report is received and content noted.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Management Plan Review – December 2001 Quarter

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**GROUP: GENERAL MANAGERS'**  
Management Plan Review  
Period ending December 2001.

Review of exceptional items across each functional area of the General Managers' Group

### **Communications and Community Relations**

- Communications Strategy – written communications strategy now being implemented. Preparation begun for introduction of organisation-wide, individualised media plans. Focussed on supporting the common communications strategy.
  - Media plans finalised for Wilsons River redevelopment and Crozier Oval.
  - Staff training manuals/literature written and placed on Intranet.
  - Initiated media plans/marketing strategies for all business units.
- Crisis Management Plan – organisation/liason with external consultant to prepare crisis management plan for council, including staff training.
- Internal Communication – delivery of first iteration of new Intranet – perpetual electronic staff newsletter to increase productivity and internal communications on corporate issues.
- Internet – continued to co-ordinate complete rewrite and re-focussing of council's website onto strategic message ahead of launch in February 2002.
- Community Relations – Initiated and conducted project management for the inaugural Flood Awareness Week, including liaison with the SES, Lismore Unlimited, Northern Rivers Area Health Service, Southern Cross University, Department of Community Services, Education Department, Catholic Education Office, Kirklands and media outlets.
  - Initiated discussion with external consultant on benchmarking community survey of attitudes to council services.
  - Publication of Community Link in October and December.
- Issue management – maintained pro-active media schedule, including maintenance of positive media profile on issues and exceptionally high media coverage of events (greater than 98%)
- Assisted with council's lobbying effort and public positioning re the November 10 Federal election.
- Advertising – refocussing of advertising to support communications strategy, and re-negotiation of advertising contracts.

### **Client Services**

- Continue to work with Business and Enterprise for sale and management of unused quarry sites
  - Work with Planning to prepare a new Land Release Strategy
  - Prepare the Old Lismore High School site for usage by Lismore Library, including securing site and removing surplus structures
  - Coordinate and supervise the preparation and lodgement of the Development Application for the new access road to Southern Cross University
  - Continue to work with City Works and Finance to ensure appropriateness of Council's role in the Lismore Flood Levee Scheme
  - Assist City Works with the supervision and inspection of new Civil works accepted by Council
  - Liaise with Consolidated Properties to achieve a satisfactory outcome for the future alignment of Gordon Blair Drive, Goonellabah
  - Advance the Crown Lands, Reserve Trusts and General Property Management Strategy
  - Work with Business and Enterprise in the site supervision and certification of approximately 10 water and sewer contracts
  - Work with Business and Enterprise in the site supervision and certification of approximately 6 sewer pump station works
  - Supervise the site remediation works at the old "gasworks site"
  - Assess the short listed architectural proposals for the redevelopment of the Memorial Baths and issue contract with successful applicant for the preparation of design drawings
  - Complete final Airport Terminal inspections following conclusion of defects liability period
  - Active participation in the Wilson Riverbank Development Working Party
  - Work on a draft Council Property Management Strategy
  - Awarded contracts for banking and auditing services
  - Repainting of Memorial Baths and Lake Pool
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# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Management Plan Review – December 2001 Quarter

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### Human Resources

- Human Resources staff are working through the process of recruitment and selection of the 5 Apprenticeships advertised in late 2001 – this addresses Council's strategy to provide opportunities for youth employment in the Lismore LGA and career path opportunities within Local Government.
- We continue to be generally busy with recruitment and re-evaluation of positions as jobs are modified to reflect changing requirements. Our system in place for evaluation and re-evaluation of positions (job-sizing to identify where the job fits into Council's salary system) requires review and we will soon be making arrangements for providers in this area to demonstrate their product offerings.
- The General Manager's offer of voluntary redundancies has meant that we have needed to provide intensive support to staff in assessing the offer; the implications for their work area; and their personal direction/financial planning. The General Manager will advise Council of the outcomes of this process and impact on staffing levels.
- Transition to the new Local Government Award has been relatively smooth, however, some of the modifications have yet to be tested in their application to Council's existing work practices. The Consultative Committee at its first meeting in February will be considering its role in light of the revisions to that particular clause in the Award.
- A short-term appointment has been made in the area of Injury Management. The Manager Human Resources will be putting forward a submission for this position to be included in the budgeted staffing levels for an on-going 3-day/wk position. It is expected that this concentration and close monitoring of Return to Work plans following injury will work in concert with other strategies to reduce our Workers' Compensation costs.
- Payroll staff have almost completed the complex and time-consuming exercise of adjustments to salary step movements resulting from the skills assessment outcomes, many of which were backdated to November 2000 as part of the Salary Offer agreed in August 2000.
- We are currently exploring ways to build on the Organisational Change workshops held in late 2001 with the aim of keeping staff informed of changes to the environment in which they need to operate and strategies to effectively respond to those changes.

### Economic Development / Tourism

- Pre-election lobbying for the federal election - Sustainable Regions program - \$4m, Levee funding formula
- Various facilitation meetings - Lismore Heritage Motel, Norco and many others
- Meetings in Sydney with State Government to progress the Wilsons River Project and the Old Lismore High School Site - SRA/Senior Advisor to the Minister for Transport, Ministry of Arts, Premier's Arts Advisor, Tourism NSW
- Council adoption of the Business Plan for the Old Lismore High School Site
- Expansion of the Incentives for Investment Policy
- Meeting with the Sustainable Regions Committee
- Running of an "Inspiration Cruise" to spark interest in the Lismore Tourism Industry and the Wilsons River Project
- Planning and organisation of a over-summer promotion at the Byron Visitor Centre
- Erection of new tourism signage at the entrance to town

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Management Plan Review – December 2001 Quarter

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**GROUP: CORPORATE & COMMUNITY SERVICES**  
Management Plan Review  
Period ending December 2001.

Review of exceptional items across each functional area of the Corporate and Community Services Group

### **Administration and Financial Services**

- Financial Plan – adoption in November of a 10 year Financial Plan for the period 2001/11 and policy following a Council workshop.
- Credit Cards – a review of the number, uses and processes was undertaken with appropriate adjustments adopted in a revised Procedure by MGM.
- Plant Reporting – new format created with monthly reports including balance of available funds for plant replacement and a forecasting chart of potential cash flows.
- Citizen Representation on Council Committees – citizen representatives for the remaining two years of the Council term were appointed following extensive advertising and an information evening.
- Television Black Spot Funding – a detailed costing proposal totalling almost \$142,000, together with new ABA licence applications for the Robinson's Lookout site were forwarded in November. Ministerial approval has not been forthcoming to date, due to the need for the three commercial broadcasters to relinquish existing unused licences. This is likely to delay the planned March completion date. The Rosebank application (now managed by Byron Shire) has not progressed any further due to site difficulties.
- Electronic display of minutes at Council meetings – details have been reviewed and a process agreed to. A trial will commence at the February 2002 meeting.

### **Information Services**

- Internet site – design and development of the new site is well advanced and Version 1 will be launched in parallel with Flood Awareness week in February 2002. A total of 2,293 hits occurred during December.
- Intranet site (Informer) – initial upgrade included the addition of Corporate and Social News. Implementation planning and requirements gathering has commenced for inclusion on the enhanced site.
- Records Management – external consultants Abraxa, have completed initial investigations to review Council's customer service standards and record keeping procedures. The final report is due in March 2002.
- CIVIL software – a total of 81 enhancements were delivered with two major new applications being Septic Licences and Bin Rejection Sticker software. Implementation activities and system testing has commenced for the implementation of the Graphical User Interface (GUI), prior to user acceptance testing in February 2002.

