

COUNCIL Business Paper



LISMORE
City Council

FEBRUARY 13, 2001



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, FEBRUARY 13, 2001, at 6.00pm and members of Council are requested to attend.

(Ken Gainger)
GENERAL MANAGER

February 6, 2001

COUNCIL BUSINESS AGENDA

13/2/01

PUBLIC ACCESS SESSION:

PAGE NO.

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – Ordinary Meeting 12/12/00

CONDOLENCES – Brian Slapp

DISCLOSURE OF INTEREST

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MAYORAL MINUTE

Subject/File No: CBD UPGRADE SURVEY
(S273)

Background:

The results of the Stage 1 survey are now to hand (copy attached). Council's resolution at its meeting of October 10, 2000 required Council's approval before proceeding to the Stage 2 survey.

The process of distributing and collection of the Stage1 survey has taken longer than expected and to speed up the process I ask Council to give approval for the Stage 2 survey to proceed forthwith.

In view of some of the comments relating to traffic flows in Magellan Street together with the grid lock that occurs at the intersection of Keen and Woodlark Street I feel Council would be well served by investigating changing the direction of traffic flow.

Recommendation (MM02)

- 1 Council give approval for Stage 2 of the CBD upgrade survey to proceed.
- 2 The Group Manager City Works report on the following options to alter traffic flows in Magellan Street including estimates of cost:
 - a) The Section Keen to Carrington - traffic flow be altered to allow entry from Keen Street with modification of landscaping to allow traffic to turn into the angle parking area at the Carrington Street end and either exit back into Keen Street or turn and travel westward to Carrington Street.
 - b) The Section Keen to Molesworth - Keen to Carrington as in (a) and reverse the direction of traffic between Carrington and Molesworth Street.

NOTICE OF MOTION

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

That the \$64,000 savings resulting from the reduction in Council superannuation contributions be utilised to replace/renew equipment and facilities at Heritage Park. Here are some of the reasons why the \$64,000 should be spent now:

- 1 Unsuccessful bid in the last budget to commence refurbishment.
- 2 Now 10 years in operation – originally targeted at toddlers.
- 3 Built with support of business community.
- 4 “Showcase” of Lismore – family orientated and significant tourist attraction.
- 5 Most utilised park in Lismore.
- 6 Used for high profile days such as Australia Day.

COUNCILLOR J Chant

DATE 24/01/01

STAFF COMMENT BY:

Manager Parks & Recreation

Heritage Park was opened in 1991 by the then Mayor, Councillor Harold Fredericks. Since then the park was progressively developed up until about 1995 to the point it is now.

The park was developed primarily with Section 94 funds and there are approximately 30 pieces of playground equipment as well as electric barbecues, shelters, seating, lighting and signage.

Given the vast array of playground equipment, picnic facilities and also the miniature railway, the park became a landmark feature of Lismore and consequently has been extensively used.

Apart from some attacks of vandalism the existing facilities and equipment has simply just worn out from heavy use. It should be remembered that these are the first generation of equipment and some of it is up to 10 years old now and is due for replacement. In essence the park now requires a second generation of equipment to be installed if it is to remain a high profile park.

Some works that could be undertaken to replace worn out equipment are identified below:

	Estimated Cost
a) Replace all “Kompan” play equipment (train, cubby house and slide, swings and activity centre) -	\$50,000
b) Replace two other timber playground structures	\$8,000
c) Refurbish main entrance archway and signage	\$3,500
d) Replace decaying timber furniture and seating	\$4,000

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Notice of Motion – Heritage Park

No doubt there are numerous other works required that existing budgets will not absorb. These include but are not limited to painting and repairing the white picket fence, installation of badly needed subsoil drainage and construction of pathways over the railway tunnel.

In summary, if Council was to allocate the outstanding funds there would still be the need for yet another similar amount to be spent to get the park up to the standard it was when it was originally opened.

Manager - Finance & Administration

There is \$64,000 in savings from reduced superannuation contributions available for other projects.

For your information, a \$45,000 submission for the replacement of playground equipment in Heritage Park was considered by Council during the 2000/2001 Management Plan. At that time, it was determined that due to other budget priorities, funding would not be allocated to this project.

While I support the project and believe that it is prudent to allocate funds towards maintaining existing infrastructure rather than providing additional facilities, the fact that we have other major projects such as the Wilsons Riverbank, Memorial Baths, Lismore Levee, Goonellabah Indoor Sports & Leisure Centre, CBD Upgrade, Roads, etc, all requiring substantial funding from Council, needs to be considered as it is doubtful that we will have sufficient funds to meet our contribution towards all these projects.

(01-1216: P675)

NOTICE OF MOTION

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

Given the statement by John Rickard, Vice-Chancellor of Southern Cross University, that SCU would welcome a joint venture project with Council off campus, this Council should set up a meeting with the SCU to further explore this opportunity before proceeding further with the Memorial Baths proposal.

COUNCILLOR D J Roberts

DATE January 30, 2001

GENERAL MANAGER'S COMMENTS:

Councillors may recall that this Council resolved not to proceed with the previous on-campus joint venture aquatic centre option when, for legal reasons, tenure could not be guaranteed beyond 25 years, and Southern Cross University subsequently failed to respond to Council enquiries about their participation in a joint venture site outside the Lismore campus, i.e. Cellulose Valley.

It is significant therefore that the new Vice Chancellor, Professor John Rickard, in a recent Northern Star article, has indicated that the SCU is now prepared to consider off-campus joint venture options and would be prepared to discuss such options with the Council. This appears to signal a more liberal approach to the issue by the SCU under the new VC, and has breathed life into a joint venture option which Council had previously, and understandably, discounted as a "dead duck".

Whilst this is a refreshing and exciting development in Council's quest for a modern community aquatic centre, we do not as yet have an understanding as to which potential "off-campus" sites the University would be amenable to supporting as a joint venture with Council other than speculation that the VC is referring to either Cellulose Valley or part of the Lismore High School site adjoining the University. None-the-less, it is encouraging to know that should the RSL/Council decide not to accept the current proposal for the redevelopment of the Memorial Baths, that there are alternative and viable alternatives to explore.

(01-1440: S719,P6768)

NOTICE OF MOTION

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

That we suspend any further actions on replacement of the Memorial Baths pools and proceed with an independently-conducted deliberative poll involving significant numbers of residents to make recommendations to this Council on the preferred community option.

Comment by Councillor Irwin:

Currently we have a decision made by a majority of councillors that has left half the councillors disaffected. If this reflects the general population then Council will inherit a general legacy of ill-will. This is surely an issue that requires community consensus, not just the votes of six out of twelve councillors. On another difficult issue – the flood levee – the previous Council sought independent community input through an informed survey. A different way forward for us would be to start again on this issue and involve the community in a deliberative poll, such as that which occurred over the Republic and the one that is soon to take place on Reconciliation. In a deliberative poll, a community sample (say, 100 people) are randomly chosen, would meet for a day, would be informed of all the issues and opinions by experts and have the opportunity to question them, and then would decide what they think would be the best outcome. If we agreed to accept the recommendations from this deliberative poll, we would all feel confident that a large cross-section of residents had been heard and that these residents came to their view by having access to adequate information. We would then be able to go forward knowing that if everyone in the community had the chance to be so informed the chances are they would support the decision. This would remove politics and personalities from the decision-making process and avoid the consequences of continuing with the current political, and divisive, process.

COUNCILLOR R M Irwin

DATE January 31, 2001

STAFF COMMENT BY MANAGER-CLIENT SERVICES:

Over the last two decades there has been an extraordinary level of market research and community consultation carried out with the purpose of ensuring that Council's future development of pool facilities was in 'sync' with the community's needs and wants. Some of the professional market research efforts are listed below:

1. Munro, Johnson and Associates Pty Ltd, Goonellabah Swimming Complex Planning Report, 1986
2. RMP and Associates Pty Ltd, Goonellabah Multi-Purpose Leisure and Aquatic Centre, 1995
3. Michael King and Associates Pty Ltd, Swimming Facility Feasibility Study (Joint Venture), 1998
4. AC Nielsen Research Pty Ltd, Community Focus Group Research into Proposed Lismore Aquatic Centre, 1998

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Notice of Motion – Replacement Memorial Baths Pools

The intention of the last piece of work, commissioned from AC Nielsen, was to “close the gaps” in the pre-existing market research with a specific focus on “the general public” as there had already been considerable consultation with the key stakeholders such as swimming clubs, district schools, etc.

One particular objective of the AC Nielsen Research was to ascertain community attitudes to the three overall siting locations that were available for a new pool facility: the SCU; Lismore CBD and Goonellabah. The key findings outlined in the report are quoted below:

“Preferences are fairly evenly divided between the three alternative locations. The SCU site is marginally preferred to the CBD, mainly for parking reasons. However, there is much concern about the traffic problems in the approaches to the SCU.

Another common objection to this site is that the campus is seen as the preserve of university students and somewhat ‘alien territory’ to the community at large...it would be a barrier to attracting increased patronage...

... Goonellabah is the least popular option because it is perceived to be less central and thus primarily to the benefit of local residents rather than the total community...

... The community wants a 50m pool to attract more competitive events to Lismore...

... There is support for the main pool to be indoor and heated for year-round use, but it is preferred that the recreation pool should be in the fresh air with shade for hot summer days. A ‘muggy’ indoor atmosphere would be unacceptable. Possibly these requirements could be satisfied with a creative integration of indoor and outdoor...

... Enough play equipment (eg water slides) would be required to make it attractive to children like a mini theme park...

... There is demand for social spaces in the complex eg. Grass areas where families can sit, sunbake if they want, and perhaps enjoy a picnic...

... On the other hand there is little demand in the community for a gymnasium, aerobics/programme room, function room or child minding in the complex...” (Note: Managers of the aquatic centres that have been visited, by Councillors and staff, have indicated that aerobic/light weights rooms can be good money earners and, to an extent, subsidise standard swimming pool usage.)

The market research that has been carried out over the years indicated that the community want a swimming facility that:

- ✓ Is reasonably centrally located;
- ✓ Is open all year;
- ✓ Contains a 50 m pool;
- ✓ Has some indoor heated water space;
- ✓ Will be fun and entertaining for the kids;
- ✓ Will attract more swimming carnivals;
- ✓ Will cater to the key user groups such as swimming clubs and schools;
- ✓ Will not be “muggy” inside;
- ✓ Will not be too burdensome to Council's finances;

Where to from here?

LISMORE CITY COUNCIL - Meeting held February 13, 2001

Notice of Motion – Replacement Memorial Baths Pools

If the vote at the Second Special General Meeting of the RSL is lost, Council will need to reassess its options. Staff have already proposed a workshop for this purpose.

If the vote is won, then staff will be bound to initiate the following actions as a result of the various resolutions passed by Council over the past year (unless Council intervenes).

1. Enter into a Deed of Agreement with the RSL for the acquisition of the subject lands and then execute the necessary contractual steps for the exchange of the lands.
2. Initiate an Expressions of Interest process for the Design of the Redevelopment and at the conclusion of the EOI, the General Manager is to short list five registrants and then proceed to selective tender for the Design.
3. Report recommendations to Council for the awarding of the tender.

Note:

- a) Council has adopted the Thompson Adsett Option 3 and a list of inclusions as the preferred “conceptual” design. These would be used as the basis for the EOI/Tender process.
- b) There will be a commitment of approximately \$500,000 generated through the first two steps.

Outstanding Issues

Council has not yet determined whether the project is to be constructed in a single stage or as two stages.

The Council resolution as to shading (402/99) states “It is recommended that the toddlers, leisure, programme pools and the main pool be adequately shaded.”

Council has not resolved whether some or all of the pools are to be heated.

These questions can be finalised during the design process (with recommendations from the consultants) or by staff under delegated authority. Alternatively, Council may wish to provide direction to staff by way of resolution.

Currently, Council has formally budgeted an amount of \$2.5 million for the capital works associated with the project. The cost estimate from Thompson Adsett (for Option 3) was \$3.7m - \$3.85m. To ensure a prudent and conservative budget estimate, Council must consider increases to these figures so that a reasonable level of contingency is included (at least 10%) and also an increased inflation factor, due to the delay in starting the project. Clearly the budget will need to be modified, in the budgetary process later this year, to an amount around \$4 m. The exact amount will depend on any changes (from option 3) to the level of inclusions in the project (eg shading, heating, buildings, features).

NOTICE OF MOTION

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

That a “State of the Roads Report” be presented to Council on an annual basis prior to the start of budget deliberations to enable Council to assess the state of Lismore’s roads and the task that lies ahead. The exact contents of the report to be determined by the Fix The Roads Working Party.

Reason:

Under the new procedures now adopted by Council in relation to our road network, a great deal of information is collected by City Works Department. The purpose of the motion is to enable this information to be presented to the full Council before budget deliberations commence. The cost of presenting the report should be minimal. It will enable us to determine what progress, if any, we are making on the road network and how much money we need from all sources to bring it up to an acceptable standard. The road network is Council’s biggest expenditure and our biggest problem. The more information we have the better.

COUNCILLOR D R Tomlinson

DATE 30/1/01

STAFF COMMENT BY GROUP MANAGER-CITY WORKS:

Staff agree with this concept. As a first step, Council commissioned Neil Arbuthnot of CMS Pty Limited to carry out a review of roadwork practices 12 months ago and his follow-up report will be submitted to the next ‘Fix the Roads’ Working Party Meeting scheduled for February 28, 2001

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(01-1378: S745)

NOTICE OF MOTION

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

That Council proceed immediately to the construction of the Southern Bypass as designed (Skyline to Durham Road) in accordance with the provisions of SEPP 44.

COUNCILLOR

J F Crowther

DATE

30/1/01

Comment by Cr Crowther: Patience by the community and the continual drainage of funds due to the present process of consultation has come to a stage of reconciliation for this project.

Council has properly identified, through a comprehensive Traffic Management Study, the need of this and other measures to provide for the future traffic needs of the City. Indeed, the Southern Bypass was seen to be of the highest priority in the initial findings of the Study.

The process of survey and investigation has been exhaustive and expensive; with close to \$200,000 now having been spent. Adding to this the spiralling cost to do the works. It is now time to call a halt and to proceed with the construction of the project.

A memo (S642) from the Design Engineer to the Manager-City Works notes that in October 2000 "*Comments were received from the NPWS*", then goes on to advise that the process from that date (Oct 2000) will not be completed until Sept 2001. This being the case the EIS process will have taken one year and nine months since it was endorsed by Council. It can be expected the cost to completion of the present process will push to costs to well beyond \$200,000. Surely ratepayers are entitled to better use of their funds.

In retrospect, the process should have been capped in January 2000 and the provisions of SEPP 44 applied. I and many other Councillors were of the opinion that the current process would expedite and tidy up the matter quickly and that the \$28,500 required would be defrayed in bringing the works forward. I am sure we didn't bargain for what has happened; certainly it was not thought that an extra 21 months would pass before final Council decisions were made. I for one would have supported the work to proceed in accordance with SEPP 44.

Attached to these comments is information requested that shows the absurdity now surrounding the process. No wonder people shake their heads in frustration of Council's ability to come to grips with important works that have been identified in future planning for the needs of the City.

I ask you to support the Motion and to see Council move forward the implementation of this segment of its Traffic Management Study.

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Notice of Motion – Southern Bypass

STAFF COMMENT BY:

Group Manager – City Works:

Council is currently awaiting legal advice of the options available. There is some likelihood that Council could rehabilitate the existing Durham Road as it stands without waiting for the EIS to be completed.

However, the proposed realignment of the hill section will almost certainly need to await the outcome of the EIS.

Special Projects Planner:

The process which Council must follow is a first for this Council and is both complex and demanding, involving two other government agencies in the process, namely National Parks & Wildlife Service (NPWS) and Department of Urban Affairs and Planning (DUAP). Until both agencies are satisfied Council will be unable to approve the construction.

Due to inconsistencies in the EIS (picked up by NPWS) the document is being amended by Consultants and the process will require re-exhibition (minimum 30 days) prior to any NPWS final endorsement.

It is worth noting that very few councils have been through such an involved process, and this of course has been occasioned because of intense environmental concerns and interests.

Provided there are no delays or further hold-ups in the process yet to be followed (including re-exhibition), the application could be finally presented to Council for final determination in 3 to 4 months time.

(01-1439: S642)

LISMORE CITY COUNCIL - Meeting held February 13, 2001

Subject/File No: DEVELOPMENT APPLICATION NO: 99/93
30 Hensen Road, Nimbin

Prepared By: Development Assessment Planner, Chris Soulsby

Reason: Councillors Gates and Swientek requested the development application be determined by Council

Objective: For Council to determine the development application

Management Plan Activity: Development Assessment

Background:

At the meeting of August 29, 2000 Council considered a report on development application 99/93 for the "Establishment of a rural land sharing community consisting of fifteen dwellings, a community hall, access driveway and ancillary structures" at 30 Hensen Road. The recommendation in the original report was to refuse the DA as "*There is inadequate road infrastructure to service the development (S79C (1) (a))*". Council resolved in minute number 224/00 that the matter be deferred for consideration at a further meeting. The original report is annexed to this report.

The developer's consultant Mr G Meineke, (ASPECT North), made representations to the Group Manager, City Works, and Acting Group Manager, Planning and Development. These representations related to determination of a funding formula to enable pre-payment of monies to enable Crofton Road to be upgraded. Such a funding arrangement would be done as part of a legal agreement outside the scope of the Section 94 plan.

