

COUNCIL Business Paper



NOVEMBER 13, 2001



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the McLEANS RIDGES COMMUNITY HALL, Oliver Avenue, GOONELLABAH on TUESDAY, NOVEMBER 13, 2001, at 6.30pm and members of Council are requested to attend.

Members are requested to attend at 6.00pm to meet informally with members of the community.

(Ken Gainger)
GENERAL MANAGER

November 6, 2001

COUNCIL BUSINESS AGENDA

November 13, 2001

PUBLIC ACCESS SESSION:

PAGE NO.

PUBLIC QUESTION TIME:

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MAYORAL MINUTE

Subject/File No: PAYMENT TO RETURNED SOLDIERS CLUB FOR SPECIAL MEETING
(P6768)

Background:

The RSL Club, to gain approval to sell part of their property to Council for expansion of the swimming pool, had to call a special meeting. Council undertook to pay for the cost of the special meeting either as part of the purchase price or if Council eventually did not proceed with the purchase.

The process leading up to the approval of a development application has been longer than I expected and I feel Council has an obligation to pay the RSL Club forthwith the \$5,000 agreed to for holding the special meeting.

A letter has now been received by Council from the RSL Club requesting payment together with an itemised account detailing expenditure to an amount above \$5000.

If Council finally purchases the Club's land then this amount would be deducted from the purchase price as stated in the agreement between Council and the Club and I can see no reason why the \$5,000 should not be paid.

Client Services Comments

The Mayor is correct in his summation of the agreement with the RSL regarding the payment of costs for the special meeting called by the RSL should Council not proceed with the purchase of the land.

The following points should be noted.

- The agreement between Council and the RSL Club has not yet been signed.
- The agreement was that "Council will pay all reasonable costs and expenses up to a maximum of \$5000.00 and the RSL will provide an itemised account to Council in respect of costs and expenses incurred".
- This amount was only to be paid if Council refuses the DA or if Council is unable to proceed with the development.

Staff acknowledge that the process has taken longer than was originally estimated - it was originally proposed that if Council proceeded with the project that the DA would have been approved in October 2001, at which stage the sale of the land would proceed.

The payment of the \$5,000.00 to the RSL Club at this time would be outside the terms and conditions of the agreement. Council is under no obligation to pay the RSL Club \$5,000 at this time, however it is recognised that all parties had anticipated that the matter of land purchase would have been resolved by October 2001. Accordingly the RSL Club's request for payment is understandable.

Should Council resolve to pay the RSL Club the \$5,000 in accordance with the Mayoral Minute, it is recommended that the resolution be amended to included the following:

"Should Council proceed with the project, the \$5,000 paid to the RSL Club for meeting expenses be deducted from the agreed purchase price for the property."

LISMORE CITY COUNCIL - Meeting held November 13, 2001

Payment to RSL Club for Special Meeting

Manager-Finance & Administration Comments

I concur with the comments of Client Services.

Recommendation (MAYOR) (MM02)

Council pay Returned Soldiers Leagues Club the amount of \$5000 forthwith to reimburse that Club for the cost of holding the special meeting referred to in the report. The terms of the payment to be in accordance with the agreement between Council and the Club.

MAYORAL MINUTE

Subject/File No: CREATION OF NEW RESIDENTIAL ALLOTMENTS
(S461)

Although Lismore appears to be going through an increase in commercial activity there does not appear to be an increase in creation of residential allotments. In order to address this problem I put to Council the following solution.

The problem developers have in a depressed market is payment of Council's development costs up front relevant to Sections 94 and 64. In order to overcome this problem I would propose the fees be paid as each block is sold. In the case of Section 94 charges this seems fair, as until the land is settled there is no need for the additional facilities. This logic could be seen as over simplistic and perhaps some modification may be required such as paying double the Section 94 charges on each allotment sold until the debt is paid. Also I accept in the case of Section 64 charges in some subdivisions, Council may have to install water and wastewater infrastructure to allow the allotments to be built on. However the water and wastewater may be able to carry the debt from their reserves.

The mechanism to ensure payment of the development costs may be complicated and further advice may have to be sought on this aspect. This is the reason I am calling for a staff report.

Conclusion

Although many prefer to work in Lismore and access its services, few seem to want to build in Lismore. Whether this is due to a lack of good residential allotments or because the risks are greater for the developer because of low land prices, remains unclear.

With the stock of existing houses becoming less and higher fuel prices and coastal land costs rising, now might be the opportune time to introduce the above initiative. One other factor which could see an upsurge in residential development is the high prices being paid for Sydney property. The opportunity exists for owners to cash in on the Sydney property and buy an equivalent house in Lismore for a fraction of the cost.

Staff Comment by Manager-Planning Services

The mayoral minute is timely as it has as its objectives similar goals to the current review of Council's Urban Development Strategy, which is being undertaken by Planning Services with Client Service's assistance. The deferred collection of both Section 94 and 64 charges is supported as it is agreed that in most cases facilities, works and services have not been provided nor are required to be available at the time of subdivision.