### **Community Services**

- Lismore Regional Art Gallery – the Gallery Director resigned effective January 4, 2002 and the position has been advertised with interviews to be held mid January 2002.
- Appointment of new Community Services Manager - commenced late October.
- Lismore Lake – Council considered a report detailing a petition with 1,017 signatures and a number of other letters requesting it be retained as a nature reserve. The existing Plan of Management allowing motorised sports will be retained. A letter has been forwarded to NPWS to determine Council's responsibility in relation to endangered bird-life species that have been sighted on the lake.
- Memorial Baths – following a tender design workshop by the four selected architects in November, Council subsequently appointed Bzowy Architecture to complete the redesign.
- Active Australia Day – very successful festivities day held on October 28 in Heritage Park including a skate competition, community walk and 350 participants in "come and try" sports activities (13 sports). The Lismore Walking Map was also launched on the day.
- Art in the Heart – the business plan developed by Gibsons Consulting was formally adopted by Council in November. The project team have been working on a detailed action plan, property settlement, rezoning amendments, sale of properties, community fund raising and preparation of grant applications.
- Sportsground Plan of Management – in principle endorsement of the draft plan, which has now been placed on public exhibition inviting submissions from the public.

**GROUP: PLANNING AND DEVELOPMENT**  
Management Plan Review  
Period ending December 2001.

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# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Management Plan Review – December 2001 Quarter

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Review of exceptional items across each functional area of the Planning and Development Group.

Substantial restructure of Environmental Health and Building & Regulation Sections undertaken during quarter commencing with merger of Manager positions into one. Recruitment process for the new Manager position currently under way.

### **Planning Services**

- Koala Management Plan: Owners of land containing habitat identified, information brochure sent out. Council determines composition of Steering Committee. Steering Committee to meet 30 January, to hold AGM, receive updates on SEPP 44 and Regional Veg. Management Plan, and continue working through major policy recommendations of draft KMP.
- Monitor & Review S.94 Plan: Housekeeping changes exhibited and ultimately adopted by Council. Project team to program remaining amendments and determine budget/resourcing demands.
- Review Urban Development Strategy: Consultation with real estate industry completed, inspections and mapping completed. Preparation for Workshop with Councillors on 5 February to discuss preliminary outcomes, possible options and community consultation strategy.
- Heritage Assistance Funding: Applications for funding invited and received. Assessment of applications currently taking place.
- Monitoring of Development Applications: Average Processing time/application 39.75 days for the quarter (standard – 40 days)

### **Building And Regulation**

- Swimming pool Fencing Survey: Survey on track with target of 48 pools/quarter being met.
- Fire Safety Program: Target of 1 fire safety program for nominated buildings/month being met
- Monitoring of Development Applications: Average Processing time/application 16.5 days for the quarter (standard – 25 days)

### **Environmental Health**

- Implementation of Phosphorous Reduction Campaign: Initial planning for this activity is to commence this month. Consultant contracted to implement actions. A further action plan is to be established.
- Acid Sulphate Soil Education: Programming for introduction of acid sulphate education (promotion of LEP and DCP requirements) has commenced and will be implemented through the Section's Educational Resources.
- Audit Commercial Premises: Commercial premises inspections impacted by restructuring due to resource constraints. Consequently 80% of high priority premises will be audited this financial year with 20% of other premises randomly audited.
- Proprietor Education Forums: Food Training Seminars were conducted throughout quarter by TAFE in conjunction with staff.
- Remediation of Lismore Gasworks Site: Capping variation (cost saving measure) approved by EPA. Gas drainage layer positioned and membrane placement completed November. Landscaping and grass seeding completed. Final clearance pending placement of permanent monitoring device.

### **Environmental Strategies**

- Waste Education & Information Services: one-year action plan has been completed following resource confirmation.
- Service Education & Promotion: LCC and Tryton Waste Services launched Vermiculture Plant at Wyrallah Road Waste Facility in October. Invitation only open-day was preceded by roll-out campaign that included newspaper ads, free giveaways, phone-in competition, anti-contamination spot-check campaign and award ceremony, and educational and decorative power-pole painting in vicinity of plant.
- Procedure for rejecting organics bins at kerbside implemented during October. Process to manage multiple rejection stickers and information database to generate status reports now operational.
- Council voted in favour of retaining four of existing six recycling Drop Off Centres in November. During next quarter, 'request for tender', presenting minimum service standards will be released.
- Organics successfully launched. Educational and administration responsibilities have been determined for implementation of Integrated Waste Service and Waste Management and Minimisation Strategy.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Management Plan Review – December 2001 Quarter

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**GROUP: BUSINESS AND ENTERPRISE**  
Management Plan Review  
Period ending December 2001.

Review of exceptional items across each functional area of the Business & Enterprise Group

### Lismore Regional Airport

- Return of passenger numbers continues with 3,506 pax in December.
- Lismore City Council was requested to present a paper at the Australian Airports Association Annual Conference. This was delivered in conjunction with Ambidji Frontec.
- Taxiway extension civil works completed, surfacing will be undertaken in Q3.

### Northern Rivers Quarry & Asphalt

- Contract Manager engaged until February 2002 following resignation of Mr Geoff Pisani.
- Council advised of Administrators appointed to Civicworks Pty Ltd trading as Asphalt Aggregates Australia. Council exposure at this stage is \$183,000.
- Revision of financial reporting for quarry and asphalt operations undertaken to improved financial control.
- CMS consultants engaged to review NRQ&S management structure.
- Following consultation with Councillors did not proceed with further Comdale Quarry evaluation.

### Lismore Memorial Gardens

- Final review of the existing business plan completed and reported to Council.
- New plan expected to be delivered in Q3 and Q4.
- Drafted call for Expressions of Interest for Memorial Gardens Master Plan.

### Lismore Water

- Completed and reported review of Rous County Council.
- Tea tree harvest undertaken and Council is currently seeking purchasers for the oil.
- Council defence of compensation following the failure of the turf farm was not entirely successful. A holding appeal was lodged in December and further advice is being sought.

### Northern Rivers Waste

- Successful opening of the Tryton Worm Farm. Significant co-ordinated effort in conjunction with staff in Waste Minimisation and Media Relations.
- Commence expanded collection services to North Woodburn and rural services in this area.
- Organic collections delivered directly to the worm farm.
- Completed leachate retention pond in Cell 2 of landfill in accordance with LEMP.

### Property

- Continuing negotiations of sale of former quarry sites.
- Attracted new tenants to Molesworth House.
- Obtained valuation to buy Crown Land for access to North Lismore quarry.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Management Plan Review – December 2001 Quarter

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**GROUP: CITY WORKS**  
Management Plan Review  
Period ending December 2001.

Review of exceptional items across each functional area of the City Works Group.

### **Parks & Recreation:**

- Nimbin toilet block upgraded.
- Gardens upgraded within the Lismore CBD.
- Installation of traffic barriers at Clifford Park.
- New sight screens erected at Heaps Oval.
- Last stage of drainage undertaken at Oakes Oval.
- Sports ground renovations carried out at Nielson Park.
- Landscaping of Crozier Oval complete (ahead of schedule).

### **Emergency Services:**

- South Lismore Levee completed before time and under budget.
- Preparation for major levee works in CBD before June 2002. Levee funding now available to \$13.0M.
- Lismore SES Unit Controller making good progress in organising and training the Unit staff.
- Preparation for Flood Awareness Week and wet season going well.

### **Bush Fire Services:**

Dry conditions continued resulting in an extremely busy quarter.

- Bush Fire Season officially commenced on August 29, 2001 in consultation with neighbouring Local Government areas.
- Members of Lismore Bush Fire Brigades attended fires at Bentley, Jiggi and Whian Whian.
- From mid-December Members maintained a constant presence at the Serindipity Fire within the Richmond Valley Council area, and a major fire at Narrabri.

### **Urban Roads:**

- Maintenance activities proceeded on schedule and as per budget estimates.
- Construction projects completed include -  
Wyrallah Road - Arnett Street to Rosedale Square complete  
Nesbitt Lane CBD
- The Holland Street roundabout at the intersection with Ballina Road has been deferred due to the adjacent development being delayed. The completion of Cooling Street and reconstruction of Brown Street have been added to the programme.
- Contribution of \$200,000 to the new University entrance off Kellas Street has been introduced into the programme by using previously unallocated funds.