Mr Meineke presented funding options to the Development Engineer and Development Assessment Planner. These options were reviewed and an alternate option presented back to the applicant. The option considered acceptable by Council's Development Engineer indicated that payment of approximately \$140,00.00 was required from the developer in this case. During these negotiations advice was received from Council's Solicitors regarding the Eastpoint Shops rezoning application. Following receipt of this written advice from Walters, further verbal advice was obtained from Mr Tony Pagotto regarding the validity and enforceability of any legal agreement. Based upon this advice Mr Meineke was advised that Council would not proceed with the legal agreement or pursue further investigations into the funding of Crofton Road. The issues regarding the legal agreement are discussed below.

Planning and Legal Issues

Planning:- The only change that has occurred in the planning framework is the adoption of the Lismore Rural Housing Strategy (formerly Draft Strategy for Rural Residential, Detached Dual Occupancy and Rural Land Sharing Communities) by Council at the December meeting. Land accessed from Crofton Road is excluded from the areas identified in the strategy as being suitable for either rural residential or rural land sharing communities. This exclusion was made on the basis that the standard of road access (Crofton Road) is unacceptable. This Strategy has been forwarded to the Department of Urban Affairs and Planning for approval. If the Strategy is approved Lismore City Council will be exempted from the areas affected SEPP 15. Local Environmental Plan 2000 will also be amended to permit rural land sharing communities in certain areas (not Hensen or Crofton Roads). Amendment of SEPP 15 and the LEP will prohibit this development. It is considered that inconsistency with the adopted strategy is a further reason for refusal of the application.

LISMORE CITY COUNCIL - Meeting held February 13, 2001

DA99/93 – 30 Hensen Road

Legal:- Based on the written advice and further verbal advice concerning this development application a legal agreement should not be entered into for the following reasons:

- 1 The legal agreement would not be enforceable without conditioning the development consent. Such an agreement in itself may be challengeable and would not bind any successor in title whilst the development consent remains tied to the land;
- 2 Conditioning the development consent is considered to be unreasonable (refer option 2 on page 17 of the original report). This would leave any condition that imposed a requirement for roadworks or payment to enforce the legal agreement subject to challenge and likely to be severed from a consent by the Court;
- 3 An applicant cannot waive their statutory right of appeal in a legal agreement (**Lindisfarne Anglican School vs Tweed Shire Council (No 10377 of 1997)**). The Court would review the matter on its merits;
- 4 Clause 26 of the Lismore City Local Environmental Plan 2000 states:
 - 1 *For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any agreement, covenant or other like instrument imposing restrictions as to the erection of or use of buildings for certain purposes, or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to development carried out in accordance with this plan.*
 - 2 *Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclause (1).*

It is considered that this clause would apply to an agreement entered into relating to the payment of monies or construction of works that would restrict development of land the subject of the DA. Because the agreement would seek to restrict the development of that land other than in accordance with the Environmental Planning and Assessment Act 1979, Lismore City Local Environmental Plan 2000, State Environmental Planning Policy 15 and the Lismore Contributions Plan 1999 the agreement would have no effect. Walters did not consider this matter in the Eastpoint advice but having discussed the clause with Mr Pagotto it is considered to be relevant to this case.

Manager - Finance & Administration Comments

Nil

Public Consultations

No further public consultation has been undertaken since the deferral of this matter

Other Group Comments

Nil

Conclusion

On the basis that clause 26 of the Lismore City Local Environmental Plan 2000 would render any agreement outside the scope of the Environmental Planning and Assessment Act 1979 void it is considered that the original reason to refuse the application is justified.

Given the further progression of the Lismore Rural Housing Strategy and the proposal's incompatibility with this Strategy an additional reason for refusal is justified.

Recommendation (Pla 1)

That Council refuse the development application for the following specified reasons:

- 1 There is inadequate public road infrastructure to service the development (S79C (1) (a)); and
- 2 The proposal is not located within an area identified as being suitable for rural land sharing communities in the Lismore Rural Housing Strategy (S79C (1) (c)).

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Subject/File No: SECTION 64 (S64) PLAN REVIEW
(DW:CD:S744)

Prepared By: Asset Manager, Lismore Water – Janaka Weeraratne

Reason: Council Request

Objective: Council adoption of the Policy on Charging S64 Contributions and the S64 Plans for Water and Wastewater

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

Background:

At its meeting held October 31 2000, Council resolved as follows:

- 1 *Council defer consideration of the current draft S64 Plan and direct staff to:*
 - a) *Prepare for consideration a formula based S64 charging regime for commercial/industrial developments that reflects the intentions outlined in the submissions;*
 - b) *Detail the implications to Council of lost rate revenue should no development occur;*
 - c) *Review the S64 charges for villages, giving options;*
 - d) *Examine the financial impact the water/wastewater schemes proposed for Nimbin would have if introduced to other villages.....*

- 2 *A report on the above matters be presented to a Council workshop.*

Council Workshop

A Section 64 (S64) Workshop on Water and Wastewater Developer contributions was held on November 28, 2000 at the Council Chambers. During this workshop, Councillors present requested that staff undertake further investigation for a formula based S64 charging regime.

As discussed at the workshop, the policy for assessing S64 contributions and the S64 Contribution Plans for the Water Supply and Wastewater are now presented to Council for adoption.

Formula Based S64 Charging Regime

The two submissions received (From (a) Lismore Unlimited and (b) Barry Robinson and Laurie and Lesley Allen, attachment 1) requested that S64 charges be removed completely from any change of use for commercial premises or that the charging be brought in line with neighbouring Councils. Discussions with the Chairman of Lismore Unlimited indicated that application of the Department of Public Works and Services' (DPWS) criteria for assessing ET's will also be acceptable (attachment 2).

A formula based S64 charging regime has been examined and it is extremely difficult to arrive at such a formula. Some of the formulas investigated include:

- The total number of ET's approved verses commercial alterations for the last four years;
- ET's less than one verses total ET's for commercial alterations for the last four years; and
- Assessed S64 charges for commercial alterations verses total assessed S64 charges.

None of these showed any clear relationship at all to provide a basis for a formula based S64 charging regime.

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Report – Section 64 (S64) Plan Review

None of the other water authorities contacted such as Sydney Water, Hunter Water, Coffs Harbour City Council and Tweed Shire Council have got a formula based S64 charging regime. Coffs Harbour City Council, Tweed Shire Council and Hunter Water use a table similar to the DPWS table and Sydney Water uses historic data of similar developments to determine ET ratings.

A very recent development has been that Rous Water has commissioned Stuart White of Sustainable Futures to develop a policy for assessing ET ratings that is consistent among all constituent Councils. Lismore Water has obtained a draft copy of this report and this draft contains the following recommendation:

Recommendation 3:

That member Councils (of Rous water) work together to develop a schedule of equivalent tenements that more accurately reflect water consumption. As a first step this schedule should be based on historical data for Rous County and cover common commercial developments such as motels and restaurants.

While such a schedule has yet to be agreed upon by member Councils, this is clearly supportive of Lismore Water's current approach. Adoption of a policy on a regional basis will eliminate the concerns developers have been raising.

An alternative available to Council is to use the DPWS criteria (attachment 2) for assessing development applications. The table below shows that there are inequities in using the DPWS criteria for assessing different types of typical commercial developments:

Development Type	Lismore Water assessment (ET)	Public Works Assessment (ET)
100 seat restaurant (floor area of 150 m ²)	3.3	1.2
10 washing machines (floor area of 65 m ²)	6.4	13.7

The Public Works criteria is based on 80 ET/built-up hectare for a restaurant and 2100 ET/built-up hectare for a laundry (Note: for the workshop presentation, the ET's for using the DPWS criteria were wrongly calculated using 10 ET/built-up hectare). This inequity arises because the DPWS criteria do not take into account local characteristics.

Summary:

Because of the complexities of adopting any formula based S64 charging regime and the inequities in the DPWS criteria, it is recommended that Council adopt the proposed policy of assessing commercial developments based on the historical use of water in similar developments in Lismore. This is detailed in the Policy of Charging S64 contributions (Attachment 3). The adoption of this policy also allows developers to propose water saving devices and to obtain a reduction in their developer charges for any water saved. This policy also takes into account the 'local characteristics' of water consumption in the Lismore Local Government area.

It should also be noted that there is a high possibility that Rous Water will recommend that it's constituent Councils adopt a similar approach.

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Report – Section 64 (S64) Plan Review

Implications to Council of lost rate revenue if no development occurs

For the purposes of this exercise, it has been assumed that Lismore will grow at the rate of 0.5% per year and Nimbin at the rate of 3 ET's per year (1.7%). If this were to drop to 0%, then the following estimated impacts would occur:

Location	Loss in S64's	Loss in S94's	Annual loss in water and sewer rates	Annual loss in general rates
Lismore LGA	\$293,000	\$189,000	\$33,000	\$33,000
Nimbin	\$ 28,000	\$ 5,000	\$ 2,100	\$ 1,200

The above represent the direct losses in rate revenue if there is no development. It is extremely difficult to assess any indirect impacts such as loss in revenue due to closure of businesses etc., or the savings made due to the reduced demand on infrastructure.

Review of S64 charges for other villages

The proposed costs for S64 charges for Caniaba and Clunes Sewerage (assuming that growth works are not subsidised) are as follows:

Location	S64 Charge
Caniaba Water Supply	\$10,950 (does not include Rous Water costs)
Caniaba Sewerage	\$5,760
Clunes Sewerage	\$34,000 (based on a \$6.0 million scheme)

As can be seen, the proposed S64 charge for Clunes sewerage is extremely high. If Council were to set an upper limit of \$15,000 per ET per village, this would result in an annual increase in cost of \$5 per sewer ratepayer (this assumes a take up rate of 3 ET/year). The cost of Clunes sewerage S64 charges will be discussed as part of the current community consultation process.

A report on S64 charges for Caniaba is in this business paper for Council's consideration and to seek public comments.

S64 Charges for Water and Wastewater

The tables below gives the current and revised Section 64 charges per equivalent tenement (ET) together with the State Government subsidy excluded:

Water Supply (excluding Nimbin)

Zone	Current Developer Charge	Revised Charge	Government Subsidy Excluded
Holland Street	\$2,213	\$1,340	\$250
Wyreema Avenue	\$1,898	\$560	\$140
Ross Street	\$2,088	\$760	\$0
Central	\$1,873	\$720	\$0
Tanelawn	\$2,398	\$1,510	\$0
Dunoon/Modanville/Channon	\$7,523	\$5,540	\$1,410
Clunes	\$1,265	\$1,130	\$0
North Woodburn	\$1,488	\$0	\$0

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Wastewater Supply (excluding Nimbin)

Zone	Current Developer Charge	Revised Charge	Government Subsidy Excluded
East Lismore	\$4,429	\$1,960	\$980
Goonellabah	\$4,175	\$3,690	\$1,280
South Lismore	\$3,277	\$2,040	\$750

The revised charges are the charges to be adopted.

Nimbin Wastewater and Water Supply

Nimbin Wastewater Supply

The tables below show the effects of 'cross-subsidising' the developer charges per ET for Nimbin Wastewater by the rate payers:

Developer Charge	Subsidy	Cross Subsidy to new development	Cross Subsidy from an assessment
\$7,420	0%	Nil	Nil
\$5,821	22%	\$1,599	\$1.48
\$5,570	25%	\$1,850	\$1.71
\$3,710	50%	\$3,710	\$3.44
\$0	100%	\$7,420	\$6.87

Note: The State Government subsidy excluded is \$5,940. The current developer charge is \$5,821.

At the Council workshop it was proposed that with respect to Nimbin wastewater charges, an expectation exists amongst the community that these charges will not increase (i.e. be subsidised by Council). Therefore, it is recommended that the charge of \$5,821 per ET (with CPI increases) be retained for the next five years or until a revised plan is adopted by Council. The proposed cross-subsidy from an assessment has already been accounted for in the current rates.

Nimbin Water Supply

Zone	Current Developer Charge	Revised Charge	Government Subsidy Excluded
Nimbin	\$3,796	\$5,821	\$974

The above charge does not include the construction of a water treatment system. If the filtration plant is included, the estimated S64 charge is \$8,950. However, it is reasonable at this stage to exclude the filtration plant from the calculations due to the following reasons:

1. Given the current state government funding situation, the construction of the filtration plant may not eventuate in the medium term; and
2. The Nimbin Water supply committee will examine this issue and Council could revisit the issue once this committee makes a recommendation.

It is therefore recommended that the current water charges for Nimbin (with CPI increases) be retained for the next five years, or until Council adopts a revised plan.

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The adoption of these charges for Nimbin will be consistent with past S64 charges and give certainty to developers.

It is a requirement of the DLWC guidelines that any subsidies be published.

Manager – Lismore Water Comments

- **Developer Charges for change of use**

I support the recommendations made. The examples given in the body of the text highlight that the fairest way to assess ET's is to use historical data where ever possible. Rous Water's consultants have also recommended that this approach be adopted regionally. The policy should be reviewed once a regional approach has been agreed upon.

- **Nimbin S64 contributions**

At the workshop held in November it became apparent that developers had been given assurances in the past stating that the S64 rates will not increase in Nimbin. This may justify retaining the current figure for the next five years, after which time the situation can be reviewed again. This will also give Council an indication whether development is accelerated when S64 charges are reduced. The cost of the subsidy is to be absorbed within the existing budget.

Manager - Finance & Administration Comments

In relation to the key issues, I would like to add the following comments:

- i) **Formula Based S64 Charging Regime (for commercial/industrial developments)**

It is not possible to develop a new "formula based S64 charging regime" which can be supported as those options identified.

From a staff perspective, the proposed assessment based on "historical use of water in similar developments" is considered to be the fairest. This approach is likely to have the support of Rous Water and neighbouring Councils.

It is important to note that a 'no charge' option is inconsistent with 'user pays principles' and therefore not considered.

- ii) **Village Schemes**

It is clear that the introduction or upgrading of water and wastewater systems in the villages will have a significant financial impact on all users of the systems. It is imperative that each village should be able to pay its own way, as distinct from relying on a subsidy from existing system users.

While it has been demonstrated that the cost to subsidise S64 Charges is 'just another couple of dollars' to the current average annual account, this coupled with a higher than average general rate and a lower than average net family income, makes the issue of affordability for the average ratepayer very difficult to justify. This fact is one which Councils must give serious consideration when determining if a subsidy is to be applicable to developers in all villages.

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In relation to Nimbin, as distinct from other villages, Council has already constructed and funded infrastructure for the planned development of this village. Staff have proposed that the S64 Charges remain at current levels due to expectations in the community, subject to review should future works eventuate. This will result in a subsidy in S64 Wastewater Charges of \$1.48 per assessment.

This outcome is basically in line with that resolved by Council at its May 2, 2000 meeting, prior to the public consultation process.

Conclusions

- **S64 Charging Regime**

The proposed policy on assessing S64 contributions is considered to be the fairest for all developers and takes into account 'local characteristics' of water consumption. The other alternative available to Council is to adopt the DPWS criteria, which will adversely effect any developments such as laundromats and benefit others such as restaurants.

Rous Water's consultant also supports Lismore Water's current and proposed practice. It is highly likely that Rous Water and the other constituent Councils will adopt a similar practice.

- **S64 Charges**

The existing Section 64 charges have been critically reviewed and offer a reduction in all areas excluding Nimbin.

With respect to Nimbin wastewater charges, it is recommended that these charges (with CPI increases) be retained for the next five years or until a revised plan is adopted by Council.

Since the Nimbin Filtration Plant might not eventuate in the medium term, it is recommended that the current Nimbin water charges (with CPI increases) be retained for the next five years, or until a revised plan is adopted by Council.

Author's Recommendation (ENT02)

1. That Council resolve to adopt the Policy on Charging S64 Contributions.
2. That Council resolve to adopt the Section 64 Water and Wastewater contribution plans dated October 2000 (attachment 4) to take effect from February 14, 2001 and repeal the Section 64 Contribution Plan 1996.
3. That Council publish the fact that the State Government Contributions have been deducted from the relevant assets and that Nimbin Wastewater charge is subsidised by ratepayers.

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Subject/File No: SECTION 64 (S64) PLAN REVIEW – CANIABA WATER SUPPLY AND WASTEWATER
(DW:CD:S744)

Prepared By: Asset Manager, Lismore Water – Janaka Weeraratne

Reason: To inform Council of the proposed S64 Charges for Caniaba

Objective: To seek public comments on the proposed S64 plans for Caniaba.

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

Background:

At its meeting of February 17, 1998, Council considered a report regarding the supply of water and wastewater services to the Perradenya Estate in particular and the Caniaba Village in general. The developer of this estate at this time was Corpol Properties Pty. Ltd.

The outcome of this report to Council was to provide 50% support for water infrastructure costs up to the value of \$645,000 and 100% for wastewater infrastructure for Caniaba (which is outside the area served by Perradenya). This was communicated to the developer.

Some time during 1999, Corpol Properties Pty. Ltd. sold their interests in the Perradenya Estate to Rous Water, who has since undertaken the development of the estate.

Subsequently Rous Water encountered some cost overruns and requested a review of the \$645,000 limit. Council's at it's meeting on February 1, 2000 resolved as follows:

1. *That Council write to Rous County Council and advise that financial support for the supply of water services infrastructure be held at \$645,000; and*
2. *That Council acknowledge further developers' responsibility for contributing to the Caniaba Water Supply and on this basis offers to reimburse Rous Water its capital expenditure in excess of 50% by a proportionate share from future Section 64 water charges collected from other development in the Caniaba Village zone.*

The water supply works required to serve the village of Caniaba is now complete. The proposed future water reticulation works for Caniaba is based on modelling undertaken in-house and information provided by Ray Sargent and Associates.

The proposed wastewater works to serve the village of Caniaba is based on design work undertaken by Ray Sargent and Associates.