The suggestions in the Mayoral Minute were discussed at a meeting attended by GMPD Mike Bismire, Manager Planning Services Helen Manning, Strategic Planner Bruce Blackford, Manager Lismore Water Anu Atukorala, Manager Economic Development & Tourism Andrew Lovett, Manager Finance & Administration Rino Santin and Manager Client Services Lindsay Walker. The following is the outcome of this discussion.

The S94 Plan already allows for deferred or periodic payments of S94 contributions. **Councillors are referred to Cl 7.3 in the S.94 Plan, which is contained within the Development Manuals provided to all Councillors.**

Mayoral Minute – Creation of New Residential Allotments

Under Clause 7.3 of the Plan Council is able to accept deferred or periodic payment of contributions if the applicant provides justification and where the provision of the public amenity or service will not be prejudiced. In accordance with legal advice provided at the time of review of the Plan in 1999, Council can require security for the deferred payments but has discretion as to the method used. Options include a bank guarantee, a caveat on the title, a public positive covenant under S.88 of the Conveyance Act 1919, or mortgage to be registered on the title of unencumbered vacant land.

The deferred payments provisions are not often used, and the meeting discussed two possible reasons:

- 1 Developers may not be aware of the ability to take advantage of deferred or periodic payments; and/or
- 2 As CPI increases are charged on contributions not made within 12 months of development consent being issued, the net advantage to developers (taking into account interest rates) may be minimal.

Promotion of the provision can be achieved by inclusion of advice with conditions of consent, and by affording it greater emphasis in the 'Incentives for Development' policy.

Although there is no specific reference to deferred payment methods in the current S64 plan, staff in the past have considered such requests on condition that a bank guarantee was produced.

As far as provision of the internal reticulation within the subdivision is concerned, this is the responsibility of the developer. (This is the same as internal roads, etc.)

Administration

The challenge is to formulate a proposal for deferment of levies which will not add significantly to Councils record keeping requirements while ensuring that unscrupulous parties do not use the initiative to avoid payment altogether. There are several mechanisms available, which should be explored to determine which one would deliver the best result for all parties.

The management of deferred payments needs to be carefully considered with the overall objective to ensure collectability of the charges. This objective is best achieved by requiring any charges unpaid to be supported by a Bank Guarantee to the amount owing. While this is standard business practice, it is important to note that after each payment made, the existing bank guarantee would need to be replaced with an updated bank guarantee reflecting the reduced outstanding amount. Depending on the number of deferred payment arrangements and the deferred payment criteria of each, this can be administratively difficult for both the developer and Council, but would be necessary to ensure collection.

It is suggested that, rather than having the charges payable on the sale of allotments, they should be payable on a combination of indicators such as number of allotments sold and/or a time based guideline (for example, 30% of contributions after 12 months from consent, 30% after 2 years, remainder payable after 3 years). The number of allotments to be created should influence the 'mix' of these indicators. Also, to maintain the flexibility already provided in the Section 94 Plan and recognising the fact that each development application is different, it is not considered necessary to introduce specific criteria to determine a deferred payment application. The preference would be for staff to recommend to MGM on a case by case basis a deferred payment plan for consideration. It will be essential that the payment plan indicates a 'trigger' to alert staff that payment is due so that it can be followed up.

Approved deferred payments would increase annually by the CPI, as required by the Plan.

Residential Land Supply

Preliminary investigations for the review of the Urban Development Strategy indicate that Lismore has a significant supply of vacant residential lots (over 300) and a further 250 ha. is zoned residential but remains unsubdivided. On growth rates apparent over the last five years, this equates to many years' supply. However, the view of the meeting was that some of this land may be unattractive to purchasers and it would be simplistic to assume that this supply would be taken up in the short term.

Residential Land Demand

Demand for residential land is affected by many factors, including population growth rates. Over the past ten years these growth rates have slowed for the North Coast, as a result of slowing in-migration from other areas. This reduction in population growth is more noticeable in inland towns such as Lismore and Grafton than in coastal areas which benefit from the desire to live close to the beach, part of the Australian culture.

However, Lismore has many advantages over newer coastal areas, such as established educational, health and sporting facilities, affordable land and housing, historical buildings contributing to local identity and amenity, and good retail, commercial and industrial services. Council may be able to influence demand by continuing improvements such as CBD streetscaping, the Riverbank and Art in the Heart projects, improvements to recreation facilities, landscaping, and community services which, taken together, can improve residential amenity and influence decisions for location by potential new residents.

Conclusion

Of itself the promotion of the ability to defer upfront Council levies is not likely to stimulate residential development. It is however likely that it will form an element in a range of measures which Council can implement. These measures should be directed towards stimulating demand for, and promotion of, the attractiveness of residential land in Lismore.

Manager Lismore Water Anu Atukorala recommends that the deferred payment provisions contained within the S.94 plan be adopted for the S.64 plan as well.

It is considered that the above may suffice to satisfy the Mayor's request for information.

Recommendation (MM01)

Staff prepare a report for the next Council meeting detailing how the objectives outlined in the Mayoral Minute can be achieved.