### **Rural Roads:**

- Maintenance activities proceeded on schedule and as per budget estimates. Dry weather resulted in reduced number of potholes.
- Construction activities proceeded on schedule and as per budget estimates.
- Projects completed include -  
Wyrallah Road - Riverbank Road to Wyrallah Village  
Crofton Road
- Flood Damage - Nimbin Road, Coraki Road.
- The James Gibson Road project was deferred due to the temporary closure of the adjacent quarry and Rosebank Road was introduced into the programme.

### **Bridges:**

- Construction Works -
  - Cenotaph, Rock Valley headwalls, Kadina Overpass additional footpath and staircase, sign at Allsopp Park, Nimbin.
  - Maintenance Works –
  - Replacement of transverse and running decks on Green, Olley, Knight, Cullen, Southwell, Tatham, Warby, Martin timber bridges.
  - State Highway Bridges: Inspection and deck cleaning.
  - Flood Damage 80% complete. Flood gates / flood signs erected at Buchanan Bridge and Swain Bridge.
-

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## Management Plan Review – December 2001 Quarter

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### **Workshop and Fleet Operations:**

- Liaison with Consultants regarding feasibility of Workshop and Sign Shop utilising single Manager and departmental location of that Manager.
- Dispatchment of Council plant to bush fire emergencies during December.
- Consultation between suppliers of Quarry dump truck and users (Quarry) regarding modifications to comply with payload specifications.
- Advertisement for apprentice 'Plant Mechanic' and 'Welder' positions for Workshop complete.

### **Traffic, Enforcement, Street Lighting and Road Safety:**

- Camera link to Administration Centre complete.
- Two (2) additional cameras installed within the Lismore CBD; one in Spinks Park and one in Magellan Street.
- Evaluation of City Safe Programme complete.
- 'Drinks without Dramas' Campaign.
- RRISK Project Seminars held at the Southern Cross University.

### **Survey, Design and Subdivision Control:**

- Nimbin Road, Boerie Creek – Clapham's Corner 800m east
- Terania Street, North Lismore – Bridge Street to Pine Street
- Keen Street, Lismore – John Street to Bernstein Street
- Wilson Street, South Lismore – Railway Crossing to Robert White Bridge
- Koonorigan Road, Koonorigan – Nimbin Road to Gordon Road
- Cawongla Road, Rock Valley (Realignment) – South of EJ Olley Road
- Riverbank Project - Heritage Park, Lismore – Stages 1 & 2 (Riverside and Ramps)
- Implement Australian Standards on CD-ROM
- Lismore Street Map – for publishing and web access
- Invercauld Road, Goonellabah – Extension to Skyline Road west of SCU Conference Centre



## LISMORE CITY COUNCIL - Meeting held February 12, 2002

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**Subject/File No:** CITIZEN MEMBERSHIP – ROADS MANAGEMENT COMMITTEE (S36)

**Prepared By:** Administrative Services Manager

**Reason:** Late nomination

**Objective:** To appoint a citizen representative.

**Management Plan Activity:**

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**Background:**

Council at its meeting held on December 11, 2001 appointed citizen members to various committees (including the Roads Management Committee) for the remainder of the term of this Council.

With respect to the Roads Management Committee, one vacancy remained for the Urban East Section 94 Catchment Area. Subsequently, Council has received a nomination for this area from Mr B Garland. A copy of his nomination is attached to the business paper.

Council has the options of accepting this nomination, calling nominations for the vacant position or continue to leave it vacant.

**Manager - Finance & Administration Comments**

Not required

**Public Consultations**

Advertisements were placed calling for nominations to various Council committees. This nomination, although late, was in response to the advertisements.

**Other Group Comments**

Not required.

**Author's Response to Comments from Other Staff**

N/A

**Recommendation (COR03)**

That Mr B Garland be appointed to the Roads Management Committee.

## LISMORE CITY COUNCIL - Meeting held February 12, 2002

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**Subject/File No:** PROPOSAL TO REDUCE THE NUMBER OF ELECTED REPRESENTATIVES

**Prepared By:** General Manager

**Reason:** Requirement of Section 224(2) of the Local Government Act 1993.

**Objective:** To determine the number of elected representatives to serve the Council following elections in 2003.

**Management Plan Activity:** Administrative Services - Councillors

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### **Background:**

Prior to the next ordinary Council elections to be held on Saturday 13<sup>th</sup> September, 2003, councils need to consider whether to increase or decrease the number of councillors.

Section 224 of the Local Government Act 1993 states:

- (1) A council must have at least 5 and not more than 15 councillors (one of whom is the mayor).
- (2) Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office.
- (3) If the council proposes to change the number of councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum.

***Should the council wish to pursue a change to the number of councillors for the next council term, council's decision must be made and notified to the NSW Electoral Commissioner and the Australian Statistician by no later than 13<sup>th</sup> September, 2002.***

*What is the optimum number of councillors for LCC?*

***In determining an appropriate number of councillors for Lismore Council it is appropriate to look elsewhere within the local government industry, particularly those councils of similar size and other councils on the north coast of NSW, to gain an insight as to an appropriate level of representation.***

***Currently Lismore has twelve (12) councillors (11 plus a popularly elected Mayor) representing a population of 43,300, i.e. a representation ratio of 3608 people per councillor. The following table (attachment one) indicates that this level of representation is a little high when compared to industry trends.***

***It is also significant that there is a noticeable trend within NSW local government and interstate for lower levels of representation. For example, the State Electoral Commission is currently dealing with proposals from Rockdale Council (target 5 clrs) and Wagga Council (target 11 clrs). In the lead up to the 1999 NSW council elections nine (9) councils proposed reductions in the number of councils, including Hastings Council (reduced from 11 to 9 clrs) and Grafton Council (reduced from 12 to 9 clrs).***

***A reduction in the number of councillors for Lismore Council to nine (9) would lead to a representation level of 4811 people per councillor. This is still a very acceptable level of representation given the comparisons listed in this report.***

**Proposal to Reduce the Number of Elected Representatives**

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*Recent literature on international trends in local government electoral representation indicates a trend towards fewer elected representatives for example, in the USA large local government*

*authorities often only have five (5) elected members, and this in a local government system with responsibility for significantly more services including police, education etc.*

*We are now seeing these changes occur in Australia with a number of Sydney councils having between 5 and 7 councillors, e.g. Botany Council reduced its numbers from sixteen (16) to seven (7) at the last council elections, and Rockdale Council is currently proposing to reduce the number of councillors there from fifteen (15) to five (5).*

*The changing role of councillors:*

*Since the introduction of the Local Government Act 1993 [Section 232 (1)] the role of councillors as members of the governing body of the Council **has become:***

- To set objectives for Council*
- Determine the programs*
- Allocate the resources, and*
- Review the performance of Council*

*In addition, the role of councillors as elected persons is now [Section 232 (2)]:*

- To represent the interests of residents and ratepayers*
- To provide leadership and guidance to the community, and*
- To facilitate communication between the community and the council*

*Thus councillors no longer have any role with regards the day to day operational functions of the Council and are confined to strategic policy making, resource allocation and acting as community advocates.*

*The case for a reduction in the number of councillors:*

*There are a number of perceived benefits associated with a reduction in the number of councillors. Whilst this list is not exhaustive they include:*

- Councillors are now required to work as a more unified team and in a more business-like manner, focusing on policy, and performance management. This is more effectively achieved with a smaller number of councillors.*
  - Fewer councillors should lead to less frivolous and drawn-out debate at Council meetings etc.*
  - A council with a reduced number of councillors would demand committed councillors focused on strategic policy development and less inclined to become drawn into operational issues.*
  - There will be financial savings associated with a reduction in councillors (approximately \$20,000 per councillor per annum based upon present fees) [see attachment two]. These savings could be substantially greater in the near future given growing pressure for councillors to be provided with expensive computer*
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**Proposal to Reduce the Number of Elected Representatives**

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*technology. This potential for savings is attractive given the increasing financial pressure on councils*