S64 Contributions

The S64 Contributions to be adopted for Caniaba are as follows:

Water Supply	\$10,950
Wastewater	\$ 5,760

This is as given in the S64 Contribution Plans for Water Supply and Wastewater (Attachment 1).

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Report – Section 64 (S64) Plan Review - Caniaba Water Supply & Wastewater

The S64 charges for Caniaba have been arrived at by assuming that the Caniaba Village is fully developed in 20 years. If this time frame were to be extended to 40 years, then the S64 charge for water would be about \$15,000 and for wastewater would be about \$4,470. (This variation compared to a 20 year development life is due to the difference in funding characteristics and timing of the construction of infrastructure between water and wastewater.) The water supply S64 charge does not include the S64 charge by Rous Water.

Of the \$10,950 to be collected for the water supply, \$1,199 is to be forwarded to Rous Water to reimburse Rous Water's capital expenditure in excess of Lismore City Council's allocation.

For Council's information, the effects of cross subsidising the water and wastewater S64 charges from existing customers is detailed below:

Water Charges

Developer Charge	Subsidy	Cross-subsidy from an assessment
\$10,950	Nil	Nil
\$ 8,210	25%	\$2.23
\$ 5,480	50%	\$4.45
\$ 2,740	75%	\$6.67
Nil	100%	\$8.90

Sewer Charges

Developer Charge	Subsidy	Cross-subsidy from an assessment
\$5,760	Nil	Nil
\$4,320	25%	\$1.33
\$2,880	50%	\$2.67
\$1,440	75%	\$4.00
Nil	100%	\$5.33

Manager – Lismore Water Comments

The above costs reflect the high cost of development in Caniaba compared with the rest of the Lismore area.

Manager - Finance & Administration Comments

The approach undertaken to calculate the S64 charges is consistent with the model used to calculate all S64 charges in the Lismore area.

On this basis, because of the smaller number of customers, it was expected that the S64 charges would be expensive compared to other systems. This has now materialised in the recommended S64 charges.

As all other S64 charges in the Lismore area, except for Nimbin Wastewater, have no subsidy provided and the impact of providing a subsidy will increase the costs to existing ratepayers for already high rates and charges, the proposed S64 charges of \$10,950 and \$5,760 are supported.

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Report – Section 64 (S64) Plan Review - Caniaba Water Supply & Wastewater

Public Consultations

Public consultation will take place with the formal exhibition of the S64 plan for Caniaba.

Other Group Comments

Not Required.

Conclusion

The S64 charges have been prepared in accordance with the DLWC guidelines.

Recommendations (ENT03)

1. The S64 Contribution Plans for Caniaba Water and Wastewater be displayed for public comment for thirty (30) days; and
2. A further report be submitted to Council for adoption of the S64 Contribution Plans for Caniaba Water and Wastewater after assessment of public comments.

Subject/File No: POLICY ON DETERMINATION OF DEVELOPMENT APPLICATIONS
(S9/3)

Prepared By: Manager, Planning Services – Helen Manning

Reason: To obtain Council's adoption of the Policy

Objective: To improve assessment times for Development Applications

Management Plan Activity: Planning

Background:

At its meeting of August 29, 2000 Council considered a draft Policy on Determination of Development Applications and endorsed it for public exhibition.

The Policy outlines a "Customer Service Commitment" of average assessment times for validly prepared and submitted applications. It also sets out applicants' obligations to ensure their applications are valid, contain adequate supporting information and conform to statutory requirements.

Manager - Finance & Administration Comments

Not requested.

Public Consultations

The draft Policy was publicly exhibited for one (1) month. As well as a notice in the newspaper inviting all interested members of the public to comment, copies of the Policy were sent to all local planning/development consultants. Two (2) responses were received.

Response No. 1 was a telephone call from the principal of a local consultancy who suggested that:

- (a) modifications of consents should be able to be completed in less than 40 days, as most have been subject to some discussion with assessment officers; and
- (b) greater use of deferred commencements, as stated in S.5.4 of the Policy, was not supported as experience has shown that some Councils use it to keep time lines short to the detriment of thorough assessment; the deferred matter is often a core issue that should have been worked through during the assessment.

These suggestions were considered by the Development Assessment Panel, which agreed that the time proposed for assessment of applications for minor modifications of consent (S96(1) of the EP & A Act) be reduced from 40 days to 28 days, but that the assessment time for applications for other modifications (S96(2) of the Act) should remain at 40 days due to the need to advertise/notify the application and consider submissions.

The Panel also agreed that S5.4 of the Policy be altered to state that Council **may** (rather than **will**) use deferred commencement provisions in appropriate circumstances.

The Policy now attached for Council's endorsement has been altered accordingly.

Response No. 2 was also from a local consultancy but made no comment on the contents of the draft Policy; rather it questioned the way in which the Policy was to be applied. A copy of this letter and of the response is in the Attachments to the Business Paper.

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Policy on Determination of Development Applications

Other Group Comments

Not requested

Conclusion

Adoption of this Policy will enable staff time to be directed towards assessment of validly prepared and submitted development applications, rather than chasing information for inadequate applications. This will result in faster assessment times and a quicker outcome for proponents.

Recommendation (Pla 49)

That Council adopt the "Development Application Determination Policy" which is attached to this report.

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Subject/File No: RECYCLING SERVICE REVIEW
(LT:MG:S763)

Prepared By: Waste Minimisation Officer – Lesley Trott

Reason: Ballina Shire Council (BSC) will no longer accept recyclables from Lismore City Council unless quality control is assured.

Objective: To seek agreement from Council, prior to a community notification process, for the construction and implementation of supervised Recycling DOC's.

Management Plan Activity: Waste Minimisation

Background:

Councillors attended a 'Recycling Review Workshop' with Lesley Trott (Waste Minimisation Officer) on December 5, 2000, when it was agreed that a community survey would be carried out to ascertain community opinion about two options for developing the recycling service.

The outcome of this survey was to form an integral part of the decision to develop either:

1. two supervised DOC's (being Wyrallah Road and Brewster Street), (with a future option dependent on market development, to invest in processing the product); or
2. maintaining the current six DOC's, and investing more resources in education and maintenance.

Since the review workshop, LCC has worked with a graphic design company to draft the community survey form, which was scheduled to go out to the community in early February.

However, a situation has now arisen which necessitates 'fast-tracking' the review process; and it now appears necessary (and desirable) to alter the timing and focus of the consultation process.

Lismore City Council is in receipt of communication from the General Manager of Ballina Shire Council, regarding the unacceptable level of contamination in Lismore City Council's recyclables from the DOC's.

Lismore continues to have an unacceptably high level of recycling loads rejected by BSC sorting plant, due to high levels of contamination with refuse and other non-recyclable material. Given the logistical and economic liabilities for BSC sorting the heavily contaminated material, and health and safety implications from needle stick injuries from manual sorting; BSC has had no option but to specify acceptable quality control procedures to LCC, as a pre-requisite for accepting future loads of co-mingled material from LCC.

The two systems that (according to BSC) would deliver acceptable quality control of recycle product are: supervised DOC's and kerbside collection. For the reasons discussed and agreed during the review workshop, (ie cost, contamination potential, and market uncertainty) LCC is not considering a kerbside collection system for recyclables at this time.

BSC require confirmation that LCC will implement one of the abovementioned options by February 28, 2001. Further, that one of these options be implemented by April, 2001.

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Recycling Service Review

Lismore is firmly committed to reducing waste to landfill and through organic resource recovery, is achieving a recycling rate of around 59%, mainly through diverting organic waste (including paper and cardboard) to the organics bin. Despite the fact that commingled recyclables constitute only (approximately) 11% of the waste stream, LCC recognises the importance of providing a recycling option for the community.

As BSC offers the only viable option for regional reprocessing of recyclable material, it would be prudent for LCC to confirm commitment to implementing supervised DOC's by the agreed date. The April deadline for implementing the new system is negotiable. However, BSC require a firm commitment from LCC to implementing acceptable quality control measures as soon as is reasonably practicable. To this end, it is suggested that Council agree to implement supervised DOC's at this time.

Lismore Council understands the importance of community consultation, and that wherever possible, community opinion forms an integral part of the decision making process. LCC is currently undertaking a survey of DOC users, to ascertain the level of satisfaction with the current service, and to seek input from the community in designing the new system.

Also, following a commitment by Councillors to implement the supervised DOC, LCC intends to carry out a comprehensive community notification/information process to achieve the following objectives:

- advise why a revised DOC is necessary;
- outline how the service will be redeveloped;
- explain why kerbside collection is not viable at this point in time;
- and seek comment from the community.

A copy of the letter from BSC is attached for further information.

Manager - Finance & Administration Comments

The key outcome from the Recycling Review Workshop was that Council believes that a Drop Off Centre service should be provided to the residents of Lismore, whether it be two supervised locations or the existing network was to be canvassed with the community.

With this in mind, and given the fact Ballina Shire Council have now requested that we provide a quality assurance process to reduce contamination, it would appear that we only have one option available that being to provide the supervised service.

Consequently, the proposal to introduce this service and undertake a comprehensive community notification/information process rather than consultation process is supported.

From a costing perspective, we will need to rationalise the existing number of services at the same time as we introduce the supervising staffing. As you would expect, there will no doubt be a number of issues to resolve, but there is sufficient short-term flexibility in Waste Minimisation to cater for this situation.

Recommendation (Pla 2)

It is recommended that Councillors support the decision to develop two supervised recycling DOC's, following a DOC community survey, and agree to LCC carrying out a community notification process, in line with the abovementioned objectives.

Subject/File No: RURAL QUARRIES REHABILITATION
(CWK:CD:S324)

Prepared By: Greg Alderson and Associates – CONSULTING ENGINEERS
Craig Kelly – GROUP MANAGER BUSINESS & ENTERPRISE

Reason: To seek resolution of Council

Objective: Finalise the rehabilitation, retention or operation of unused quarries

Management Plan Activity: Rural Quarries

Background:

Council has approximately 90 quarries, which were registered under SEPP 37 in 1993. Of these 90 quarries, 12 quarries of Council's direct interest, progressed to the issue of development consent. A workshop was held with Councillors in December 1998 and a resolution passed in March 1999 that eight quarries be retained and operated to serve the needs of the rural roads in the Council area.

A further part of the March 1999 resolution was *"that an assessment of the rehabilitation costs for all Council owned quarry sites be undertaken and a further report to Council be prepared"*, (see resolution 114/99 item 6). Coupled with this resolution was the requirement for Council to rehabilitate quarries on private lands where it had not paid a royalty to the landowners as material was removed. As an adjunct to the rehabilitation of Council's quarries a further resolution was passed in March 1999 *"that potential rehabilitation costs for any sites where Council has withdrawn material without payment of royalty be assessed and a further report to Council be prepared."*

Further Developments:

Since the time of the resolution by Council a search has been undertaken of the old files and a list of the quarries, which are either owned by Council or Council has withdrawn material without paying a royalty, has been compiled. The rural quarries that potentially fall into this category are as follows:

- Quilty
- Plim
- Goulding
- Oakey Creek
- Heywood
- North Lismore
- Newby's Hill
- Bishops Creek
- Patch
- Borton
- Bruggy
- Gwynne
- Parmenter
- Matthews
- Greengates
- Crawford No. 1 and 2
- Rapmund

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Report – Rural Quarries Rehabilitation

Council has not operated the majority of these quarries for several years. The degree of activity has meant that some of the quarries have become overgrown with natural vegetation. In these cases it may be said that these quarries are effectively rehabilitated or partly rehabilitated. It is therefore suggested that the quarry sites be left alone and allow the natural process to continue unless there is a history of complaints, generating a need to carry out some further works to accelerate the rehabilitation.

Site Specific Assessment:

An examination of each site individually and providing cost of rehabilitation and suggested action plans for the decommissioning and finalisation of the Council's involvement on these sites is as follows:

- **Quilty Quarry:**
Location: 368 Quilty Road, Rock Valley
Legal Description: Lot A DP 416376, Pt Lot 1 DP 593196, Pt Lot 1 DP 701675
Owner: Lismore City Council, JE Jolly and WF & NF Harding, and Crown land
Zone: 1(a)
Development Approval: yes issued on 3/4/96
Removal rate: 7000m³/year
Extent of Resource: 25,000m³
Current Status: Quarry is still in operation by Jolly and Harding, a lease document was commenced but does not seem to have been completed.
Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application, and approved.
Action Required: As the quarry is still being operated by the neighbours, it would seem reasonable for Council to seek to sell its part of the quarry to the neighbours, including the approved quarry development consent.
Cost: The only costs involved would be those associated with the negotiations with the neighbours for the sale of the quarry operating consent and the land.
- **Plim's Quarry:**
Location: 745 Cawongla Road, Larnook
Legal Description: Lot 3 DP 621298
Owner: N Morton
Zone: 1(a)
Development Approval: yes issued on 14/11/95
Removal rate: 2000m³/year
Extent of Resource: 60,000m³
Current Status: The quarry is operated by landowner, Council has not removed material from this quarry for some time. Effectively this is not a Council quarry although material may have been purchased and removed by Council. There does not appear to be a signed lease for the Council operation of this quarry so the details of any purchases are unknown.
Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application, and approved.
Action Required: No action is required by Council, allow the quarry to continue to be operated by the landowner in accordance with the development consent. Council paid for the development application preparation and should proceed to sell its approval for the operation of the quarry (development consent) to the landowners.
Cost: The only costs involved would be those associated with the negotiations with the landowner for the sale of the development consent.

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- **Goulding Quarry:**
Location: Whitney Road, Stony Chute
Legal Description: Portion 126
Owner: W & A Hunter
Zone: 1(a)
Development Approval: yes issued on 27/5/96
Removal rate: unknown
Extent of Resource: unknown
Current Status: From Council's files it would appear that the quarry is in operation by the owner, Council has not removed material from this quarry for some time. Effectively this is not a Council quarry although material may have been purchased and removed by Council. There does not appear to be a signed lease for the Council operation of this quarry. No record of payments by Council was discovered on the files held by Council.
Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application, and approved.
Action Required: No action is required by Council other than to allow the quarry to continue to be operated by the landowner in accordance with the development consent.
Cost: No costs.
 - **Oakey Creek Quarry:**
Location: Oakey Creek Road, Georgica
Legal Description: Lot 2 DP 618595 and Lot 1 DP379763
Owners: A S Becker and Council respectively
Zone: 1(a)
Development Approval: no
Removal rate: unknown
Extent of Resource: unknown
Current Status: From Council's files it would appear that the quarry was operated by Council following payment of a royalty. Council has not removed material from this quarry for some time. From the file information, Council and the other owner were unable to reach agreement on the operation of the quarry and the DA was withdrawn before approval. The quarry is now only entitled to operate under continuing use rights.
Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application.
Action Required: No action is required by Council other than to allow the quarry to continue to be operated by the landowner in accordance with continuing use rights. Land owned by Council may be sold if assessed to be surplus to requirements.
Cost: Only costs associated with the possible sale of any surplus land.
 - **Heywood Quarry:**
Location: Fox Road, Rosebank
Legal Description: Lot 1 DP 516041
Owner: Stan Heywood
Zone: 1(a)
Development Approval: Registered under SEPP 37, but no development application was lodged during the moratorium period (prior to July 1995). Quarry operates under "Use Rights".
Removal rate: 250m³/year
Extent of Resource: unknown
Current Status: Quarry has been operated by the landowner as a local farm quarry since 1969. Council has removed material from this quarry for local roads. In discussions with the owner Council took 600m³ of material in about 1991. There was no lease for the Council usage of this quarry. The site has started to rehabilitate naturally.
-

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Report – Rural Quarries Rehabilitation

Rehabilitation Plan: Rehabilitation will be undertaken progressively by the landowner, using local plant species.

Action Required: No action required.

Cost: No costs.

- **North Lismore:**

Location: 48 Old Quarry Road, North Lismore

Legal Description: Lot 1 DP 772627 & Lot 12 DP 844585

Owner: Lismore City Council

Zone: 1(d)

Development Approval: No. A development application was prepared but withdrawn prior to determination.

Removal rate: 0m³/year

Extent of Resource: 100,000m³

Current Status: The North Lismore Quarry has not been operated for some time by Council, the owner. Some large riprap stones and stockpiles of material have been left lying around the site when the operation was halted with the establishment of nearby Blakebrook quarry. We understand Council has not removed material from this quarry for some time. There are some old buildings and work structures on the site, which need to be removed and the area rehabilitated.

Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application. The rehabilitation is difficult for this site as the work face is about 30m high and vertical. The buildings and structures can be removed and the area planted however material has to be moved to reduce the work face. Blasting would be required and the upper levels of the face dropped to the quarry floor below. This would reduce the vertical, cliff like work face.

Action Required: The site is used by various groups to experience the vertical work face, such as the Casino Helicopter Rescue Service, and the Southern Cross University Rock climbing group. The final use of the site is not determined, there was a rezoning assessment carried out on the land about 6 years ago and the land is zoned 1(d) investigation. The Council should develop a final end use for the site as some alternative uses may preferably retain the vertical work face. For example the use of the site for a tourist orientated activity may prefer the vertical wall retained. In this situation the most appropriate action would be to do the basic works such as general site clean up and removal of old buildings and structures and the fencing of the area to further restrict access.

Cost: The costs could be divided into two parts:

- 1) Those associated with the preparation of a rezoning plan, for future sale and development,
- 2) Those associated with a general site clean up and removal of the structures and old buildings and fencing. Estimated at \$40,000. The work face would still remain until the final use of the land is resolved, by the new owners or by Council if it chooses to retain ownership.

- **Newby's Hill Quarry:**

Location: 790 Oakland Road, Newbys Hill

Legal Description: Lot 237 DP 755699

Owner: Lismore City Council

Zone: 1(r)

Development Approval: No. A development application was prepared, but withdrawn before determination.