- ⊕ *An odd number of councillors, e.g. nine (9), means that decisions are reached by majority vote and removes the need for the additional casting vote of the Mayor, minimising the possibility of dissension between the Mayor and councillors.*
- ⊕ *Should the Council (and the community) agree to a reduction in the number of councillors, the savings (conservatively estimated to be at least \$60,000 pa) in the first year after the next ordinary election would cover the cost of having the State Electoral Commission conduct a referendum. Thus the change would be cost neutral.*

*The case for not reducing the number of councillors*

**Contrary arguments include:**

- ⊕ *There is more opportunity for community input to Council affairs with twelve (12) councillors*
- ⊕ *More councillors means better representation of local government issues by filling delegations and attending meetings, workshops and seminars*
- ⊕ *More councillors means more ideas and therefore better and more informed decision-making*
- ⊕ *More councillors means less chance of a council being controlled by a political, business or self-interest group*
- ⊕ *Fewer councillors may lead to a call for higher councillor fees as individual workloads increase.*

*Proceeding with a referendum*

**Should Council choose to proceed to a constitutional referendum, options for conducting this referendum include:**

1. *Carry out a constitutional referendum prior to September 2002, and if approved, the resultant change would be introduced from the next ordinary election in September 2003.*  
*Estimated cost = \$60 - \$65K*
2. *Carry out a constitutional referendum in conjunction with any by-election that may arise prior to September 2002. The additional cost of a referendum (over and above the cost of the by-election) would be minimal.*  
*Estimated additional cost = \$2000*
3. *Carry out a constitutional referendum in conjunction with the next ordinary election. Any change would not be introduced until the next ordinary election in 2007. Again the additional cost of a referendum would be minimal.*  
*Estimated additional cost = \$2000*

## LISMORE CITY COUNCIL - Meeting held February 12, 2002

### Proposal to Reduce the Number of Elected Representatives

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*If Council determines to proceed to a constitutional referendum it would be more appropriate to do so sooner rather than later, i.e. proceed in accordance with option one. Thus Council would place the decision in the hands of the community and abide by that judgement. As previously indicated, the cost of the referendum would be recouped in the first year after the next ordinary council elections, however the savings would be perpetual. In order to derive even more benefit from the expenditure of the \$60-\$65K for a referendum held in accordance with option one, Council could also hold community poll/s on key issues currently confronting the Council, e.g. the proposed pool/aquatic centre, council amalgamations, future use of Lismore Lake, etc.*

*The cost of conducting the referendum/polls could be funded from the working funds surplus which stands at \$100,600 as at 31<sup>st</sup> December, 2001.*

*Any referendum would be conducted by the State Electoral Office, and would involve the Council framing a question along the following lines:*

Do you favour the number of councillors at Lismore City Council being reduced from 12 to 9 for the next Council term of office commencing in September 2003?

*The Council would have the opportunity to frame arguments for and against the change for the consideration of electors in the lead up to the referendum.*

#### Manager - Finance & Administration Comments

From a financial perspective, the reduction in the number of councillors to nine (9) would be cost effective as it is estimated, on a current costs basis, that we could save around \$60,000 per annum.

Given that this will only bring us into line with existing representation trends, Council may wish to show some foresight on this issue and consider a greater reduction to say seven (7) councillors with annual savings of around \$98,000. This is supportable as it is logical to suggest that, the reduction of councillors will continue as the full impact of the 1993 Local Government Act and councillors role now being realised across local government.

As to the timing of any referendum, it would be prudent to have it so that it has maximum impact. Consequently, September 2002 is supported so that a 'yes' majority can be implemented with the September 2003 general election.

Based on a \$60,000 estimated cost to hold a referendum in September 2002, the majority of this can be funded from the existing election reserve (\$45,900). This will leave no funding available for the September 2003 general election, but its cost will be offset by the savings, \$45,000, achieved by having fewer councillors.

If Council agreed to hold the referendum in September 2002, there could be some prudent budgeting with the 2001/02 working funds surplus to provide the funding required.

#### Public Consultations

Would be conducted as part of the constitutional referendum.

**Proposal to Reduce the Number of Elected Representatives**

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**Other Group Comments**

Supported by all Group Managers.

**Author's Response to Comments from Other Staff**

Not required.

**Conclusion**

Determination of a proposal relating to the number of elected representatives to serve on future councils requires careful and deliberate consideration.

A number of key issues are involved:

- ❖ The community's right to an **appropriate** level of representation;
- ❖ What is a **reasonable** cost of governance for ratepayers to bear for such representation, and
- ❖ Given the operational responsibilities now bestowed upon the General Manager and staff in the Local Government Act 1993, what is an appropriate balance between **democratic oversight** of the community interest and operational management by appointed staff?

Whilst cost efficiencies are becoming vitally important in meeting Council's financial objectives and containing the rate burden for ratepayers, the key issue is the consideration of what is an appropriate level of democratic representation in this new local government environment.

Based upon the comparative data in the report, a ratio of 1:5000 as a basis of representation would appear to meet reasonable expectations for a regional city. This equates to the number of councillors (including a popularly elected Mayor) being reduced to nine (9).

If the Council is of the opinion that a referendum on a proposal for a reduction in the number of councillors is warranted, then consideration as to how and when the constitutional referendum will be held must be addressed. A referendum to change the number of councillors must be held before Saturday 13<sup>th</sup> September, 2002 for the result to apply at the September 2003 elections.

Council should also consider the benefit of conducting community polls on important community issues in conjunction with a referendum. Councillors often claim mandates for proceeding with significant projects such as the Memorial Baths re-development. A community poll preceded by an effective presentation of the arguments associated with such a project would be a very effective means of gauging public opinion on this issue once and for all. Such a process would also give the community far greater "ownership" of the resultant facility.

**Recommendation**

1. That the Council determine that nine (9) be the number of councillors (including a popularly elected Mayor) for the following term of office, subject to approval at a constitutional referendum.
2. That the Council request the Electoral Commission to conduct a constitutional referendum on the question prior to the 13<sup>th</sup> September, 2002.
3. That the Council hold a poll of electors on issue/s to be determined in conjunction with the constitutional referendum.
4. That the estimated cost of conducting the referendum/polls be funded from the working funds surplus.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD DECEMBER 19, 2001  
AT 10.00 AM. (WMacD:VLC:S352)

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**Present:** Mr Bill Moorhouse (*Chairperson*), Councillor Ken Gallen, M/s Bronwyn Mitchell on behalf of Mr Thomas George, MP, Mr 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 Councillors John Chant and Mervyn King and Messrs Thomas George, MP, and John Daley were received and accepted and leave of absence granted.

## **Minutes of Traffic Advisory Committee Meeting – November 22, 2001**

Members were advised that the Minutes of the meeting held on November 22, 2001 were adopted by Council at its meeting of December 11, 2001, excluding Item No. 6 (*RC Matthews – Alphadale Cross Roads*), No. 10 (*Larnook Public School – Bus Bay on Cawongla Road*) and No. 18 (*Parking in Nimbin Village*).