Removal rate: 0m³/year

Extent of Resource: 50,000m³ (sandstone)

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Report – Rural Quarries Rehabilitation

Current Status: Quarry is essentially unused. One of the neighbours has written to Council seeking grazing rights to the land from Council.

Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application. The quarry site has begun to rehabilitate naturally and does not require much in the way of rehabilitation work. There are some stockpiles of overburden material that could be spread over the site to improve the rehabilitation process and some further planting's could be undertaken.

Action Required: No action is required. Either allow the quarry to continue to rehabilitate naturally or increase rate by additional planting if necessary. Council paid for the development application preparation and should proceed to sell the land and recoup its costs to date on the site. The allotment exists as a separate lot and the possibility of a building entitlement should be assessed prior to sale.

Cost: The only costs involved would be those associated with the negotiations for the sale of the land.

- **Bishops Creek:**

Location: 22 Bishops Creek Road, Coffee Camp

Legal Description: Lot 1 DP 432410

Owner: Lismore City Council

Zone: 1(a)

Development Approval: No. A development application was prepared but withdrawn before determination.

Removal rate: 0m³/year.

Extent of Resource: 50,000m³

Current Status: Quarry is essentially unused. One of the neighbours has written to Council seeking grazing rights to the land from Council.

Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application. The quarry site has begun to rehabilitate naturally with grasses, although there is a cliff face about 14m high, without benching. To improve the rehabilitation of the quarry the work face needs to be benched and further planting undertaken. To carry out the benching basalt material could be extracted from the top of the work face and dropped to the base, in this way form a bench or gentle slope. Topsoil would need to be brought to the site to cover the slope or bench and encourage grass growth. Following rehabilitation, the land could be sold, with a building entitlement if possible.

Action Required: Rehabilitation of the disused quarry face in accordance with the development application report and rehabilitation plan. Following rehabilitation the Council should proceed to sell the allotment as a separate lot, which may be able to be sold with a building right.

Cost: The costs involved would be those associated with the rehabilitation of the site \$10,000. The only additional costs would be those associated with the negotiations for the sale of the land.

- **Patch's Quarry:**

Location: 113 Auckram Road, McKees Hill

Legal Description: Lot 32 DP 719815

Owner: A&R Mullan, (Maybe new owners named Singh)

Zone: 1(r)

Development Approval: Yes, development application approved and consent issued on the December 12, 1995.

Removal rate: 2,000m³/year

Extent of Resource: 9,000m³

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Report – Rural Quarries Rehabilitation

Current Status: Quarry is essentially used for local roads. Council has now indicated that it does not intend to continue to extract from this quarry. Council appears to have paid a royalty for the resource removed.

Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application and has been approved as part of the consent. The quarry site has begun to rehabilitate naturally with grasses. The site also contains some stockpiled overburden material, which could be used for rehabilitation. The surrounding land use is grazing and the quarry site is part of a larger parcel of land. The final land use would be to return the site to grazing. Spreading of the overburden material and the seeding of this work with grasses used for grazing in this area would be appropriate.

Action Required: Council legal advice is that where a royalty was paid then the rehabilitation is to be carried out by the landowner.

Cost: Not applicable. Council could sell the quarry consent to the landowners, if they wish to continue with the quarrying activity.

- **Borton Quarry:**

Location: Borton Road, Tullera

Legal Description: Road Reserve

Owner: Lismore City Council

Zone: 1(a)

Development Approval: No. A development application prepared but withdrawn before determination. "Use Rights" operation continues.

Removal rate: 0m³/year

Extent of Resource: 60,000m³ The resource exists in the private land being part of Lot 3 DP 600537 and the intention with the Development Application was to open or extend the quarry onto the private land north of the road reserve. There is essentially no more resource on the road reserve.

Current Status: Quarry is essentially unused. The local community group has carried out planting in the quarry area and a bus shelter has been built.

Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application but over a larger site, including part of Lot 3. The quarry site has a cliff face of about 8m in height but this is already being rehabilitated by the community and with natural regeneration. Essentially it may be beneficial to leave the site as it is as there is also a fence on the boundary at the top of the cliff or work face.

Action Required: leave the quarry with the local community and provide some further encouragement by way of additional plants, topsoil and mulch etc. The land is essentially a road widening of Borton Road.

Cost: The costs involved would be those associated with assisting the local community in the rehabilitation of the site estimate \$2,000.

- **Bruggy Quarry:**

Location: Coraki Road, Gundurimba

Legal Description: Road Reserve

Owner: Lismore City Council

Zone: Road Reserve (with 1(a) on land adjacent)

Development Approval: No, not sought. Road side quarry, or road widening. "Use Rights" operation continues.

Removal rate: 0m³/year

Extent of Resource: The resource exists in the private land to the south, there is essentially no more resource on the road reserve.

Report – Rural Quarries Rehabilitation

Current Status: Quarry is essentially unused as a quarry but has been used as a stockpile area for road works activities in this general locality. The site has a steep face on the road reserve boundary.

Rehabilitation Plan: It would appear as though no rehabilitation plan has been prepared for this site. The quarry site has a cliff face of about 10m in height and is already being rehabilitated by the establishment of natural vegetation. Benching could not be undertaken without the importation of material to the site, to fill against the work face. Benching by removal of material would encroach on private land. The site has been used by Council for some years as a road side stockpile area. It may be beneficial for Council to leave the site as it is, as there is also a fence on the boundary at the top of the cliff or work face, providing some security to the cliff face. There may be plans in the long term to carry out major road works in the area and the site would be useful. The site is also on the crest of a hill and if the crest is lowered the removal of product material would be required. The suggested rehabilitation is to retain the site for future road works.

Action Required: Leave the quarry with the City Works section of Council for local road works, including use for local lowering of the crest of the road pavement.

Cost: There would be no costs involved as further works are anticipated to be part of local road works activities.

- **Gwynne Quarry:**

Location: Gwynne Road, Jiggi

Legal Description: Lot 1 DP 845338 and Lot 2 DP 843627, and an unformed road reserve

Owner: Lismore City Council

Zone: 1(a)

Development Approval: Yes issued on 4/4/96.

Removal rate: 3,900m³/year

Extent of Resource: 130,000m³

Current Status: The quarry has been operated by Council up until recently it would appear, and there is still some product material on the base of the floor of the quarry. Council has resolved to cease quarrying activities and surrender the development consent.

Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application and approved as part of the consent. The plan required the benching of the work face although the floor level was to be altered as material was removed. The quarry site could be rehabilitated by the benching of the existing work face to the existing floor and the benches re-soiled and planted with local species of trees and shrubs.

Action Required: Carry out the works involved in the rehabilitation and upon the completion of the rehabilitation the site could be sold.

Cost: The costs involved would be those associated with the rehabilitation. Some of these costs could be recovered with the sale of the rehabilitated site. The estimated cost of the rehabilitation would be in the order of \$15,000.

- **Parmenter Quarry:**

Location: 75 Parmenters Road, Coffee Camp

Legal Description: Lot 10 DP 736011 and an unformed part of the Parmenters Road reserve

Owner: Ian and Dorothy Cullen and Lismore City Council for the road reserve

Zone: 1(a)

Development Approval: No. A development application was prepared but withdrawn by Council. "Use Rights" operation continues.

Removal rate: No approval remains for the quarrying activity.

Extent of Resource: 50,000m³

Current Status: The quarry had been operated by Council, and during the operation Council strayed onto private land owned by Ian and Dot Cullen and removed material. No agreement has been found in Council files and Ian and Dot Cullen have made no such agreement, nor apparently was any agreement found at the time of purchase of the property by the Cullens. There have been some discussions with Council and solicitors for both Council and the Cullens', but at this time the matter of Council removal of quarry product from the Cullens' land is not finalised. Recent discussions with the Cullens has achieved agreement to a rehabilitation plan and an indication that the Cullens would consider exchange of part of the road reserve which is not used for the road pavement, as a part payment toward the cost of material removed by Council. The Cullens estimate was that there was \$7,000 worth of material removed from their land without approval. Council estimate is half this figure due mainly to the value per m³ being half of the figure used by the Cullens, (Cullens \$1.00/m³ Council \$0.50/m³). The area of land involved in the road closure would be about 0.6ha.

Rehabilitation Plan: A rehabilitation plan for the quarry including the road and Cullen's lands was prepared by Council as part of the negotiations with the Cullens and this plan has been agreed to by the Cullens and Council's previous quarry manager Mr Hawkins.

Essentially the agreed rehabilitation plan cut and filled the quarry site to achieve a more gentle grade which would then be topsoiled to re-establish grass growth and allow the area to be planted and grazed. Following the earthworks the site would be fenced and selected tree planting undertaken.

Action Required: Council would need to complete the negotiations with Ian and Dot Cullen. Upon the completion of the rehabilitation the unused road side part of the quarry site could be sold to Ian and Dot Cullen as part of the finalisation of the removal of material without their approval. Alternatively, the full payment for material taken would resolve the issue (\$7,000).

Cost: The costs involved would be those associated with the rehabilitation, including earthworks, fencing, topsoiling and planting. The estimated cost of the rehabilitation would be in the order of \$20,000.

- **Matthews Quarry:**

Location: 10 Pinchin Road, Goolmangar

Legal Description: Lot 8 DP 806489

Owner: RE & JJ Matthews

Zone: 1(a)

Development Approval: yes issued on 16/11/95

Removal rate: 2,000m³/year.

Extent of Resource: 70,000m³

Current Status: Quarry product has been removed by Council at some time, although it would appear from the file that no lease agreement was ever finalised. The development application preparation was funded by Council although the land owner now seems to be controlling the operation of the quarry.

Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application, and approved as part of the consent. The plan required the benching of the work face as material was removed with the extension of the quarrying activities. The quarry site could be rehabilitated by re-soiling and planting with local species of trees and shrubs. The final rehabilitation would be the responsibility of the landowner.

Action Required: No action is required. Allow the quarry to continue to be operated by the landowner in accordance with the development consent. Council paid for the development application preparation and should proceed to sell its approval for the operation of the quarry (development consent) to the owners.

Cost: The only costs involved would be those associated with the negotiations with the landowner for the sale of the development.

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Report – Rural Quarries Rehabilitation

- **Greengates Quarry:**
Location: 48 Greengate Road, Bexhill
Legal Description: Lot 1 DP 382967
Owner: Lismore City Council
Zone: 1(d)
Development Approval: No. A development application lodged but withdrawn. "Use Rights" operation continues.
Removal rate: 0m³/year
Extent of Resource: 50,000m³
Current Status: Quarry product has been removed by Council in the past. However, the quarry does not appear to have been operated for some years. The site has grassed over and more disturbance may not necessarily improve the rehabilitation process. Dwellings have been constructed within the buffer of the quarry site and any extensive rehabilitation may encroach on the amenity of the neighbours.
Rehabilitation Plan: A preliminary rehabilitation plan was provided with the development application, and involved benching as material was removed. The quarry site could be rehabilitated by re-soiling and planting with local species of trees and shrubs. The final rehabilitation could be incorporated in the final use of the site, as a dwelling may be constructed on the site.
Action Required: No action is required allow the quarry to continue to be rehabilitated naturally. Offer the parcel of land for sale as is and allow the final rehabilitation to be incorporated into any building plans.
Cost: The only costs involved would be those associated with the negotiations for the sale of the site.
 - **Crawford No. 1 & 2:**
Location: Skyline Road, East Lismore
Legal Description: Lot 1 DP 772605
Owner: Southern Cross University
Zone: 2(a)
Development Approval: No Development Application lodged.
Removal rate: Not known
Extent of Resource: Not Known
Current Status: The quarry site seems to be currently unused. There is no record of quarry product having been removed by Council from these two quarries. It would appear from the file that no lease agreement was ever undertaken. The landowner seems to be controlling the use of the quarry.
Rehabilitation Plan: A rehabilitation plan will need to be provided by the landowner as part of any further development of the site. The quarry site could be rehabilitated by re-soiling and planting with local species of trees and shrubs. The final rehabilitation would be the responsibility of the landowner.
Action Required: No action is required by Council.
Cost: No costs.
 - **Rapmund Quarry:**
Location: Whian Whian
Legal Description: Lot 57 DP 755752 or Lot 2 DP 599556
Owner: Rapmund
Zone: 1(a)
Development Approval: Registered under SEPP 37 but no development application was lodged during the moratorium period (prior to July 1995). Quarry operates under "Use Rights".
Removal rate: unknown.
Extent of Resource: unknown.
-

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Report – Rural Quarries Rehabilitation

Current Status: Quarry has been operated by the landowner as a local farm quarry.

Rehabilitation Plan: Rehabilitation by the landowner.

Action Required: No action required.

Cost: No costs.

Manager - Finance & Administration Comments

It has been estimated that we will require approximately \$95,000 for rehabilitation and other works associated with the following Rural Quarries :-

North Lismore	\$40,000
Bishops Creek	\$10,000
Bortons	\$2,000
Gwynnes	\$15,000
Parmenters	\$20,000

Also, there is \$7,000 due to the owners of Parmenters Quarry for removal of gravel from their land, consultants costs, possible rezoning or subdivision costs, sale costs, etc. to be incurred.

It is suggested that these costs be funded from the Blakebrook Quarry Rehabilitation Reserve. While this reserve was not created for this purpose, it is the only available source of funding unless Council resolves to include funding in the 2001/02 Management Plan.

At the same time, the proceeds from sale of approved development consents and rehabilitated site not required, while not expected to be significant, should be reimbursed to the Blakebrook Quarry Rehabilitation Reserve.

Public Consultations

Contact has been made with some quarry owners, as a matter of carrying out inspections of the quarries. In particular Ian and Dot Cullen (Parmenters quarry) and Stan Heywood (Heywood's quarry). General public consultation has not been required.

Other Groups Comments

Special Projects Planner:

The rehabilitation of quarries that were registered under SEPP 37 should not require a separate development application. SEPP 37 quarries can continue to operate provided there is no lateral expansion or increase in annual extraction rates to that which occurred prior to February 3, 1986. The rehabilitation work represents completion of the quarrying activities on the site. The work involved is essentially the making safe, and returning of the work site to a natural self maintaining situation.

Termination of the quarries was not a condition of the continued activity of the quarry and there was no condition of a development application to carry out rehabilitation. The need for a Development Application if Council wishes to do more activities at the same time, would require an Environmental Impact Assessment.

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Report – Rural Quarries Rehabilitation

Conclusion

The purpose of this report is to seek Council's authorisation to commence and complete the rehabilitation of the rural quarries, which Council previously resolved to close. This rehabilitation involves the carrying out of earthworks, planting of trees and shrubs and, in some cases, the sale of the land and/or development consent.

Recommendations (ENT04)

That:

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

Subject/File No:	RESERVES POLICY S755
Prepared By:	Manager – Finance & Administration – Rino Santin
Reason:	Council request to consider a formal reserve policy
Objective:	The adoption of a reserve policy which provide guidelines for movements to from and within reserves
Management Plan Activity:	Financial Services

Background:

There has been much discussion in recent times regarding 'reserves'. Councillors have often asked questions about how much is in reserves, what are the funds to be used for, can they be used for another purpose, who can access them and how, etc. The annual peak for this questioning is normally experienced during considerations of the Management Plan. This indicated to management that there was a need to 'lift the veil' surrounding reserves and this was best done by Council formalising a policy that would provide the majority of this information.

The attached policy is intended to provide a 'guide', which details the objective, methodology and funding levels for each reserve held. This guide can be used as a supportive framework for Council and Management when making decisions or dealing with issues concerning reserves.

At this time, management has a number of Procedures in place, which provide some assistance when considering reserves. They include:-

- a) CorS.2.2 Establishment of Reserves – The procedure requires that all reserves are to be fully cash funded and all interest earned is to be reinvested in the reserve. This principle is supported and subsequently included in the reserves policy. As a result, the procedure will be deleted.
- b) CorS.2.11 Transfers To/From Reserves – This procedure requires the "Reserve Transfer Form" to be completed so details relating to movements can be assessed and approved by the General Manager. As this serves a purpose in the day to day management of reserves, its continuation is supported.
- c) CorS.2.12 Reserves – This procedure forms the basis of this policy and as such, will be deleted.

The lack of a formal policy on reserves has meant that while practices adopted have always been in Council's best interests, only the outcomes have been reported to Council which, understandably, provided Councillors with limited information. This policy will provide for an enhanced standard of reporting.

Administrative Issues:

The key issues identified and addressed in the policy include :-

- Reserves Summary
It is intended to present the reserves financial summary in a format similar to that included in the Financial Statements. This information specifies the name, movements to and from, interest earned and the balance of each reserve.
 - Objectives
Each reserve will be created for a specific purpose. All movements in reserves should be based upon achieving the objective of the reserve.
-

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Reserves Policy

- Transfers To/From Reserve

It is proposed that the Reserve Transfer Forms would still be completed for movements within reserves and must be approved by the General Manager. The only variation being those approved by Council at budget time. This information, if significant, would then be reported to Council in the next Budget Quarterly Review. This is the consistent with current practice.

- Interest On Reserves

Up to the preparation of the 1999/2000 Management Plan, we had a practice of returning at least 75% of the interest earned on reserves to reserves. This practice has been 'watered' down over the last two years with the practice now,

- i) first \$100,000 goes to a Library/Art Gallery Building Reserve, and
- ii) the balance to Road Rehabilitation.

This is not ideal as it diminishes the buying power of all reserves held and therefore undermines the ability of the reserve to achieve their objectives.

It is proposed that at least 75% of the interest earned, less \$100,000 for the Library/Art Gallery Building Reserve until a building is acquired and furnished, be returned to reserves annually.

- Cash Funding

Reserves in essence are supposed to be cash. This is not always possible due to the inability to convert non cash items to cash at June 30 each year. Consequently a reserve has a cash and a non cash component. For financial reporting purposes, the cash amount is reported. From a management perspective, both components make up the reserve balance.

The reserve balance is to be calculated firstly based on the methodology for the each reserve. Available cash and then other assets support the apportionment between cash and non cash.

- Miscellaneous Reserves

There will be times when a request to create or utilise a reserve is received that does not meet the definition provided in the policy. I believe that this should not be used as a reason to deny the request. Management should maintain the discretion to treat each case on its merits.

It is proposed that should a request be received, it should be processed on a "Reserve Request Form" with suitable comment from the initiating officer and financial services staff. After considering the application, the General Manager is to determine its approval or otherwise. In accordance with current practice, if this is significant, it is to be reported to Council at the next Budget Quarterly Review.

The policy should be amended at the most convenient opportunity.

Reserves:

The policy dissects all reserves into sections consistent with the structure of Council. The current structure and reserve headings are :-

General Managers Group

- Staff Development
- Legal Expenses

Reserves Policy

Corporate & Community Services

- Administrative Purposes
- Record Management Systems
- Information Services
- Employee Leave Entitlements
- Community Services
- Child Care
- Library Services
- Regional Art Gallery
- Community Facilities

Planning & Development

- Planning Studies
- Gas Works Remediation
- Waste Strategies

City Works

- Plant Operations
- Flood Mitigation
- Parks & Reserves
- Sporting Grounds
- Transport Infrastructure

Business & Enterprise

- Domestic Waste Management
- Other Waste Management
- Lawn Cemetery and Crematorium Development
- Quarry Management
- Property Management
- Aerodrome
- Economic Development
- Water Supplies
- Wastewater Services

It is likely that these headings will be required to be amended with the creation of new or deletion of existing reserves. These changes will be reported to Council on an irregular basis so that formal amendment of the policy can be achieved.

Public Consultations

Not required.

Other Group Comments

Not Required

Conclusion

It is important that Council adopt guidelines for management to determine issues, make decisions and report to Council relating to reserves. The proposed policy details the requirements necessary to achieve that objective.

Reserves Policy

Recommendation (COR04)

That Council adopts the Reserves Policy.



POLICY MANUAL

POLICY No :	RESERVES (INTERNALLY RESTRICTED ASSETS)
FUNCTION:	Administration
ACTIVITY:	Financial Services
OBJECTIVE:	To detail the title, objective, methodology and funding level of all reserves.
SECTION RESPONSIBLE:	Corporate and Community Services
AUTHORISED:	REVIEWED:

Aim

The aim of this policy is to provide guidelines for the establishment and management of reserves.

Background

The creation and use of reserves are reported to Council in the Management Plan and Quarterly Budget Review Statement. The balances of reserves are reported with the Financial Statements annually.

To ensure that the process adopted by management is consistent with Council's requirements, the following details on process are provided :-

ADMINISTRATION

- Transfers To/From Reserve
 - a) A "Reserve Transfer Form" is to be used for all transfers to and from a reserve. This should contain all relevant information relating to the proposal and, unless approved by Council, is to be submitted to the General Manager for approval.
 - b) In accordance with current practice, if this has a significant budget impact, it must be reported to Council in the next Budget Quarterly Review.

- Interest On Reserves
 - a) 75% of all interest earned on reserve is to be returned to reserves.
 - b) Of the interest returned to reserves, \$100,000 is to be set aside each year for the Library/Art Gallery Building Reserve. This is to continue until a building for this facility is acquired and developed.

- Cash Funding

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Reserves Policy

- a) For financial statements reporting purposes, all reserves must be cash funded.
- b) For internal management purposes, all reserves must be calculated based on the methodology and apportioned between cash and non cash. The non cash component must be supported by reconciliation to the chart of accounts.
- Miscellaneous Reserves
 - a) The non existence of a suitable reserve category should not prevent legitimate Reserve Request Forms from being submitted for consideration.
 - b) After suitable comment from the initiating officer and financial services staff, the General Manager is to determine its approval or otherwise.
 - c) In accordance with current practice, if this is significant, it is to be reported to Council at the next Budget Quarterly Review.
 - d) The reserves policy should be amended at the most convenient opportunity.

RESERVES

General Managers Group

Reserve Title : **Staff Development**

Objective : To financially support human resource programs that enhance skills development within the work force.

Methodology : Transfers to and from reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for staff development programs, and
b) a submission supporting the objective.

Funding Level : Not more than 50% of the recurrent allocation for Employee Training (2000/2001 \$106,600)

Reserve Title : **Legal Expenses**

Objective : To provide funds for defending or conducting legal action on Council's behalf on an ongoing basis.

Methodology : Transfers to and from reserve are based on a comparison of final results for all legal expense allocations against budget with any over expenditures being transferred out of reserves and any under expenditure being transferred to reserve.

Funding Level : Not more than 100% of the recurrent allocation for Legal Expenses (2000/2001 \$119,300)

Corporate & Community Services

Reserve Title : **Administrative Purposes**

Objective : To provide funds for specific administrative purposes not elsewhere listed (eg Election Reserve and Furniture & Fittings Reserve)

Methodology : Transfers to and from this reserve are based on ;
a) the existence of, or proposal for, an annual budget allocation for specific administrative purposes, and

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Reserves Policy

b) a submission supporting the objective.

Funding Level : Funds to accumulate based on specific purpose requirements.

Reserve Title : **Record Management Systems**

Objective : To provide funding that ensures the record management system allows optimum storage, retrieval and accessibility of information.

Methodology : Transfers to and from this reserve are based on ;
a) all archiving fees received being transferred to reserve,
b) all expenses incurred in achieving the objective should be funded from the reserve.

Funding Level : Funds to accumulate and be expended when economy of scale can be achieved or required by lack of storage capacity.

Reserve Title : **Information Services**

Objective : To provide adequate funds to allow for the future development and replacement of the central computer system software and hardware.

Methodology : Transfers to and from this reserve are based on;
a) an annual transfer to reserve to ensure sufficient funds are available to meet the short, medium and long term financial requirements,
b) all capital acquisitions to be funded from the reserve, and
c) a comparison of final results against budget with any over expenditures being transferred out of reserves and any under expenditure being transferred to reserve,

Funding Level : To be set in accordance with the development of Information Services Strategy.

Reserve Title : **Employee Leave Entitlements**

Objective : To ensure that adequate funds are available to finance employee oncosts such as long service leave, sick leave, annual leave, special leave, gratuities, redundancies and other associated employee entitlements.

Methodology : Transfers to and from reserve are based on a comparison of final results against budget with any over expenditures being transferred out of reserves and any under expenditure being transferred to reserve.

Funding Level : Not more than 30% of the General Funds ELE provisions.
(1999/2000 \$3.154 million)

Reserve Title : **Community Services**

Objective : Provide funds to assist in the specific delivery of Council's community services.
(eg Masters Games)

Methodology : Transfers to and from reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for specific community services purposes, and
b) a submission supporting the objective.

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Funding Level : Funds to accumulate based on specific purpose requirements.

Reserve Title : **Child Care**

Objective : Provide funds to assist in the development of Council's child care services

Methodology : Transfers to and from reserve are based on;
a) a comparison of final results against budget with any over expenditures being transferred out of reserves and any under expenditure being transferred to reserve,
b) support service charges are excluded from the calculation of a surplus, and,
c) where a service operates at a budget deficit, a final result reduction in the deficit is not to be considered for a transfer to reserve.

Funding Level : All surplus funds.

Reserve Title : **Library Services**

Objective : Provide funds to assist in the provision of library services.

Methodology : Transfers to and from this reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for library services, and
b) a submission supporting the objective.

Funding Level : Funds to accumulate based on specific purpose requirements.

Reserve Title : **Regional Art Gallery**

Objective : Provide funds to assist in the provision of a regional art gallery service.

Methodology : Transfers to and from this reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for regional art gallery services, and
b) a submission supporting the objective.

Funding Level : Funds to accumulate based on specific purpose requirements.

Reserve Title : **Community Facilities**

Objective : Provide funds to assist in the development of community facilities. Priority is given to major facilities included in the Section 94 Community Facilities Plan

Methodology : Transfers to and from this reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for community facilities, and
b) expenditure in accordance with the Section 94 Community Facilities Plan

Funding Level : Funds to accumulate based on specific purpose requirements.

Reserves Policy

Planning & Development

Reserve Title : **Planning Studies**

Objective : To provide funds to assist in the preparation and implementation of planning studies.

Methodology : Transfers to and from this reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for planning services, and
b) a submission supporting the objective.

Funding Level : Funds to accumulate based on specific purpose requirements.

Reserve Title : **Gas Works Remediation**

Objective : Provide funds for the remediation of the former Gas Works site

Methodology : Transfers from this reserve are based on the allocation to the gas works site remediation program.

Funding Level : Existing funds to be reduced to nil and reserve deleted.

Reserve Title : **Waste Strategies**

Objective : Provide funds to manage the implementation of waste strategies aimed at reducing the amount of waste being disposed at landfill sites.

Methodology : Transfers to and from this reserve are based on;
a) a comparison of final results against budget with any over expenditures being transferred out of reserves and any under expenditure being transferred to reserve.

Funding Level : Not more than 20% of the total income generated from the Environmental Protection Charge (2000/2001 \$214,000)

City Works

Reserve Title : **Plant Operations**

Objective : Ensure adequate funds are available to purchase a responsive and modern plant fleet at the optimum replacement opportunity.

Methodology : Transfers to and from this reserve are based on the net cash result after taking into account;
a) workshop operating result,
b) plant operating result, less rural fire service and SES costs,
c) loan principal and interest repayments relating to plant and workshop,
d) plant purchases, and
e) profit or loss on sale of plant.

Funding Level : To be determined in conjunction with Plant Review.

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Reserves Policy

Reserve Title : **Flood Mitigation**

Objective : Provide funds that will assist in the construction of a flood levee for Lismore and appropriate flood prone property acquisitions.

Methodology : Transfers to and from this reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for flood mitigation, and
b) a submission supporting the objective.

Funding Level : Sufficient to meet Councils contribution towards the construction of the Lismore Flood Levee.

Reserve Title : **Parks & Reserves**

Objective : Provide funds to assist in the development of parks and reserves. Priority is to be given to facilities identified in the Section 94 Open Space Plan

Methodology : Transfers to and from reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for parks and reserves,
b) a submission supporting the objective, and
c) expenditure in accordance with Section 94 Open Space Plan

Funding Level : Funds to accumulate based on specific purpose requirements.

Reserve Title : **Sporting Grounds**

Objective : Provide funds to assist in the development of sporting ground facilities.

Methodology : Transfers to and from reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for sporting grounds, and
b) a submission supporting the objective.

Funding Level : Funds to accumulate based on specific purpose requirements.

Reserve Title : **Transport Infrastructure**

Objective : Provide funds that will assist in the maintenance, construction and rehabilitation of transport related infrastructure.

Methodology : Transfers to and from reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for transport infrastructure, and
b) a submission supporting the objective.

Funding Level : Funds to accumulate based on specific purpose requirements.

Business & Enterprise

- Reserve Title : **Domestic Waste Management**
- Objective : To provide funds for all operational and capital activities related to the provision of a domestic waste service.
- Methodology : Transfers to and from reserve are based on,
a) the existence of, or proposal for, an annual budget allocation for domestic waste services,
b) a submission supporting the objective, and
c) the net cash movement for domestic waste management.
Note: These funds are restricted by the Local Government Act 1993 which requires all funds generated by this service to be expended on this service.
- Funding Level : In accordance with the Waste Services Strategic Business Plan.
- Reserve Title : **Other Waste Management**
- Objective : To provide funds for the operational and capital activities related to the provision of waste disposal and collection of non domestic waste.
- Methodology : Transfers to and from reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for other waste management,
b) a submission supporting the objective, and
c) the net cash movement for other waste services.
- Funding Level : In accordance with the Waste Services Strategic Business Plan.
- Reserve Title : **Lawn Cemetery and Crematorium Development**
- Objective : To provide funds for the operational and capital development of this facility.
- Methodology : Transfers to and from reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for the lawn cemetery and crematorium,
b) a submission supporting the objective, and
c) the net cash movement for lawn cemetery and crematorium development.
- Funding Level : In accordance with the Lawn Cemetery & Crematorium Business Plan.
- Reserve Title : **Quarry Management**
- Objective : To ensure adequate funds are available to develop, enhance and restore Blakebrook quarry and approved gravel quarries.
- Methodology : Transfers to and from reserve are based on:
a) the existence of, or proposal for, an annual budget allocation for quarry management,
b) a submission supporting the objective, and
c) the net cash movement for quarry operations.
-

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Reserves Policy

Funding Level : In accordance with the Quarry Business Plan.

Reserve Title : **Property Management**

Objective : To provide funds to assist in the maintenance, enhancement and development of Council owned properties.

Methodology : Transfers to and from this reserve are based on;

- a) the existence of, or proposal for, an annual budget allocation for property management,
- b) a submission supporting the objective.
- c) the net of sales and expenses related to residential, industrial and commercial land development, and
- d) the net cash result for commercial shops and offices.

Funding Level : In accordance with the Property Management Business Plan.

Reserve Title : **Aerodrome**

Objective : To provide funds for the operating, development and enhancement of this facility.

Methodology : Transfers to and from this reserve are based on;

- a) the existence of, or proposal for, an annual budget allocation for the aerodrome,
- b) a submission supporting the objective, and
- c) the net cash movement for aerodrome operations.

Funding Level : In accordance with the Airport Business Plan.

Reserve Title: **Economic Development**

Objective: To ensure adequate funds are available to support Council and or local business initiatives that provide much needed marketing, investment and employment opportunities.

Methodology: Transfers to and from this reserve are based on;

- a) the existence of, or proposal for, an annual budget allocation for economic development, and
- b) a submission supporting the objective.

Funding Level : Funds to accumulate based on specific purpose requirements.

Reserve Title : **Water Supplies**

Objective : To ensure adequate funds are available to operate, manage and maintain a high quality water supply service.

Methodology : Transfers to and from this reserve are based on;

- a) the existence of, or proposal for, an annual budget allocation for water supplies,
- b) a submission supporting the objective, and
- c) the net cash movement for water supplies.

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Reserves Policy

Note: These funds are restricted by the Local Government Act 1993 which requires all funds generated by this service to be expended on this service.

Funding Level : In accordance with the Water Supply Services Business Plan.

Reserve Title: **Wastewater Services**

Objective: To ensure adequate funds are available to operate, manage and maintain a high quality wastewater service.

Methodology: Transfers to and from this reserve are based on;
a) the existence of, or proposal for, an annual budget allocation for wastewater services,
b) a submission supporting the objective, and
c) the net cash movement for wastewater services.

Note: These funds are restricted by the Local Government Act 1993 which requires all funds generated by this service to be expended on this service.

Funding Level : In accordance with the Wastewater Services Business Plan.

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Dedication of Land known as Lot 2 DP 633404 Dunoon Road for Road Widening

Subject/File No: DEDICATION OF LAND KNOWN AS LOT 2 DP 633404 DUNOON ROAD FOR ROAD WIDENING (LW/NS: P15435)

Prepared by: Lindsay Walker, Planner/Surveyor

Reason: Council resolution required under Local Government Act. Council cannot delegate with respect to acquisition, sale or exchange of land.

Objective: To seek Council resolution to dedicate the land as Roadway and to pay compensation to G.T. Troy.

Management Plan Activity:

Background:

Council recently received RTA funding for the upgrade of that section of Dunoon Road between Minshul Crescent and Bentley Road.

During the site investigations it became evident that the existing carriageway had been constructed partially outside of the road reserve onto Mr Troy's property. For the upgrade works to proceed it would have been necessary for Council to have acquired that area of land over which the existing carriageway was constructed.

It was considered that, as acquisition and dedication of part of Mr Troy's land was necessary, the opportunity to negotiate an acquisition to allow the best possible horizontal road alignment should be undertaken. These negotiations have proceeded well and valuations have been obtained.

The valuation has determined that compensation of \$18,295.50 is appropriate for the acquisition of 3,333m² of Mr Troy's property. In addition to this compensation, Council would be required to pay reasonable professional costs and reinstate Mr Troy's existing driveway.

As Section 377 of the Local Government Act prescribes that Council may not delegate "*the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*" Council must make a decision to acquire the land, as dedicated road or otherwise, by way of resolution.

Principal Accountant's Comments

The land to be dedicated in this report is part of an RTA approved project. Funding for the entire project is provided for in the current 2000/01 budget on the basis of 50% from the RTA and 50% from Council.

Public Consultations

Not necessary.

Other Group Comments

Not necessary.

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Dedication of Land known as Lot 2 DP 633404 Dunoon Road for Road Widening

Conclusion

The dedication of this area as roadway and the payment of compensation to G.T. Troy will facilitate the realignment and upgrading of this section of Dunoon Road. The dedication will resolve the existing anomalous situation where a public road has been constructed on private land.

Recommendation GM 1

1. That the subject area of land which is part of Lot 2 in DP633404, as shown in the attached sketch, be dedicated as public road.
2. That compensation of \$18,295.50 be paid to G.T. Troy
3. That G.T.Troy's driveway be reinstated at the conclusion of the works
4. That Council pay reasonable professional costs associated with the dedication of this land.
5. That the General Manager be authorised to execute and apply the Common Seal of the Council to the Deed of Agreement in line with the terms and conditions outlined in this report.

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Subject/File No: TENDERS FOR PAVEMENT STABILISATION WORKS
(WJ:LC:T21009)

Prepared By: CONTRACTS ENGINEER – Wes Johnstone

Reason: To inform Council of tenders received for the Pavement Stabilisation Works during the Year 2001.