1. **Item No. 6 (Alphadale Cross Roads)**  
The Committee noted Council's resolution. (01-13197:R6408)
2. **Item No. 10 (Larnook School Bus Bay)**  
The Committee noted Council's resolution. (01-16063:S352,R2302)
3. **Item No. 18 (Parking in Nimbin)**  
**The Committee noted Council's resolution. (S353)**

**Disclosure of Interest:** Nil

## **Correspondence:**

4. **Mrs L Judge;** drawing attention to the difficulty being experienced by her Mother when exiting her property at No. 191 Ballina Road, Lismore Heights, due to restricted view of oncoming traffic by a vehicle being continually parked on the boundary line.  
An inspection of the area had been carried out prior to the meeting and it was found that neighbours were parking legally behind the kerb in front of their own property on pads provided by Council some time ago. It was suggested that it may be easier for Mrs Judge's Mother who lives at No. 191 Ballina Road to drive onto the area behind the kerb in front of her property and reverse into her driveway. This would then allow her to drive onto the road in a forward movement. Unfortunately there was little more that could be done.  
**TAC183/01** **RECOMMENDED** that the writer be advised in accordance with the above. (01-16377:R6408)

5. **Mrs M McKee;** advising of the traffic problems outside Kadina High School, exacerbated by the recent installation of 'No Right Turn' signs when exiting the School grounds and requesting that the situation be re-assessed.  
It was noted the work that had been carried out near the entrance to Kadina High School had the full support of Kadina High School and the P & C Association. Mrs Johnson suggested that a fence positioned along the centre of the median separating the bus bay and Kadina Street would stop students from walking through the bus bay to carers' cars parked on the opposite side of Kadina Street.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD 19/12/01 (Cont'd)

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5. **Mrs M McKee** (Cont'd)  
However, it was not clear how big a problem was being experienced. Motorists carrying out U-turns at the bottom of the bus bay were not considered to be causing a problem. It was suggested that the area be further monitored in the new School year to ascertain whether or not any further action was required.
- TAC184/01** **RECOMMENDED** that the area in question be further monitored in the new School year to ascertain if any further action is required. (01-16846:R6469)
6. **South Lismore Progress & Development Association Inc;** providing an update in connection with the Southside Village Project and requesting that parking lines be painted on the proposed pavement resealing of Casino and Union Streets (*in front of the shops*), together with concrete wheel stops for each parking space. The Committee raised no objection to the parking bays being marked in front of the shopping centre. However, there were concerns for the installation of wheel stops on the road as this would provide a potential trip point for pedestrians and would create further problems for Council's street sweeper which would not be able to clean the area properly. It was suggested that the posts that would support the proposed awning could be positioned further back behind the kerb in line with the side lines of the parking bays. This would reduce any potential of vehicles being backed into them.
- TAC185/01** **RECOMMENDED** that the parking bays in front of the shopping centre be marked.  
**TAC186/01** **FURTHER RECOMMENDED** that wheel stops not be installed on the road for the reasons set out above and the above alternative be proposed to the writer for consideration. (01-17222:S785)
7. **C Campbell;** seeking the installation of parking restrictions on Dalley Street, East Lismore, in the vicinity of the St Joseph's Nursing Home entry/exit due to restricted sight distance afforded by vehicles parked kerbside. Mr MacDonald advised that he had met with St Vincent's Hospital Representatives prior to the meeting and had discussed alternative arrangements for entry/exits to the Nursing Home complex. The Hospital was now discussing these options internally and would advise Council of the results. It had been proposed that the centre entry/exit driveway be closed and all traffic exiting the Home would do so from the most eastern driveway. This would also increase parking opportunities both on-street and off-street.
- TAC187/01** **RECOMMENDED** that the writer be advised of the current proposal and discussions. (01-17266:S352,R7426)
8. **Goonellabah Progress Association;** requesting improved line-marking on Simeoni Drive for traffic exiting the carpark of the new Goonellabah Village Shopping Centre. It was suggested that the painting of a curved broken white line from the end of the centre median on the driveway to the Shopping Centre to the end of the centre median on Simeoni Drive would clarify the correct direction that motorists should travel when going south towards Oliver Avenue. It was also suggested that a Stop line be painted on the driveway at the same time to complement the existing "Stop" sign.
- TAC188/01** **RECOMMENDED** that the above works be carried out. (01-17790:P27651)



9. **NSW Roads & Traffic Authority;** advising that it has been decided to install 40 kph School Zones in front of all Schools throughout the State. Schools in the Lismore area that did not currently have School zones had been identified and it was proposed that signs be erected at these Schools prior to the start of the new School year if possible. These Schools comprised Vistara Primary School; Blue Hills Seventh Day Adventist School; The Channon Primary School, and the Young & Powerful School at Slade Street. Mr Baldwin agreed to arrange the supply and erection of the required signs. Both the Chairperson and Snr Const Buckley expressed concern for the proposal to introduce 40kph School Zones in front of Schools where the general limit was 100 kph. It was not considered reasonable that motorists be expected to reduce their travelling speed by 60 kph in such a short distance, particularly when they may not be aware of the changes. Flashing lights incorporated into the School Zone signs were also seen as a much more effective solution and would avoid any confusion about when the Zones were in operation.

**TAC189/01** **RECOMMENDED** that School Zone signs be erected for the above Schools as proposed.

**TAC190/01** **FURTHER RECOMMENDED** that the above concerns and suggestions be relayed to the relevant State bodies and Mr Thomas George, MP. (02-449:S346)

**General Business**

10. **Hensley Carpark – Disabled Parking Bays**  
A request had been received from the Northern Rivers Area Health Service for two (2) disabled parking bays to be installed in the upper level of the Hensley Carpark. Members noted that most other off-street carparks had at least one disabled parking bay and raised no objection to the installation of two (2) in the top section of the Hensley Carpark as proposed. However, it was felt that some existing disabled bays within the CBD were not being fully utilised and a review should be carried out to ascertain if any should be removed.

**TAC191/01** **RECOMMENDED** that two (2) disabled parking bays be installed in the Hensley Carpark, immediately south of the exit driveway.

**TAC192/01** **FURTHER RECOMMENDED** that the existing disabled parking bays within the CBD be reviewed to ascertain their need or otherwise. (P4295,P4296)

11. **Temporary Road Closure – Victoria Street, Lismore**  
The Committee had been asked to consider the closure of Victoria Street, between the Lismore RSL Club entrance and Ballina Street, on January 19, 2002 as part of the Channel [V] Music Bus tour. The Committee raised no objection to the proposed closure of Victoria Street for the event. It was noted that the closure would apply from approximately 10.00am to 11.00pm.

**TAC193/01** **RECOMMENDED** that approval be granted for the closure of Victoria Street as proposed. (R6060)

12. **Molesworth Street, Lismore – Specific Use Parking**  
A request had been received for the Committee to consider providing parking bays on Molesworth Street for specific Police vehicles in front of the Police Station. It was noted that the area immediately in front of the Police Station, on the eastern side of Molesworth Street, was already signposted for Police vehicles only. It was intended to mark the bays and use the first two bays for specific Police Vehicle Nos. 15 and 16 (paddy wagons), to ensure they can more easily respond to calls without the need to move other vehicles within the confines of the Police grounds.

# LISMORE CITY COUNCIL - Meeting held February 12, 2002

## MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD 19/12/01 (Cont'd)

**TAC194/01**     **RECOMMENDED** that the parking bays in front of the Police Station be marked as outlined above. (R7322)

**13.**            **Exit from Lismore Central – Keen Street, Lismore**

The need for traffic calming measures to be installed for the vehicular access onto Keen Street from Lismore Central was considered by the Committee.

Mr MacDonald advised that he had received a complaint from a member of the public concerning the speed of some motorists exiting from under the Lismore Central Carpark onto Keen Street, creating a greater potential for conflict with pedestrians walking along the footpath. It was noted that any action to reduce speed would need to be addressed by Lismore Central Management. A suggestion was submitted that a speed bump could be installed on the exit driveway several metres back from the footpath.

**TAC195/01**     **RECOMMENDED** that a letter be issued to Lismore Central advising of the concerns received and submitting the suggestion of a speed bump for its consideration as a possible solution. (P1819,R7313)

**14.**            **Intersection of Union Street / Three Chain Road, South Lismore**

Mr MacDonald advised that in accordance with a previous resolution, traffic counts had been carried out at the intersection of Union Street and Three Chain Road to ascertain the amount of south-bound traffic turning right into Three Chain Road. Counts were carried out on Tuesday, December 11, 2001 between 8.00am and 9.00am, and 12.00pm to 1.00pm.

- South-bound traffic on Union Street heading straight through or turning left was 287 and 397 vehicles respectively.
- South-bound traffic on Union Street turning right into Three Chain Road was 264 and 271 vehicles respectively.