Objective: Council approval of selected Contractors.

Management Plan Activity: Client Services/Roads

Background:

Tenders were recently invited for Pavement Stabilisation works during the year 2001.

Tenders were received from the following organisations:

1. Queensland Department of Main Roads.
2. Stabilised Pavements of Australia P/L.
3. Boral Asphalt Stabilex.
4. SAT Civil Constructions P/L.

Due to this work being carried out at many separate locations at various times throughout the year, tenders were invited on a Schedule of Rates basis. The rates received are shown in Appendix A.

To enable a comparison, two typical projects for this Council were selected and costs calculated based on the tendered rates (refer Appendix B).

The comparisons of costs for the two typical projects is as follows:

A. 15,000m² Program (5 Working Days):

CONTRACTOR	OPTION	COST
Stabilised Pavements of Australia	A	\$38,150
	B	\$38,270
Queensland Department of Main Roads		\$41,600
SAT Civil Constructions P/L		\$43,700
Boral Asphalt Stabilex		\$47,100

B. 4,000m² Program (1 Working Day):

CONTRACTOR	OPTION	COST
Stabilised Pavements of Australia	A	\$10,530
	B	\$10,650
Queensland Department of Main Roads		\$12,560
SAT Civil Constructions P/L		\$12,680
Boral Asphalt Stabilex		\$14,760

The rates tendered by Stabilised Pavements of Australia result in the lowest cost for both projects.

In addition, when the other evaluation criteria specified in the tender documents are also applied (i.e. Capability, Relevant Experience and Methodology, Management and Financial).

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Tenders for Pavement Stabilisation Works

- The ranking is:
1. Stabilised Pavements of Australia P/L
 2. Queensland Department of Main Roads
 3. SAT Civil Constructions P/L
 4. Boral Asphalt Stabilex.

Principal Accountants Comments

Funds to undertake pavement stabilisation are included in the 2000/01 budget and are managed by the City Works Group.

As to the scope of works likely to be undertaken, this will depend on available funds, but as an indicator, we have spent \$1.1 million with Stabilised Pavements of Australia P/L over the last two years.

Acting Group Manager – City Works Comments

The waterproofing nature and additional strength associated with stabilisation is proving to be a cost effective pavement treatment for Council.

Council has built up a good working relationship with Stabilised Pavements of Australia over several years. Service and co-operation has been good in the past and there is no reason to suggest it will not continue for the duration of this contract.

Public Consultations

Not required.

Other Group Comments

Not required.

Conclusion

Because of the nature of this work, the selection of a Contractor can depend significantly on availability at the time required. As a result, the Specification enables Council to use any of the Contractors who submitted a tender, depending on cost and availability.

The highest ranked tenderer, Stabilised Pavements of Australia, has successfully carried out work for Lismore City Council under a number of similar contracts.

Contractors will be firstly selected on the basis of the lowest cost and, secondly, on the basis of availability.

Recommendation GM 2

That Council adopt the following order of priority for the engagement of Pavement Stabilisation Contractors for major and minor works:

1. Stabilised Pavements of Australia P/L
2. Queensland Department of Main Roads
3. SAT Civil Constructions P/L
4. Boral Asphalt Stabilex.

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Tenders for the Supply of a 32 Tonne Quarry Dump Truck – T20024

Subject/File No: TENDERS FOR THE SUPPLY OF A 32 TONNE QUARRY DUMP TRUCK – T20024 (CA:LC:T20024)

Prepared By: CONTRACTS OFFICER - CHRIS ALLISON

Reason: To inform Council of need not to accept any of the tenders received and to re-advertise the tender.

Objective: To obtain Council resolution not to award the Tender and to re-advertise the Tender.

Management Plan Activity: Client Services / Business & Enterprise (Quarry Operations)

Background:

Tenders were invited for the supply and delivery of a 32 tonne quarry dump truck in June 2000.

Tenders were advertised in the Sydney Morning Herald, The Courier Mail and Northern Star. Tender documents were issued to eight (8) companies, with six (6) tenders were received by the close of the tender on 2.00pm, Tuesday, July 13, 2000.

During the period since the close of tenders, the Quarry Manager and the Group Manager Business and Enterprise have undertaken extensive investigations as to the most suitable vehicle and the most beneficial funding method to obtain the vehicle.

Due to the time period since the tenders closed, the original tenders are no longer valid and some of the tenderers have withdrawn their offers. In September 2000, Council wrote to all tenderers and advised that Council would not be proceeding with the purchase of the dump truck until a later date.

Manager – Lismore Quarry & Asphalt

In October 2000, the management group of Council agreed to the external acquisition of a replacement quarry dump truck subject to the review of field trials, and a report to be prepared for Council's consideration.

Field trials however, revealed that under similar operating conditions in a comparable quarry operation, the consistent load capacity of the proposed vehicle was in fact less than the theoretical analysis used in our assessment for a suitable vehicle. This confirmed our concerns that this vehicle would not sufficiently maintain adequate material supply for the production requirements at Lismore Quarry.

The Quarry Manager & Group Manager Business & Enterprise are currently reviewing the original tenders, and have made minor modifications to the specification for supply of the replacement vehicle.

Principal Accountant's Comments

Not required.

Public Consultations

Not required.

Other Group Comments

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Tenders for the Supply of a 32 Tonne Quarry Dump Truck – T20024

Not required.

Conclusion

Under the Local Government Tendering Regulations, where a Council decides not to accept any of the tenders received and to call new tenders, a Council resolution is required.

Recommendation GM 4

1. That Council resolves not to accept any of the tenders received for the supply of a quarry dump truck.
2. That Council resolves to call new tenders for the supply of a quarry dump truck.

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Subject/File No: ACQUISITION UNDER THE VOLUNTARY FLOOD PRONE PURCHASE SCHEME – 9 SHANNON STREET, LISMORE. (LW:LC:P8917)

Prepared By: Planner/Surveyor – Lindsay Walker

Reason: Richmond River County Council expect to secure State & Commonwealth funding towards this acquisition.

Objective: Obtain Council approval to proceed with the acquisition.

Management Plan Activity: Property, Flood Mitigation.

Background:

The General Manager of Richmond River County Council has negotiated with Mrs M Davison of 9 Shannon Street, Lismore for the purchase of her property. The State Valuation Office considers that the valuation range for the subject property is between \$116,000.00 and \$124,000.00. Mr P O'Sullivan of Richmond River County Council has negotiated an acquisition price of \$124,000.00. Mr O'Sullivan anticipates that a government subsidy of 1:1:1, being Commonwealth:State:Council, will be available for this acquisition. The purchase contract will be conditional upon this subsidy being received. The cadastral description for the subject property is Lot 7 in Deposited Plan 12970.

Manager - Finance & Administration Comments

RRCC have advised that they have approximately \$458,000 available to purchase properties under the VFPPS. On a 1:1:1 basis, our contribution is approximately \$153,000. Unfortunately, after we settle 7 & 7A Shannon Street, all available funds for 2000/2001 will be expended.

Consequently, while agreeing to the proposal to purchase the property, it is suggested that it not proceed until 2001/2002 when our funds to meet the VFPPS allocation is available unless it can be included under the Lismore Flood Levee project. This option has not been pursued at this time.

I might add that annually we have allocated \$33,000 for purchases under the VFPPS. Other than providing another \$12,000 next year to meet this commitment, it will take another four years at this level of contribution to fully take up the current subsidy allocation. It is clear that while the State/Federal Governments are willing to support the VFPPS to this level, due to our other commitments, financially, we are not.

These issues will be the subject of further discussions between staff of Lismore City Council and Richmond River County Council.

Public Consultations

N/a.

Other Group Comments

Acting Group Manager City Works.

During the development of the Lismore Levee EIS, particular care was taken to carefully analyse the potential flood threats within the Shannon/Barry Streets area.

This analysis revealed that –

1. during a major flood event, water velocities would be high
 2. houses in this area would be isolated early in the flood event
 3. due to flood velocity, it would be difficult for residents to evacuate in safety.
-

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Acquisition under Voluntary Flood Prone Purchase Scheme – 9 Shannon Street Lismore

These factors exist with or without the levee.

The best option appeared to be to purchase the affected houses and return the riverbank land to riverbank parkland. The levee is proposed to be constructed well back from the riverbank which will minimise its impact on both the river system and the community.

Dwellings at Barry and Shannon Streets will then be situated outside of the levee. Clearly the purchase of these houses is the best solution to a number of problems. The purchase of the dwelling at No. 9 Shannon Street is simply another step in this process.

Conclusion

The property at 9 Shannon Street, Lismore has been identified for acquisition under the Voluntary Acquisition Scheme. Richmond River County Council anticipates that funding will be available for this acquisition on a 1:1:1 (Commonwealth/State/Council) basis.

Recommendation GM3

That

- 1 Council authorise the General Manager or his delegate to negotiate the purchase of 9 Shannon Street, Lismore under the Voluntary Flood Prone Acquisition Scheme, subject to the availability of both the 1/3 internal funding and the 2/3 external funding necessary for the acquisition of the subject property at a price of \$124,000.00 together with legal and valuation expenses.
- 2 The General Manager and Mayor be authorised to sign and apply the Common Seal of the Council to the contract of Sale & Property Transfer as necessary.

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Subject/File No: CIVIC PRIDE ADVISORY PANEL – APPOINTMENT OF CITIZEN MEMBER
(NM:VLC:S273)

Prepared By: Manager - Parks & Recreation

Reason: To fill the vacant citizen position on the Civic Pride Advisory Panel.

Objective: To gain Council approval to appoint M/s V Ekins.

Management Plan Activity: Parks & Recreation

Background:

Council at its meeting of August 29, 2000 considered a report concerning the change in title of the subject Panel and the appointment of a new citizen member to the Panel. As part of a four-part resolution (230/00) Council resolved as follows -

Part 3: Any vacant citizen member position be advertised and applications be referred to the Panel for subsequent recommendation back to Council.

Applications:

As there was one citizen vacancy on the Civic Pride Panel, advertisements were placed in Council's public notices column in the local press and two (2) nominations were received as follows –

- M/s Vanessa Ekins associated with the Wilson River Landcare Group, and
- Mr Stan Heywood of Rosebank.

These applications were submitted to the Civic Pride Panel at its meeting of November 13, 2000. The Panel resolved to recommend to Council that M/s Ekins be appointed to the Civic Pride Panel.

Manager - Finance & Administration Comments Not required

Public Consultations N/A

Other Group Comments Not required

Conclusion

Council's resolution (230/00) has been enacted and one nomination has been received. There is currently one citizen vacancy on the Civic Pride Panel. Furthermore, correct procedure has been followed and the Panel has considered the nomination and has recommended the appointment.

Recommendation (WOR30)

That M/s Vanessa Ekins be appointed to the Civic Pride Panel.

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Subject/File No: DECEMBER 2000 QUARTERLY BUDGET REVIEW STATEMENT
(GB: S755)

Prepared By: Principal Accountant – Gary Boyd

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

Objective: To gain Council's approval to amend the 2000/01 budget to reflect actual or anticipated results.

Management Plan Activity: N/A

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 2000/01 Budget reflects the actual and anticipated results as it will be compared to the proposed budget during the 2001/02 Management Plan process.

Outstanding Issues

There are several outstanding issues that have not been accounted for in the budget process to date due to a lack of finalised information being available or timing issues. Three important items are summarised below.

Airport Terminal Completion

Staff are in the process of finalising accounts for this project. Information is being submitted to Council's solicitors regarding the collection of a bank guarantee and a statement of claim against the contractor for additional costs incurred in completing the project. This information will be the subject of a separate report to Council where all financial implications will be highlighted.

Salary and Wages Back-Pay and Pay Adjustments

Actual calculations have been undertaken based on the most recent agreement between management and the Municipal Employee's Union (MEU). However, there are two other Unions who have not accepted this offer to date and as such, calculations cannot be finalised. Negotiations continue and when an agreement is reached the financial implications will be reported through the quarterly review process.

Federal Funding for Roads

The Federal Government announced just before Christmas that it had introduced a "Roads to Recovery" program. It was stated that Lismore City Council would receive approximately \$3.2 million starting immediately and running to July 2005. At present it is unclear just how much Council will receive in the 2000/01 financial year. Until this information becomes available, budgets will not be amended and hence plans to spend these funds will be delayed.

General Fund

The 2000/01 Management Plan provided for a working fund surplus of \$35,500. The September review amended the result to a working fund surplus of \$32,100. This review details a slight increase in the surplus of \$700 to \$32,800. In other words, for 2000/01, operations are budgeted to run at a surplus of \$32,800.

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For Councillor's benefit, the movements in the working fund surplus are detailed in the table shown below.

Description	Amount \$
Opening Balance at October 1, 2000	32,100
Less – increase in contribution required to NSW Fire Brigade	(1,100)
Less – review of Aerodrome's internal support costs and National Competition Policy payments to general fund following change in operations upon appointment of contractor to manage the facility	(15,700)
Less – expenses to be incurred in relation to negotiations with the developer of Lismore Square regarding expansion of the centre.	(10,000)
Add – increase in estimated net revenues generated primarily from general rates. (Breakdown is as follows – general rates revenue increased by \$100,100, financial services revenue decreased by \$10,000, planning services group revenue decreased by \$47,000 due largely to DA fees and tourism revenue decreased by \$15,600.)	27,500
Closing Balance at 31 December, 2000	32,800

Council is fortunate to have maintained its operating surplus to more or less the same level as the original budget. However, it is a sound financial strategy for an organisation of this size and complexity to plan for a small operating surplus to counter a variety of external factors, which may erode our financial position over the course of a year. An example of this is the net revenue increase shown above which would have resulted in a deficit of around \$70,000 had it not been for the increase in general rates revenue.

For Council's information, listed below are the details of the activities with significant variances.

Corporate Management

Legal expenses have been incurred in the City Works section that have exceeded budgeted figures. Costs relate to the ongoing dispute with Steltech and the legal costs associated with a workcover fine. Consequently, a transfer from reserves for legal expenses has been made to the value of \$21,000. This reserve originated from savings in legal expenses last financial year.

Client Services Unit – Property Services

Air-conditioning for a section of the Goonellabah Community Centre has been approved by the General Manager, to the value of \$15,000. This has been funded from property reserves. In addition, \$5,000 has been released from the Library/Art Gallery Development reserve to fund Client Services costs and valuation fees for the ongoing process of acquiring this property.

General Purpose Revenues

Net rates revenue has increased by \$100,100. This is due largely to the change in valuations received from the Valuer General's Department pertaining to properties being subdivided.

Community Services

Income and expense budgets of \$92,700 have been allocated for the Masters Games to be held in September 2001. As a great deal of the marketing and groundwork is completed before the event takes place, full budgets have been allotted with the net amounts to be transferred to next years budget at year end.

Gingerbread House

The deck at the Gingerbread House Centre has been replaced as it was hazardous and in urgent need of repair. This work has been funded from property reserves at a cost of \$20,000.

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Art Gallery

The Art Gallery has received a grant from the Ministry of the Arts totalling \$15,000 for exhibitions and operations. Income and expense allocations have been adjusted accordingly.

Environmental Health

Revenues have been increased by \$12,000 based on actual amounts received to December and forecasted to June 30, 2001. The major increases relate to Septic Licenses Income and Commercial Inspections.

Planning Services

Unfortunately, revenue forecasts for planning services have been adjusted downwards quite markedly. The revenue estimates have been reduced by \$54,000 from a total revenue budget of \$247,000. Development application fees not reaching expectations are the major cause of the decline in revenues, this is due to a lack of demand in the industry and the absence of any major developments received in the past six months.

Parks and Recreation

The responsibility for roadside slashing and vegetation control has been transferred from the roads program to parks and recreation. The budget implications are an increase in the parks expenditure budget of \$71,000 and a corresponding reduction in the roads maintenance program.

An amount of \$73,000 had been transferred from reserves to fund works at Crozier Oval. The total budget for this project in 2000/01 is now \$439,000.

Fire Control

\$17,900 in Section 94 levies have been allocated to purchase hand held radios (\$8,600) and fund extensions to the roof at the control room (\$9,300).

An approved budget for 2000/01 from the NSW Rural Fire Fighting Service has been received and incorporated into Council's budget. There is no impact on Council's working funds position from these changes. Income and expenditure line-items have been reduced by \$56,600 each.

Lismore Flood Levee: Comments provided by Manager - Finance and Administration

Notification has been received that a total of \$1,500,000 is available for works associated with the Lismore Flood Levee for the current year. This is on the basis of equal funding from federal, state and local governments. Consequently, our contribution will be \$500,000.

Now that this information is available, it is appropriate to amend the 2000/2001 Management Plan details relating to the budget. The following are the major changes required :-

- a) Special Rate Variation Application : Council applied to the Department of Local Government for a \$100,000 increase in the general rate to fund part of our contribution to these works. The application was refused by the Minister. The impact is that the cash 'available' for Council to allocate to this project is reduced by \$100,000.
- b) 2000/2001 Contribution To Works \$500,000 : Based on a review of all works associated with Flood Mitigation and their respective funding, approximately \$300,000 is available for this contribution. This would leave around \$15,600 available to meet 'running costs' such as modifications to any Plans or Studies in the reserve. Given that we have made no provision in our loan program for the balance of \$200,000, logically, we could request Richmond River County Council to borrow this on our behalf.

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It is important to note that this will commit the majority of reserves held for flood mitigation. No additional funding would be available for any other purpose other than this project until 2001/2002, including flood prone property acquisition, other than that already committed to by Council. At the same time, it is not likely that the total contribution would be required immediately, so if an opportunity arose to acquire another flood prone property in the mean time, this could be accommodated if the acquisition were funded under the Lismore Flood Levee project. This option is yet to be canvassed with Richmond River County Council.