The counts showed that a significant number of motorists did turn right. However, the Committee could see no reason why both lanes could not be changed to allow straight through traffic. It had already been established that there was sufficient space south of the roundabout for motorists to merge into one lane.

**TAC196/01**     **RECOMMENDED** that lane markings be altered to allow straight through movements from either lane and markings be painted south of the roundabout to show a merge lane. (R6938,R6937)

This concluded the business and the meeting terminated at 11.15 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:-

**Sale of Lot 23 Bristol Circuit, Goonellabah**

Council has received an offer of \$52,500.00 for the purchase of Lot 23 in DP 855155, being vacant land at Bristol Circuit. This price compares favourably with the independent valuation for this lot of "between \$43,000 and \$49,000" (at June 30, 2000) and the last sale of \$47,000 at July 2001 for Lot 20.

This resolution to execute the contract of sale and transfer documents follows Council's previous resolution of July 2001 Council meeting to sell Lot 23.  
(02-01: P25537)

**Application for StateCover Workers Compensation Policy & Application for Allotment of a Council Share**

Council changed its Workers Compensation insurer to StateCover Mutual Limited from January 1, 2002. StateCover is a solely local government workers compensation insurance provider with its key shareholders being the Local Government Association, Shires Association and Jardine Lloyd Thompson Pty Ltd as fund manager.

The reasons for Management's decision to change insurer were mainly financial. A net cost saving of approximately \$90,000 will be achieved on the 2002 base premium. Also, the fact that there are another 124 NSW Councils as shareholders reinforces this decision.

The StateCover constitution requires a Council to be a shareholder to partake in the insurance scheme. A review of this document does not identify any clauses which are inappropriate. Consequently, the signing under seal of the abovementioned applications are recommended.  
(S184:02-19 & S188:02-789)

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, DECEMBER 11, 2001 AT 6.06PM.**

**Present:** His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin, King, Roberts, Suffolk, Swientek and Tomlinson, together with the Acting General Manager (M Bismire); Group Managers-Corporate & Community Services, City Works, Business & Enterprise; Manager-Finance & Administration, Manager-Client Services, Events Co-ordinator, Recreation Planner, Contracts Officer, Acting Manager-Environmental Health, Manager-Communications & Community Relations, Manager-Economic Development & Tourism, Manager-Information Services and Administrative Services Manager.

**Apologies/** Nil  
**Leave of**  
**Absence:**

253/01 **Minutes:** The Minutes of the Ordinary Meeting held on November 13, 2001, were confirmed.  
(Councillors Irwin/Hampton)

**PUBLIC ACCESS SESSION:**

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

**Ms Louise Barry re Herb Festival Report**

(See Minute No. 262/01)

Ms Barry, on behalf of the Herb Festival & Lismore Unlimited, presented Council with a plaque expressing appreciation of Council's sponsorship of the Herb Festival. She detailed the success of the initial Festival and plans for its future.

(S704)

**Mr Paul dos Remedios re Lismore Floodplain Risk Management Plan**

(See Minute No. 263/01)

Mr dos Remedios spoke on behalf of the owners of 5-15 Ostrom Street, seeking their land to be reclassified to flood fringe. He sought a delay in the consideration of the Plan to investigate an alternate legal right-of-way for the properties.

(S106)

**Mrs Mary Harris re Landscape Master Plan – Lismore Rainforest Botanic Gardens**

(See Minute No. 264/01)

Mrs Harris spoke to the Master Plan previously presented to a Council workshop. She stressed its benefits to the community and the involvement of many parts of the community in its development.

(S553)

**Ms Catherine Rogers re Item 10, Traffic Advisory Committee**

(See Minute No. 267/01)

Ms Rogers explained in detail the situation with buses and children at Larnook School. She advised there was no realistic alternative to the proposal presented and had the support of parents. She urged Council to support the proposal.

(01-16063: S352,R2302)

**Ms M Crawford re Rescission Motion and Notice of Motion – Lismore Lake**

(See Minute No. 257/01 and 259/01)

Ms Crawford spoke in support of the retention of the Lismore Lake for bird life. She questioned the extent of any conflict with the adjoining airport.

(P27012)

**CONDOLENCE:**

**Family of the Late Ken Jones**

Ken Jones was a long serving employee of Council who passed away recently following a long illness. Ken was employed in 1950, carrying out a number of functions and completed his employment with Council as Cashier in the old Council Administration Office in July, 1994.

254/01

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

(S75)

**MAYORAL MINUTE:**

**Strategic Planning for Rous County Council**

(Copy attached)

A MOTION WAS MOVED that the minute be received and Council take no further action on this matter and Rous County Council be advised accordingly.

(Councillors Gates/Crowther)

AN AMENDMENT WAS MOVED that the minute be received and –

- 1 Lismore City Council instruct the General Manager that he cease all activity in respect to this matter.
- 2 The Mayor personally inform the Chairman of Rous County Council that Council does not endorse the claims made in the staff report of October 9, 2001 and advise that this Council will be taking no further action.

(Councillors Swientek/Hampton)

**MOTION BE PUT:**

255/01

**RESOLVED** that the motion be put.

(Councillor Gallen)

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

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

256/01

**RESOLVED** that the minute be received and -

- 1 Lismore City Council instruct the General Manager that he cease all activity in respect to this matter.

- 2 The Mayor personally inform the Chairman of Rous County Council that Council does not endorse the claims made in the staff report of October 9, 2001 and advise that this Council will be taking no further action.

(Councillors Swientek/Hampton)

**Voting Against:** Councillors Irwin, Roberts, Tomlinson and Gallen.  
(S306)

**RESCISSION MOTIONS:**

**Plan of Management - Lismore Lake**

(Copy attached)

- 257/01 Formal notice having been given by Councillors Chant, Suffolk and Hampton it was

**RESOLVED** that Council rescind resolution 238/01.

(Councillors Suffolk/Hampton)

**Voting Against:** Councillors Irwin, Roberts, Tomlinson, Gallen and Swientek.  
(01-16513: P27012)

**FNC Hockey Inc. – Hepburn Park**

(Copy attached)

- 258/01 Formal notice having been given by Councillors Swientek, Hampton and Suffolk it was

**RESOLVED** that Council rescind the motion regarding the Hockey Association of November 13, 2001 (resolution 235/01).

(Councillors Swientek/Hampton)

**Voting Against:** Councillors Irwin, Roberts, Tomlinson, King and Chant.  
(01-16522: S744,D00/736)

**NOTICE OF MOTIONS:**

**Plan of Management – Lismore Lake**

(Copy attached)

- 259/01 Formal notice was given by Councillor Suffolk that Council continue with the existing

Plan of Management for the South Lismore Lake.

At the request of the mover the motion was WITHDRAWN.

(01-16941: P27012)

**FNC Hockey Inc. – Hepburn Park**

(Copy attached)

- 260/01 Formal notice having been given by Councillor Swientek it was **RESOLVED** that –

1 In view of the significant contribution the Hockey Association has made and is making to the Lismore community, the Water & Sewerage Funds waive the Section 64 contributions for its clubhouse, subject to legal advice.

2 That Council explore ways that it can support funding of the replacement artificial surface in next year's budget.

3 That a report be provided to Council on the condition of the earth at Hepburn Park and actions Council intends to take to improve it.

4 That a report be provided to Council on the condition of the current sewerage system at Hepburn Park and the costs of maintaining it in the current condition.

(Councillors Swientek/Baxter)

**Voting Against:** Councillors Irwin, Roberts, Tomlinson and King.  
(01-17022: S744,D00/736)

**SUSPENSION OF STANDING ORDERS:**

261/01 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-  
(Councillors Baxter/Irwin)

- **Northern Rivers Herb Festival 2001 – Event Outcomes and Market Research Documents**
- **Lismore Floodplain Risk Management Plan**
- **Landscape Master Plan – Lismore Rainforest Botanic Gardens**
- **Minutes – Traffic Advisory Committee 21/11/01**

**Northern Rivers Herb Festival 2001 – Event Outcomes and Market Research Documents**

262/01 **RESOLVED** that -

- ~~1~~ 1 The report and Market Research Documents be received and noted.
- ~~2~~ 2 Council formally congratulate Lismore Unlimited for its successful hosting of the 2001 Northern Rivers Herb Festival.
- 3 Council support the 2002 event.  
(Councillors Gallen/Swientek) (S704)

**Lismore Floodplain Risk Management Plan**

(Copy attached)

263/01 **RESOLVED** that the report be received and the submissions be referred to the Floodplain Management Committee for further consideration of the plan, particularly in respect to Ostrom Street, filling of airport land to level of Bruxner Highway and purchase of vacant land.  
(Councillors Crowther/King) (S106)

**Landscape Master Plan – Lismore Rainforest Botanic Gardens**

(Copy attached)

264/01 **RESOLVED** that the report be received and –

- 1 That the master plan for the development of the Lismore Rainforest Botanic Gardens at the Wyrallah Road Waste Facility (as prepared by the URS Corporation in March 2001), be adopted by Council.
- 2 That the Lismore Rainforest Botanic Gardens be added to the Section 94 Plan as a City Wide project at the next review.
- 3 The Committee be commended on its effort in developing the Plan.  
(Councillors Swientek/Gallen) (S553)

**Minutes – Traffic Advisory Committee 21/11/01**

(Copy attached)

265/01 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Items 6 (TAC163/01), 10 (TAC167/01), 13 (TAC170/01) and 18 (TAC175/01).  
(Councillors Irwin/Gallen) (S352)

**R C Matthews – (TAC163/01)**

266/01 **RESOLVED** that –

- 1 Council apply for Federal Black Spot Funding to erect a roundabout at this intersection.
- 2 The Regional Manager of the RTA, Mr P Collins, be invited to address Council on why he won't support the installation of the roundabout.  
(Councillors Swientek/Gallen) (01-13197: R6408)

- 267/01 **Larnook Public School – (TAC167/01)**  
**RESOLVED** that Council advise the Traffic Advisory Committee that –
- 1 The proposed bus bay has the approval of the Department of Education, which is prepared to pay for its construction.
  - 2 The proposed option is considered by the Department, the school and parents as the safest option.
  - 3 Council wishes the current design to be proceeded with.  
(Councillors Irwin/Suffolk) (01-16063: S352,R2302)

- 268/01 **Treasurer of NSW, Hon. Michael Egan, MP – (TAC170/01)**  
**RESOLVED** that the matter be noted.  
(Councillors Roberts/Irwin) (01-16322: S16)

- 269/01 **Parking in Nimbin Village – (TAC175/01)**  
**RESOLVED** that the recommendation be adopted, subject to additional caravan directional signs being erected either side of Thorburn and Cullen Streets.  
(Councillors Roberts/Gallen) (S353)

- 270/01 **RESUMPTION OF STANDING ORDERS:**  
**RESOLVED** that standing orders be resumed.  
(Councillors Irwin/Baxter)

**REPORTS:**

**Northern Rivers Herb Festival 2001 – Event Outcomes and Market Research Documents**  
(See Minute No. 262/01)

- 271/01 **Lismore Rainbow Region Masters Games September 2001 – Final Report**  
(Copy attached)  
**RESOLVED** that the report be received and –
- 1 Council receive and note all information and recommendations contained within the Lismore Rainbow Region Masters Games 2001 Final Report and the Chairpersons Report.
  - 2 Council disband the 2001 Games Organising Committee and thank all for their efforts.
  - 3 An interim Committee consisting of Therese Crollick, Peter Cordery, Dave Arthur, Jak Carroll, Chris Hayward, Ian Carrington, Maree Walo, Alison James, Dave Graham, Tony Clarke, Leanne Clark, Julie Fenwick and John Bancroft commence analysing material contained within the impending Strategic Review of Games matters with a view to reporting all future management issues to Council in May 2002.
  - 4 Surplus funds/profit generated from the 2001 Games be utilised to seed fund the 2003 Games.
  - 5 Individual appointments to the 2003 Games Committee and a Plan of Management for the 2003 Games be determined via report to Council scheduled for May 2002.
  - 6 Council congratulate John Bancroft and his team on their achievements.  
(Councillors Hampton/Swientek) (S757)



**Memorial Baths Redevelopment**

(Copy attached)

A MOTION WAS MOVED that the report be received and before Council makes any further decisions regarding the Memorial Baths, a full report with a full costing proposal be brought before Council as well as soil testing of the site to ensure what is being proposed can be achieved on site.

(Councillors Swientek/Gallen)

On submission to the meeting the MOTION was DEFEATED.

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

A FORESHADOWED MOTION WAS MOVED that –

- 1 The contract for the redesign of the Memorial Baths swimming complex be awarded to Bzowy Architecture for the amount of \$382,100.00 exclusive 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.
- 3 Council fast track the development application process using the existing baths project team, which will also consider cost reductions and design refinements and report to the February Council meeting.
- 4 At the same time, Council request expressions of interest for a joint venture on that site.
- 5 Council approach schools in the area, e.g. Trinity, to investigate if they would capitalise their lease payments up front (say 10 years), thereby making a capital contribution to the project.

(Councillors Gates/Hampton)

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

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

272/01 **RESOLVED** that the report be received and –

- 1 The contract for the redesign of the Memorial Baths swimming complex be awarded to Bzowy Architecture for the amount of \$382,100.00 exclusive 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.
- 3 Council fast track the development application process using the existing baths project team, which will also consider cost reductions and design refinements and report to the February Council meeting.
- 4 At the same time, Council request expressions of interest for a joint venture on that site.
- 5 Council approach schools in the area, e.g. Trinity, to investigate if they would capitalise their lease payments up front (say 10 years), thereby making a capital contribution to the project.

(Councillors Gates/Hampton)

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

(T22004)

**Sportsgrounds - Draft Plan of Management**

(Copy attached)

273/01 **RESOLVED** that the report be received and –

- 1 Council give in-principle endorsement of the Draft Plan of Management for Sportsgrounds.
- 2 The Draft Plan be placed on exhibition and public submissions be invited in accordance with provisions of the Local Government Act 1993.

- 3 An opening statement be placed in a prominent position to indicate as follows;  
“*This plan of management does not commit Council to funding improvements outside budget limits.*”  
(Councillors Swientek/Baxter) (S375)

**Lismore Floodplain Risk Management Plan**

(See Minute No. 263/01)

**Incentives for Investment - Section 64 Discounting and Car Parking**

(Copy attached)

- 274/01 **RESOLVED** that the report be received and –
- 1 Council modify Policy 11.1.1 Lismore Incentives for Investment to allow the following additions to the range of incentives:
    - a) Reimbursement of relocation expenses;
    - b) Reimbursement of expenses arising from compliance with Development Consent conditions;
  - 2 Council review the need for a Section 94 carparking plan for Lismore (CBD).  
(Councillors Irwin/Gallen) (S640)

**Skyline Road Realignment and Sealing**

(Copy attached)

- 275/01 **RESOLVED** that the report be received and –
- 1 Council proceed to prepare the necessary documentation, as outlined in the report, to facilitate the approval of the realignment and sealing of Skyline Road, Durham Road, in the west and Lot 3 in DP 773216 in the east.
  - 2 Council pursue NPWS and DUAP to obtain their acceptance of the works proposed in this report.  
(Councillors Crowther/Baxter)
- Voting Against:** Councillors Irwin and Roberts.  
(S642)

**Crime in Goonellabah – Crime Prevention**

(Copy attached)

- 276/01 **RESOLVED** that the report be received and -
- 1 Council make additional effort in regard to control of dogs and rubbish in Goonellabah.
  - 2 The development of Kadina Park to promote the park as a child, youth and adult friendly place for activity be considered in the 2002/03 budget.
  - 3 Council continue to meet and liaise with other agencies in the area and offer financial support within budget limits to programmes with a focus on young people and families.
  - 4 Committal of funds to re-invigorate the Street Beat Programme in partnership with the auspice body, Community Connections North Coast Youth Service be considered in the 2002/03 budget.
  - 5 Council support in principle development applications to increase recreational and arts based activities for young people, such as the Art in the Heart project proposed for the Lismore CBD and the Aquatic and Leisure Centre proposed for Goonellabah.
  - 6 Committal of funds to the development of managed youth recreational centres in both the Lismore CBD and Goonellabah with appropriate transport provisions, in consultation with young people and their advocates be considered in the 2002/03 budget.
  - 7 Council regards crime prevention is a State Government responsibility through appropriate legislation and adequate policing.