This approach is supported as it is the most cost effective use of the limited funds we have available rather holding funds in reserve.

- c) Browns Creek Drain : The project be deferred and consideration be given to funding this in next years subsidised works program. The \$20,000 allocated for this purpose is recommended to be used as part of the flood prone property acquisition program. This program is considered essential to the Lismore Flood Levee project.

Urban Roads

Maintenance expenditure of \$71,000 has been transferred to the parks and recreation program for the provision of roadside vegetation control, as mentioned earlier in this report.

A previous resolution of Council, agreeing to upgrade Military Road in conjunction with the Cellulose Valley project, has been funded from Financial Assistance Grant (FAG) reserves to the value of \$150,000.

Council allocated \$80,000 in 2000/01 for footpath upgrading and beautification in the CBD of Lismore. In addition, as a result of superannuation savings announced in November 2000, this allocation has been increased by a net amount of \$64,000. Of this, \$11,600 has been committed to improvements to the median strip and plantings around the CBD including the Molesworth Street pedestrian refuge. This leaves a total of \$132,400 available for these works, unless Council determines to reallocate to another project.

Superannuation Savings

Council received a letter from the Local Government Superannuation Scheme in early November regarding a "contribution holiday". The implications for Council are an overall saving of \$197,000 from November until the end of the 2000/01 financial year. Of this total, \$165,000 relates to the general fund. A further breakdown of the general fund amount is approximately \$87,000 for wages staff and \$78,000 for salaried staff.

From a working funds perspective, there is effectively \$64,000 free for additional projects, after taking into consideration the salary savings that are not from self funded programs. This is in addition to the indirect savings made from a real reduction in the oncost rates. As has been the case in the past when a superannuation change has been made, the oncost rates have been recalculated and adjusted. This time, the wages staff rate has been reduced by 3% and the salaried staff rate has been reduced by 2.5%.

Rural Roads and RTA Works

The RTA have confirmed some of the projects for 2000/01 following the introduction of single invitation contracts with Council. The first item of interest is the \$24,700 reduction in the Regional Roads Repair Program from \$300,000 to \$275,300. Council matches this funding dollar for dollar. For 2000/01 our matching funding has come from FAG's monies. As one of the projects has been deferred for 2000/01, this means that Council's 50% funding has been freed for other purposes. At present this amount of \$24,700 has been transferred to FAG's reserves for use at a later date.

LISMORE CITY COUNCIL - Meeting held February 13, 2001

December 2000 Quarterly Budget Review

An amount of \$136,000, which has replaced the former 3x3 funding program, has been committed by the RTA. This is in addition to the original budget for 2000/01. It has been decided to use this \$136,000 as part of Council's 50% share of the Regional Roads Repair Program, mentioned in the previous paragraph. Staff have corresponded with the RTA confirming that this is a legitimate use of these funds. This means that \$136,000 in FAG's funding is available for other purposes. These funds have been transferred to the capital program for roads. The Manager – Roads and Infrastructure will advise exactly where these funds are to be spent in due course.

Finally, the RTA's State Road Maintenance program has been reduced by \$61,500 for both revenue and expenses to a total of \$440,500 for the 2000/01 financial year.

Waste Management

Two separate transfers from reserves have been made from the Waste Facility. \$5,000 has been used to fund initial costs relating to the acquisition of land to extend the waste site. A further \$10,000 is being used to promote and commence an organic service for non-domestic waste customers.

Unexpended grant funds from the Environmental Protection Authority received last year of \$19,700 have been transferred into this financial year to finalise the funding for the new recycling centre at the waste site.

Commercial Properties

As negotiations continue on the old Lismore High School Site, with Council now committed to purchase part of the property, costs have been incurred. Hence, \$5,000 has been transferred from the reserve set up for this purpose to cover Client Services time and legal and valuation costs.

As mentioned earlier in the report, \$20,000 has been transferred from property reserves to fund the replacement of the deck at the Gingerbread House.

Water and Sewerage Funds

Both funds have been analysed and there has not been any significant variances or budget changes to report in this quarterly review.

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not requested.

Conclusion

Change in Net Assets

The 2000/01 Management Plan showed a surplus in the "Change in Net Assets" of \$1,680,000. Based on the September Quarterly Review for 2000/01 this amount was reduced by \$108,000 to \$1,572,000. This review increases the surplus by \$297,000 to \$1,869,000.

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

LISMORE CITY COUNCIL - Meeting held February 13, 2001

December 2000 Quarterly Budget Review

Recommendation (COR03)

- 1 Council adopt the December 2000 Budget Review Statement for General, Water and Sewerage Funds.
- 2 This information be submitted to Council's Auditor.
- 3 That Richmond River County Council be requested to borrow \$200,000 on our behalf to fund the balance of the 2000/2001 contribution required for the Lismore Flood Levee.

LISMORE CITY COUNCIL - Meeting held February 13, 2001

Subject/File No: PRESIDENCY OF THE LOCAL GOVERNMENT ASSOCIATION OF NSW
(GW/LM: 01-853: S47)

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Request from Grafton City Council

Objective: To determine Council's response.

Management Plan Activity: -

Background:

Please find attached to this report correspondence from the Mayor of Grafton seeking support for the proposition that the position of President of the Local Government Association alternates on a 2 yearly basis between country and metropolitan councillors.

It has not been this Council's practice to direct its delegates on how they should vote on motions before the annual conference. It is not proposed that this practice be altered. The matter is before Council due to the direct request of the Mayor of Grafton and the very political nature of the issue.

Some arguments in support of Grafton's proposition are detailed in its correspondence. Council should be wary of any artificial limits which have the potential to reduce the pool of talent available for election to the position of President, now and into the future. To even debate this issue has the potential to increase the "perception" of a country/metropolitan split.

Should Grafton wish to pursue this issue, perhaps it would be better advised to seek a quality country candidate and promote their virtues to both country and metropolitan councils.

Manager - Finance & Administration Comments

Not required

Public Consultations

Not requested

Other Group Comments

Not requested

Recommendation (COR01)

That Council not direct its delegates on how they should vote with respect to the Grafton City Council motion to the 2001 Local Government Conference on the Presidency of the Local Government Association.

LISMORE CITY COUNCIL - Meeting held February 13, 2001

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD DECEMBER 20, 2000

AT 10.00 AM.

(WMacD:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors John Chant and Mervyn King, Messrs Mike Baldwin (*Roads and Traffic Authority*), Chris Mallam (*Lismore Unlimited*), Snr Const Dave Sales (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).

In Attendance: Mr Craig McLaren of McLaren Traffic Engineering for Item No. 3.

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

Minutes of Traffic Advisory Committee Meeting - November 15, 2000

Members were advised that the Minutes of the meeting held on November 15, 2000 were adopted by Council at its meeting of December 12, 2000, excluding Item No. 6 (Speed Limit on Ballina Road – Vicinity of Media Centre). (R6408)

Disclosure of Interest: Nil

Business Arising:

1. **Speed Limit on Ballina Road (SH16) – Vicinity of Media Centre**

Council had resolved to recommend to the Committee that the 60 kph sign be relocated to the eastern side of Holland Street, Goonellabah.

Mr Baldwin advised that Council did not have delegated authority for approval of speed zones. He pointed out that a proper survey had been carried out resulting in the 60 kph zone being relocated around the 'bend' to a point west of James Road. It was noted that upon construction of the roundabout at the Holland Street intersection, the speed limit would be re-assessed at that time.

TAC161/00 **RECOMMENDED** that the status quo remain on Ballina Road and the speed limit be re-assessed upon construction of the roundabout at the Holland Street intersection. (R6408)

Correspondence:

2. **Mrs W Walker;** expressing concern for several traffic issues on Booyong and Bangalow Roads, Clunes, and also seeking the installation of a 50 kph speed zone on Bangalow Road through the Clunes Village.

Members were advised that an inspection had been carried out of the locations in question and it was suggested that the sweeping nature of the 'bend' north of Booyong Road did not warrant the installation of guardrail. Several additional guide posts around the 'bend' towards Booyong Road would be sufficient to help delineate the 'bend', particularly at night.

Mr Baldwin advised that a road safety audit had recently been carried out along Bangalow Road including Clunes which had indicated that 60 kph was the appropriate speed limit through the Village. A plan and estimate for the upgrading of the intersection of Main Street and Booyong Road had been prepared some time ago but the project had been unable to attract funding at that time. It was suggested that this be resubmitted to the RTA with a request for funding.

The two-way turning lane in the middle of Main Street, opposite the intersection of Booyong Road and Walker Street did not currently have turning arrows painted thereon. Mr Baldwin agreed to investigate if the lane was of sufficient length to meet appropriate standards and turning arrows would be installed if this was found to be the case.

TAC162/00 **RECOMMENDED** that the above action be taken. (00-17346:R3901,R4101)

LISMORE CITY COUNCIL - Meeting held February 13, 2001

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING OF DECEMBER 20, 2000 (Cont'd)

3. **McLaren Traffic Engineering;** forwarding road safety audit and speed zoning evaluation for the section of the Bruxner Highway between the Ballina Street Bridge and Caniaba Road.

John R Brogan & Associates; seeking approval of the road safety audit and entry/exit arrangement onto the Bruxner Highway for the Hardware development at South Lismore.

Mr Craig McLaren was present to discuss this issue.

Mr McLaren was welcomed to the meeting and invited to speak on his proposal. He outlined the methods used in his survey and discussion took place regarding the proposed access and centre median. Mr Baldwin indicated that insufficient information was provided on the 85th percentile speed due to the relatively short time-frame over which the speed was assessed. He requested an additional count be carried out. However, there appeared to be general agreement that a centre median was the best option to prohibit right-turn movements with the width yet to be determined.

Mr Baldwin advised that the extension of the 60 kph zone to a point south of the flood levee would be further considered upon completion of the current development proposals, as had been agreed previously.

TAC163/00

RECOMMENDED that the above be noted.

(00-17463,01-797:R4807)

4. **Whian Whian Public School;** highlighting several areas of concern to be addressed in order to increase the welfare and safety of School children under the Safer Routes to School Programme.

An on-site meeting had been carried out with the Principal and the issues discussed. It was noted that the issue of road shoulder maintenance and widening was one for investigation by the Roads & Infrastructure Section. Whian Whian Road was generally narrow and winding for most of its length and the erection of signs indicating same were not considered warranted.

The School Zone in front of the School was signposted at 60 kph which was in accordance with State-wide policy. It had been explained to the Principal that 40 kph School Zones were reserved for urban areas where the general limit was 60 kph. It would appear that there were only one or two local residents causing problems with excessive speed in the vicinity of the School and therefore it was suggested to the Principal that if number plate information was provided to the Police, further follow-up action would be taken. It was agreed that this would be a better option than inconveniencing all residents with the installation of an additional speed bump.

Whilst technically the speed limit on Whian Whian Road was in accordance with the State-wide limit of 100 kph, speed limit signs did not currently exist at the start of the road off Dunoon Road. As Whian Whian Road was no different to many other rural roads and the RTA would not consider reducing the speed limit at this stage until the speed zoning review was complete, it was suggested that the status quo should remain.

The matter of providing an additional area for parking on the road shoulder just north of the vehicular entrance would be referred to Council's Roads & Infrastructure Section for investigation.

TAC164/00

RECOMMENDED that the above measures be endorsed by Council and the writer be advised accordingly.

(00-17498:S342)

LISMORE CITY COUNCIL - Meeting held February 13, 2001

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING OF DECEMBER 20, 2000 (Cont'd)

5. **R Osborne;** expressing concern for the volume and speed of traffic along James Street, Lismore, particularly the upper section between Dawson and Cathcart Streets, and seeking the installation of appropriate traffic calming measures. The results of a traffic and speed classification were tabled at the meeting. The 85th percentile speed was 54 kph which was not considered to be excessive. Whilst this did not necessarily negate the need for traffic calming in the general area, it was acknowledged that there would be other areas with greater need. Due to limited funding for such proposals and considering the results of the recent survey, it was suggested the writer be advised that it was unlikely any such traffic calming proposal would be considered in the short-term.
- TAC165/00** **RECOMMENDED** in accordance with the above. (00-17500:R6035)
6. **Thomas George, MP,** making representations on behalf of Mrs Leanne Jarrett who is seeking a solution to the present safety problem of School children being required to cross Ballina Road, adjacent to Toongahra Estate, to travel on the School bus to Alstonville.
- Mr MacDonald advised that he had again liaised with Kirklands Coaches with regard to the bus in question travelling into Toongahra Estate. However, as stated previously, it was reluctant to carry out such a maneuver due to the difficulty in gaining access back onto the Highway, particularly against the morning peak hour traffic. The matter would be reconsidered after construction of a roundabout at the intersection.
- Council had previously resolved to install a pedestrian refuge in the centre of Ballina Road, in the vicinity of the Bus Stop, and this was still a current proposal but lacked funding at this stage. It was suggested that such a facility would not necessarily provide adequate protection for unsupervised children, particularly in their earlier School years.
- TAC166/00** **RECOMMENDED** that the writer be advised in accordance with the above. (00-18653:S352)
7. **Eureka Bus Service;** seeking an extension of its bus route to include the circuit of Emerson Road; Rosebank Road to the Rosebank Shop, followed by Whian Whian Road to the intersection of Whian Whian and Emerson Roads.
- Members were advised that the section of road proposed to be in the extended bus route had been inspected and found to be very narrow and winding. The condition of same would deteriorate in extreme weather conditions making bus travel even less desirable. Accordingly, it was not considered that it would be suitable for bus travel.
- TAC167/00** **RECOMMENDED** that the writer be advised accordingly. (00-18153:S135)
8. **Dunoon & District Community Forum;** seeking an extension of the School Zone on James Street, Dunoon, to the intersection of May Street, together with speed bumps, in an effort to slow the speed of traffic; or that a 50 kph speed limit be imposed for the length of James Street and a coloured pedestrian crossing be provided in the vicinity of the General Store and Pre-School.
- An inspection of James Street revealed that the Dunoon Pre-School was some distance from the existing School Zone and in any case did not fall within the criteria for inclusion. However, as traffic volumes through Dunoon were relatively low compared to other Main Roads, it was suggested that the general speed limit through the Village could be reduced to 50 kph. It was felt this would benefit pedestrians too as numbers would not warrant the installation of a pedestrian crossing.

LISMORE CITY COUNCIL - Meeting held February 13, 2001

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING OF DECEMBER 20, 2000 (Cont'd)

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

CHAIRPERSON

**TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR**

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

Licence Agreements for 4 Car Hire Counters at Lismore Airport Terminal

- a) Glenrovi Pty Limited trading as Thrifty Car Rental
- b) G A & J L Charters Pty Limited, franchise holder for Avis
- c) Usellus Holdings Pty Limited trading as Budget Car Rental
- d) Craftview Pty Limited trading as Hertz Rent a Car

Licence Agreements are for a term of five years from 4/12/2000 to 3/12/2005
(P9733)

S88B Instrument – 82 Cullen Street, Nimbin – D & C A Whitlen

Boundary adjustment - an easement to drain sewage in favour of Council is being released in Part 1A of the document and is being recreated in Part 2.
(00-18811: D00/600)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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

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

Recommendation:

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

Item 1: Mayoral Minute - General Manager's Monitoring Review of Performance

Grounds for Closure -

Section 10D(2): a) Section 10A (2)(a)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, DECEMBER 12, 2000 AT 6.04PM.

- Present:** His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Hampton, Irwin, King, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Business & Enterprise (from 6.55pm), Acting Planning & Development; Manager-Finance & Administration, Manager-Planning Services, Strategic Planner (Bruce Blackford), Manager-Client Services, Manager-Building & Regulation, Contracts Officer and Administrative Services Manager.
- 349/00 **Apologies/ Leave of Absence:** An apology for non-attendance on behalf of Councillor Gallen was received and accepted and leave of absence granted. Leave of absence was granted to Councillor Tomlinson for two weeks from December 15, 2000. Leave of absence was granted to Councillor Roberts from December 14-26, 2000 and the last two weeks in January, 2001. (Councillors Irwin/Baxter)
- 350/00 **Minutes:** The Minutes of the Ordinary Meeting held on November 21, 2000, were confirmed. (Councillors Irwin/Crowther)
- 351/00 The Minutes of the Special Meeting held on November 28, 2000, were confirmed. (Councillors Irwin/Crowther)

PUBLIC ACCESS SESSION:

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

Dean Gould re Mayoral Minute - Review of Communications & Marketing Position

(See Minute No. 352/00)

Mr Gould expressed concern that the position could be considered surplus to Council's needs. He stressed the position was required to get messages across to the media in a form which it could easily use. (S4)

Simon Thomsen re Mayoral Minute - Review of Communications & Marketing Position

(See Minute No. 352/00)

Mr Thomsen, resplendent in a fetching orange bow tie and with his tongue firmly in his cheek, championed the printed recommendation. (S4)

Peter Burge re Rescission Motion – Eastpoint Shopping Village

(See Minute No. 354/00)

Mr Burge spoke to the rezoning, claiming the proposed development for the site met all of Council requirements as outlined in its urban development strategy. Mr Burge gave his personal guarantee that any condition of consent with respect to the payment of \$146,000 towards the roundabout would not be appealed by the applicant. (S746)

Geoff Soul re DA00/679 – Proposed OfficeWorks Development – 71 Carrington Street, Lismore

(See Minute No. 359/00)

Mr Soul claimed the proposed development would have an adverse effect upon the economic infrastructure of the city and was not in its best interests.