8 Council write to the new Minister for Police, Mr Costa, to establish a fully staffed, permanent police station in Goonellabah at the Town Centre site.

9 The design of equipment for Elders Park be fast tracked within existing budgets.  
(Councillors Swientek/Hampton)

**Voting Against:** Councillors Irwin and Roberts.  
(S717)

**City Safe Programme**

(Copy attached)

277/01 **RESOLVED** that the report be received and –

1 That Council note the results of the surveys attached and the information contained in the statistical reports and that it continue to support the City Safe Programme.

2 That Council acknowledge the support of Lismore Police and Summerland Security in their efforts to reduce crime within the CBD and in making Lismore Central Business District a safer place for its citizens to work, shop and reside.

3 Council convey its recognition and appreciation to Lismore Unlimited for funding the additional cameras.

4 Council staff be commended on their actions, especially Mr MacDonald.  
(Councillors King/Hampton) (S696)

**On-Site Sewage Management Strategy Review**

(Copy attached)

278/01 **RESOLVED** that the report be received and –

1 A working party be established to review Councils On-Site Sewage Management Strategy

2 The working party comprise of two Council staff, three Councillors, four Consultants and one independent chairperson

3 Councillors Suffolk, Gates and Roberts be nominated to the working party.

4 Council request expressions of interest from consultants in the industry (who have Professional Indemnity cover) who would be prepared to be on the working party and Council make the appointment  
(Councillors Suffolk/Hampton) (S245)

**Proposed Motel Development and Subdivision Boundary Adjustments - Girards Hill**

(Copy attached)

279/01 **RESOLVED** that the report be received and –

1 That Development Application No. 2001/675 for a proposed motel building, restaurant and convention centre, together with relevant boundary adjustments on No's 89 to 103 Ballina Street and No. 14 Hayward Street, Girards Hill be assessed through Council's normal DAP process, and the General Manager be granted Delegated Authority to determine the application.

2 That if, in the General Manager's opinion, public submissions to the proposed development warrant a determination by full Council, then a Special Meeting of Council be called for the purpose.  
(Councillors King/Irwin) (D01/675, P721)

**Special Business Rate Variation Levy – Evaluation for the Year Ended June 30, 2001**

(Copy attached)

280/01 **RESOLVED** that the report be received and –

1 The Evaluation Report be noted and Lismore Unlimited be congratulated on the vastly improved reporting format.

2 A copy of the survey report be provided to Councillors immediately.

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3 Councillors be advised on what is proposed with respect to the CBD upgrading.  
(Councillors Irwin/King) (S740)

**Landscape Master Plan – Lismore Rainforest Botanic Gardens**

(See Minute No. 264/01)

**Lismore Regional Art Gallery – Deductible Gift Recipient**

(Copy attached)

281/01 **RESOLVED** that the report be referred back to the General Manager for further consideration prior to resubmission to Council.  
(Councillors Roberts/Irwin) (P20696,S210)

**Community Representatives on Council Committees**

(Copy attached)

282/01 **RESOLVED** that the report be received and –

- 1 Council appoint Habib Habib as its Citizen Representative on the Aerodrome Advisory Panel.
- 2 John Barnes, Mary Betteridge, Eleanor Cole, Vanessa Ekins, Bill Sheaffe and Annette Potts be appointed to the Civic Pride Advisory Panel.
- 3 Robyn Braithwaite, Vicki Fayle, Steve Giese, Melissa Hirsch, Phillipa Howells, Bruno Ivan, Christian Morrow, John Page, John Stretch, Lynn Thomson, Lorraine Vass, Stephen Webstead be appointed to the Lismore Art Gallery Advisory Panel and the Panel review its Plan of Management.
- 4 Therese Crollick, Bill Kidd and Robert Weatherby be appointed to the Public Transport Advisory Panel.
- 5 Lindsay Clark, Barry Franks, Ken Morgan, Roz Sten, Agnes Roberts, Valerie Fay Smith and Mavis Davies be appointed to the Wayiganna Aboriginal Advisory Committee.
- 6 Therese Crollick, Barry Davidson, James Underhill, Mary Lemon, Clinton Mallett and Gloria Mortimer be appointed to the Lismore District Sports Association.
- 7 Graham Askey, Vince Collins, Jean Rose and Dick Smith be appointed to the Floodplain Management Committee.
- 8 Vince Collins, Lloyd Moss, Terry McNamara, Sonia Atkinson, David Yarnall, Stan Heywood, Eleanor Cole and Russell Nowlan be appointed to the Road Management Committee.
- 9 Rob Andrews, Patricia O'Brien, Robyn Braithwaite, Beverley Bryant, Laurie Clark, Lloyd Moss, Lorraine Vass and John Barnes be appointed to the Koala Management Committee.
- 10 The term of citizen representatives be reviewed by the next Council prior to calling for citizen representatives for its committees.
- 11 Those Committees with citizen representative vacancies review the need to fill these positions or amend their Plan of Management.

(Councillors Tomlinson/King)

**Voting Against:** Councillor Baxter.

(S36)

**September Management Plan Review**

(Copy attached)

283/01 **RESOLVED** that –

- 1 The report be received and content noted.
- 2 Relevant staff be commended on the revised reporting format.
- 3 Staff be congratulated on their performance during this period.

(Councillors Crowther/Baxter) (S4)

**Lismore Memorial Gardens 2000 – 2002 Business Plan Progress Report**

(Copy attached)

- 284/01 **RESOLVED** that the report be received and noted.  
(Councillors Swientek/Irwin) (P8791)

**Airport Funding for Financial Year 2001**

(Copy attached)

- 285/01 **RESOLVED** that the report be received and –
- 1 Council receive updates on this matter in February and April to reassess the likely financial outcome of the Lismore Regional Airport.
  - 2 Management review options to reduce the Working Funds deficit and report the outcome to Council with the December 2001 Quarterly Budget Review Statement.
- (Councillors Crowther/Hampton) (P9733)

**Strategic Planning for Rous County Council**

(Copy attached)

- 286/01 **RESOLVED** that the report be received and noted.  
(Councillors Swientek/Hampton)  
**Voting Against:** Councillors Irwin and Roberts.  
(S306)

**COMMITTEE RECOMMENDATIONS:**

**Traffic Advisory Committee 14/11/01**

(See Minute No. 265-269/01)

**DOCUMENTS FOR SIGNING AND SEALING:**

- 287/01 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

**Deed of Grant for Television Black Spots Program at East Lismore**

Legally binding agreement with the Commonwealth Government (Department of Communications, Information Technology and the Arts) following approval for funding (yet to be announced).

(Councillors Roberts/Irwin)  
(S571)

**RESCISSION MOTION:**

The Group Manager-Corporate & Community Services advised Council that he had been handed a Notice of Rescission Motion signed by Councillors Irwin, Roberts and Tomlinson with respect to the resolution **Mayoral Minute – Strategic Planning for Rous County Council** (Min. No. 256/01).

The Group Manager-Corporate & Community Services advised Council that this Rescission Motion would be considered at the next ordinary meeting of Council and that in the interim the Council resolution referred to in the rescission motion could not be carried into effect until the rescission motion had been dealt with.

(S304)

This concluded the business and the meeting terminated at 10.20 pm.

**CONFIRMED** this 12TH day of FEBRUARY 2002 at which meeting the signature herein was subscribed.

\_\_\_\_\_  
**MAYOR**