(D00/679)

DISCLOSURE OF INTEREST:

S459

Councillor Chant declared an interest in Report - DA00/679 – Proposed OfficeWorks Development – 71 Carrington Street, Lismore and Item4 of the Traffic Advisory Committee minutes.

MAYORAL MINUTES:

Review of Communications & Marketing Position

(Copy attached)

A MOTION WAS MOVED that the minute be received and Council proceed with the appointment as advertised.

(Councillors Gates/Roberts)

AN AMENDMENT WAS MOVED that the minute be received and Council fill the position on a temporary basis until such time as the Council has an opportunity to discuss it in terms of the Plan of Management and the forthcoming budget.

(Councillors Swientek/Baxter)

At this juncture (7.08pm) Councillor Roberts left the meeting.

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, King, Tomlinson, Chant, Gates and Crowther.

352/00 **RESOLVED** that the minute be received and Council proceed with the appointment as advertised.

(Councillors Gates/Roberts)

Voting Against: Councillors Swientek, Baxter, Hampton and Suffolk. (S4)

Amendment to DCP 7 (Floodprone Land)

(Copy attached)

353/00 **RESOLVED** that the minute be received and Council amend Lismore LEP 2000 and DCP 7, Floodprone Land, with these amendments to be undertaken after Council has considered and adopted the Floodplain Management Plan.

(Councillors Crowther/King)

Voting Against: Councillor Irwin. (S106)

RESCISSION MOTION:

Proposed Eastpoint Shopping Village – Traffic Arrangements

(Copy attached)

354/00 Formal notice having been given by Councillors Irwin, Roberts and Tomlinson it was **RESOLVED** that Council's decision in regard to Eastpoint Shopping Centre be rescinded.

(Min. No. 348/00)

(Councillors Irwin/Chant)

Voting Against: Councillors King, Swientek and Baxter.

A FORESHADOWED MOTION WAS MOVED that –

- 1 Council proceed to rezone the subject land to facilitate the development of the Eastpoint Shopping Centre.
- 2 Council accept the commitment from Capminster in regard to a contribution of \$146,000 for the roundabout and this commitment be reflected as a condition of consent at the time of lodgement of the development application, or an appropriate deed of agreement being negotiated with Council's solicitors.

(Councillors Irwin/Chant)

AN AMENDMENT WAS MOVED that –

- 1 Council not proceed with a rezoning of the land to 3(b) Neighbourhood Business, but rather proceed with an LEP amendment to enable the development to take place under Clause 28 of its current LEP, subject to conditions that:
 - a) a development consent is to be obtained and the development is to be substantially commenced on the land within a period of three (3) years; and
 - b) no development consent is to be issued until and unless arrangements for vehicular and pedestrian access to and from the site are made to the satisfaction of Council and the Roads & Traffic Authority.
- 2 Council require –
 - a) the proponents to enter into an agreement in a form approved by Council's solicitors in relation, inter alia, to contributions to be made by the proponents to the cost of construction of the roundabout. The agreement would also seek to have the proponents waive their rights to lodge appeals either under Section 96 or Section 97 of the Act in relation to the conditions of any development consent issued which embody the conditions set out in the agreement. The agreement should also require the proponents to lodge a performance bond prior to the amendment being submitted to the Minister for approval and gazettal.
 - b) the proponents to lodge the appropriate performance bond. Council would agree to release the performance bond in the event that development consent was not granted and the development substantially commenced within the period limited by the enabling provision.

(Councillors Hampton/Suffolk)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Irwin, King, Tomlinson, Chant, Gates and Crowther.

355/00 **RESOLVED** that –

- 1 Council proceed to rezone the subject land to facilitate the development of the Eastpoint Shopping Centre.
- 2 Council accept the commitment from Capminster in regard to a contribution of \$146,000 for the roundabout and this commitment be reflected as a condition of consent at the time of lodgement of the development application, or an appropriate deed of agreement being negotiated with Council's solicitors.

(Councillors Irwin/Chant)

Voting Against: Councillors Swientek, Baxter and Hampton.

(00-17900: S746)

NOTICE OF MOTIONS:

Council Adherence to DCP's

(Copy attached)

Formal notice having been given by Councillor Tomlinson it was **MOVED** that in order to preserve the credibility of Council's planning process, Council adopt the policy of adhering to its own DCP's. Where it appears that a particular planning proposal has merit but falls foul of the DCP's then Council convene a workshop of Councillors and interested parties to examine the issue and if necessary, subsequently change the DCP in question.

(Councillors Tomlinson/Irwin)

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

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

(00-17821: S371)

At this juncture Councillor Suffolk left the meeting.

Local Government Road Funding

(Copy attached)

356/00 Formal notice having been given by Councillor Tomlinson it was **RESOLVED** that –

- 1 This Council give its full support to the Local Government Associations for it to continue its current campaign to gain a permanent and substantial increase in local government road funding. That this Council believes road funding should be a fixed percentage of the funds raised from the fuel excise and not tied to the vagaries of the election cycle nor windfall budget surpluses.
- 2 Council seek a commitment from the Federal ALP to funding guarantees given by the Federal Government.
- 3 Council authorise two Councillors and the Group Manager-City Works to attend the Rural Roads Conference in Mildura in 2001.

(Councillors Tomlinson/Irwin) (00-17820: S182)

Policy No. 5.2.28 – Dedication of Land for Community Purposes

(Copy attached)

357/00 Formal notice having been given by Councillor Baxter it was **RESOLVED** that Council review Policy 5.2.28 – Dedication of Land for Community Purposes.

(Councillors Baxter/Hampton) (00-17855: S517)

SUSPENSION OF STANDING ORDERS:

358/00 **RESOLVED** that standing orders be suspended and Council now deal with the undermentioned matters:-

- **DA00/679 – Proposed OfficeWorks Development – 71 Carrington Street, Lismore**

(Councillors Irwin/King)

At this juncture Councillor Suffolk returned to the meeting.

DA00/679 – Proposed Office Works Development – 71 Carrington Street, Lismore

(Copy attached)

DISCLOSURE OF INTEREST:

S459

Councillor Chant declared an interest in this matter and left the Chamber during discussion and voting thereon.

359/00 **RESOLVED** that the report be received and the Development Application No. 2000/679 for the proposed OfficeWorks building on Lot 1, DP 730530 at Lismore be assessed through the normal DAP process, and the General Manager be granted Delegated Authority to determine the application.
(Councillors Hampton/Crowther) (D00/679)

At this juncture Councillor Chant returned to the meeting.

RESUMPTION OF STANDING ORDERS:

360/00 **RESOLVED** that standing orders be resumed.
(Councillors Irwin/Baxter)

REPORTS:

Draft Lismore Rural Housing Strategy

(Copy attached)

361/00 **RESOLVED** that the report be received and Council -

- 1 Adopt the Rural Housing Strategy incorporating those amendments as recommended in this report.
- 2 Forward the Rural Housing Strategy to the Director-General of Urban Affairs and Planning for her agreement.
- 3 Disband the Rural Strategy Steering Committee and write to the members of the Committee thanking them for their involvement and assistance with the preparation of the Rural Housing Strategy.
- 4 That the following clause be inserted in Part B of the Strategy:
Applications for new RLSC development must demonstrate that all proposed dwellings will have access to a secure and adequate source of water for household purposes (including garden watering) without accessing surface water from any stream or watercourse. Sources of water for domestic or household purposes may include rainwater tanks, town water, water from an off-stream dam that satisfies the requirements of "harvestable rights" as defined in the Water Management Act, or from an underground bore licensed by the Department of Land & Water Conservation.

(Councillors Hampton/King)

Voting Against: Councillors Irwin and Swientek.

Dissenting Vote:

Councillor Irwin. (S668)

At this juncture (8.34pm) Councillor Roberts returned to the meeting.

Review of DCP No. 9 – Nimbin Village

(Copy attached)

362/00 **RESOLVED** that the report be received and Council place the Draft DCP for Nimbin Village on exhibition for a period of 3 months.
(Councillors Swientek/Irwin) (S385)

Amendment to DCP No. 36 – Outdoor Advertising Structures

(Copy attached)

363/00 **RESOLVED** that the report be received and the draft amendment to DCP No 36 be placed on public exhibition for a period of 3 months.
(Councillors Swientek/Tomlinson) (S538)

Lismore LEP Amendment No. 6

(Copy attached)

- 364/00 **RESOLVED** that the report be received and –
- 1 That the proposed changes as outlined in this report be incorporated into draft LEP Amendment No. 6.
 - 2 That draft LEP Amendment No 6 be placed on public exhibition for a period of 3 months.
- (Councillors Irwin/Chant) (S761)

Old Lismore High School Site and Supplementary Report

(Copy attached)

- 365/00 **RESOLVED** that the report be received and –
- 1 Council accept the DET's offer and proceed to purchase Lot 14 of DP 867281 for the amount of up to \$140,000, which is current market value as determined by the State Valuation Office.
 - 2 Council give public notice that it intends to acquire Lot 14 of DP 867281 as operational land.
 - 3 The General Manager be authorised to conclude the matter, then execute the contract of sale and memorandum of transfer under the Common Seal of the Council.
 - 4 Funding for the purchase be made from the \$200,000 reserve allocated for the replacement of the Library Building.
 - 5 Council, in addition to the above resolutions, accept Items 1-9 outlined in the report, as well as other viable options, for investigation purposes in determining its strategy for the site.
 - 6 That a workshop on the matter be held in February, and a representative of the Ministry for Arts be invited to the workshop.
- (Councillors King/Irwin) (P25791,P26243,P26242)

Amendment No. 4 to DCP 14 – Energy Efficiency

(Copy attached)

- 366/00 **RESOLVED** that the report be received and Council –
- 1 Pursuant to Clause 20(1) of the Environmental Planning and Assessment Regulation 1994, adopt Amendment No. 4 (as attached) and the amended Table 2.3.1 to Development Control Plan No. 14 to commence on January 1, 2001.
 - 2 Agree that pursuant to Clause 20(2) of the Environmental Planning and Assessment Regulation 1994 public notice be given of Council's decision within twenty-eight (28) days of that decision.
- (Councillors Swientek/Suffolk) (S405)

Tenders for the Repainting of the Holland Street Water Reservoir

(Copy attached)

- 367/00 **RESOLVED** that the report be received and –
- 1 The contract for the repainting of the internal of the Holland Street water reservoir (20026) be awarded to Ray's Machinery Painting Pty Ltd (trading as R.M.P. Abrasive Blasting) for the amount of \$136,510.00.
 - 2 Should Ray's Machinery Painting Pty Ltd withdraw their tender, then the tender be awarded to Aust-Cote Pty Ltd provided their referee check is satisfactory.
 - 3 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
- (Councillors Chant/Baxter) (T20026)

Tenders for the Provision of Water Main Construction/ Replacement

(Copy attached)

- 368/00 **RESOLVED** that the report be received and –
- 1 The contract for the water main replacement for Lake Street, Garrard Street, Ross Street and Krauss Avenue be awarded to Camglade Pty Ltd for the amount of \$177,404.00 plus rate only item costs.
 - 2 The Mayor and General Manager are authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
- (Councillors Crowther/Hampton) (T21006)

DA00/679 - Proposed Office Works Development – 71 Carrington Street, Lismore

(See Minute No. 359/00)

Support for Major Sporting Events

(Copy attached)

- 369/00 **RESOLVED** that the report be received and –
- 1 That Council approve the establishment of a dedicated Major Event Support Fund for the next financial year and that such provision be incorporated in the draft budget for the 2001/02 financial year.
 - 2 That Council's LDSA Committee and/or the Lismore Economic Development Advisory Board, in consultation with relevant Staff, make recommendation to the General Manager on the application/expenditure of these funds.
- (Councillors Baxter/King) (S375)

Environmental Weeds Species List

(Copy attached)

- 370/00 **RESOLVED** that the report be received and –
- 1 That Council adopt the Environmental Weeds Species List.
 - 2 That these guidelines be included within the proposed Development Control Plan for Landscaping and Native Vegetation Management.
- (Councillors Irwin/Baxter) (S331)

Change of Rating Category – Perradenya Estate

(Copy attached)

- 371/00 **RESOLVED** that the report be received and commencing in the 2001/2002 Rating year the land known as the Perradenya Estate be included within the Residential Urban/Village rating category.
- (Councillors Swientek/Irwin) (P13509)

Television Black Spot Funding

(Copy attached)

- A MOTION WAS MOVED that the report be received and Council -
- 1 Accept any grants offered under round 1 of the funding.
 - 2 Continue to push for the ongoing costs to be paid by third party/s.
 - 3 Not submit any further Expressions of Interest for further funding under round 2, unless a commitment is forthcoming to cover all ongoing costs.
- (Councillors Hampton/Baxter)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Council have no further "truck" with this proposal.
- 2 The Federal Government be requested to honour its obligation to supply television services into these areas.

(Councillor Crowther)

The amendment LAPSED for want of a seconder.

AN AMENDMENT WAS MOVED that the report be received and Council decline the offer of grant funding on the basis that the ongoing costs will be a substantial liability for this community and that they are rightly the responsibility of the Federal Government.

(Councillors Irwin/Crowther)

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

Voting Against: Councillors Roberts, Swientek, Chant, Hampton and Gates.

372/00 **RESOLVED** that the report be received and Council decline the offer of grant funding on the basis that the ongoing costs will be a substantial liability for this community and that they are rightly the responsibility of the Federal Government.

(Councillors Irwin/Crowther)

Voting Against: Councillors Roberts, Swientek, Chant, Hampton and Gates.

(S571)

Adam Gilchrist Park Plan of Management

(Copy attached)

373/00 **RESOLVED** that the report be received and Council adopt the Plan of Management for Adam Gilchrist Park as per the Draft Plan.

(Councillors Baxter/Chant) (D98/007)

Airport Terminal Executive Lounge

(Copy attached)

374/00 **RESOLVED** that the report be received and the executive lounge at the airport terminal be known as the John Crowther Executive Lounge, with suitable signage to be erected.

(Councillors Chant/Hampton) (P9733)

Membership of Far North Coast County Council

(Copy attached)

375/00 **RESOLVED** that the report be received and Councillor King be elected as a delegate to the Far North Coast County Council for the remainder of the Council term.

(Councillors Suffolk/Baxter) (00-18017: S331)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 15/11/00

(Copy attached)

376/00 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Items 4 (TAC157/00) and 6 (TAC159/00).

(Councillors Roberts/Irwin)

Item 4 (TAC157/00) – Proposed OfficeWorks Building – 71 Carrington Street

DISCLOSURE OF INTEREST:

S459

Councillor Chant declared an interest in this matter and left the Chamber during discussion and voting thereon.

377/00 **RESOLVED** that the proposal be noted.

(Councillors Roberts/Irwin) (P17903, D00/679)

At this juncture Councillor Chant returned to the meeting.

Item 6 (TAC159/00) – Speed Limit on Ballina Road (SH16) – Vicinity of Media Centre

- 378/00 **RESOLVED** that Council recommend to the Committee that the 60km sign be moved to the other side of Holland Street.
(Councillors Irwin/Roberts) (R6408)
Voting Against: Councillor Gates. (S352)

DOCUMENTS FOR SIGNING AND SEALING:

- 379/00 **RESOLVED** that -
1. Council acquire part of Lot 3 of DP 566756 and part of Lot 1 of DP 943754 as defined in the Plans of Proposed Road Widening over page, through dedication of road reserve and the payment of compensation at market value and reasonable associated expenses to the current land owners.
 2. The following documents be executed under the Common Seal of the Council.

Deed of Agreement: Council and Davis: Acquisition of part Lot 3 of DP 566756.

Deed of Agreement: Council and Gardner: Acquisition of part Lot 1 of DP 943754.
(P13930,P13937)

Licence Agreement: Council and Rous County Council ("RCC")

Pursuant to the Development Consent for the Perradenya Estate, RCC are to enter into a licence agreement with Council for the location of a Block Wall (naming the entrance to the estate) on road reserve. The negotiated agreement protects Council's interests by ensuring that the maintenance of the Block Wall remains the obligation of RCC or their assignee unless Council, after a period of 20 years, resolves otherwise.
(00-18019: D00/396)

Agreement between Shorefury Pty Ltd and Tryton Waste Service (Lismore) Pty Ltd and Tryton Group Pty Ltd and Tryton Engineering Pty Ltd and Tryton Waste Services Pty Ltd and The Council of the City of Lismore.

This agreement is effectively between Shorefury and the Tryton Group companies for the supply of leased portable buildings on the site. Council is requested to sign the agreement to acknowledge that should the head agreement with Tryton terminate, Council has no call on these assets as they are not assets of Tryton.
(P25041)

Licence Agreement between The Council of the City of Lismore and Tryton Waste Services (Lismore) Pty Ltd

Under the Organic Waste Marketing Agreement both parties agreed to sign a licence or lease to occupy the site. This licence provides Tryton with sufficient tenure on the site to undertake their activities.
(P25041)
(Councillors Crowther/Baxter)

RESCISSION MOTION:

The Group Manager-Corporate & Community Services advised Council that he had been handed a Notice of Rescission Motion signed by Councillors Swientek, Hampton and Suffolk with respect to the resolution **Mayoral Minute – Review of Communications & Marketing Position.** (Min. No. 352/00).

The Group Manager-Corporate & Community Services advised Council that normally this Rescission Motion would be considered at the next ordinary meeting of Council.

The General Manager advised Council that as he could not be directed on staff appointments by Council, he intended to proceed with the appointment. Further, that as the rescission motion was unlawful it would not be included in the next meeting agenda. (00-18748:S4)

This concluded the business and the meeting terminated at 9.35 pm.

CONFIRMED this 13TH day of FEBRUARY 2001 at which meeting the signature herein was subscribed.

MAYOR