NOTICE OF MOTION

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

- 1 That in view of the significant contribution the Hockey Association has made and is making to the Lismore community, Council pay the \$64 contribution for its clubhouse from its general fund in next year's budget.**
- 2 That Council explore ways that it can support funding of the replacement artificial surface in next year's budget.**
- 3 That a report be provided to Council on the condition of the earth at Hepburn Park and actions Council intends to take to improve it.**
- 4 That a report be provided to Council on the condition of the current sewerage system at Hepburn Park and the costs of maintaining it in the current condition.**

COUNCILLOR R M Irwin

DATE October 16, 2001

Staff Comment by Manager-Parks & Recreation (Neil Moreton):

Item 3:

There is no real need to provide a report to Council on the condition of the ground at Hepburn Park. Both the user groups and Council staff agree that the main problems are excessive use and lack of water. The ground is used by Touch football for about 9 months of the year and then by Cricket in the summer and Hockey in the winter. Oztag also runs a competition there for 4-5 months and of course the schools are on the ground mid-week all year round. Given the free draining nature of the red soil on this ground when it is dry the turf suffers noticeably and there is no way of irrigating the ground given the existing infrastructure.

Recently Council staff renovated the field closest to the club houses and topdressed approximately half of the entire playing surface. It is hoped to topdress the remaining half next spring.

Back in 1998 Council staff (the then Recreation officer) applied for and was successful in securing a \$9,200 grant from NSW Department of Sport & Recreation to contribute towards an irrigation system. After receiving this grant it became apparent that to install an adequate irrigation system was going to cost around the \$30,000 mark. Obviously this exceeded staff's expectations as Council's contribution was now going to be insufficient to see the job completed. It was apparent that in addition to Council's funds another \$11,500 was needed. Subsequently Council staff approached the user groups individually with no definite response. Another attempt was made in December of 2000 when I called a meeting of all user groups at Hepburn Park to seek a resolution to this situation and financial commitment from the sports groups. The president of the Hockey Association was present at this meeting.

However there was not any agreement on how much each group should contribute with Cricket saying they believe Hockey and Touch should contribute the most as they used the ground the most. Each of the sports groups was to go away and discuss it at their committee meeting. To date none of the parties have come back to Council with a firm financial commitment.

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Notice of Motion – FNC Hockey Inc.

In the meantime staff have been trying to access funds from the Urban Sportsground Development Fund but in recent times Crozier Oval has used all this funding. It is my understanding that when Crozier Oval is completed and there is opportunity to access more funding Council will end up funding the outstanding shortfall and completing the works. The only unresolved issue is who will stand aside and forego some of their competition to enable the works to be completed.

Item 4:

The septic tank system is in good condition and has served the facility well. It was vandalised recently with the pump switch being damaged which resulted in an overflow but modifications have been made to the system to prevent a recurrence of this happening again.

As the system is in good working order the maintenance costs have been negligible to date. There is no reason to expect that this will change in the medium term. It costs approximately \$350 to have the tanks pumped out twice per year.

Manager - Finance & Administration Comments

Council has levied \$23,891 in Section 64 charges on the development of the FNC Hockey Inc. facility at Hepburn Park. It comprises :-

Water Headworks Charges	\$ 5,092
Sewer Headworks Charges	\$14,022
Rous Water Headworks Charges	\$ 4,777

Arrangements have been made to defer the payment of these levies by staging them over a three year period and this has been agreed to by FNC Hockey Inc.

As to whether or not the FNC Hockey Inc. contribution to the Lismore community is significant is a matter for Council to determine. If it does and a contribution is warranted, I support the proposal that it be from General Fund and considered with the 2002/03 Management Plan.

The concern I have with supporting this proposal is that many other groups would also consider their contribution to the Lismore community as significant. From a consistency perspective, it may be difficult for Council not to support these because of this precedent, the issue being that we may simply not be able to afford it.

The practice of 'waiving' Section 64 charges will simply result in existing users of the water and waste water systems subsidising developers when in reality, if a subsidy is warranted, then all the community should contribute. This is best achieved through General Fund.

As to 'exploring ways to support the funding of the replacement of the artificial surface in next years budget', I would encourage FNC Hockey Inc. to consider all their funding options and develop a proposal prior to meeting with Management. FNC Hockey Inc. has borrowed \$200,000 from Council to build the existing artificial field. This was duly repaid in full ahead of schedule. Consequently, they have a good credit rating with Council.

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Subject/File No: RECYCLING REVIEW
(S763)

Prepared By: Waste Minimisation Officer - Lesley Trott

Reason: Council has received the results of a recent community survey, to enable community opinion to be taken into account, in deciding the option for container recycling in Lismore.

Objective: To enable Council to decide which recycling Drop-Off Centre (DOC) option to implement, following the recent recycling review

Management Plan Activity: Waste Minimisation

Background:

Councillors considered revised options for recycling service delivery, during a workshop on June 5, 2001. Following the workshop, revised recommendations were presented to the Council meeting on June 12, 2001. Council resolved to receive the revised report, and adopt 4 unsupervised DOC's, as the preferred option for Lismore (this model meeting quality standard requirements for an alternative sorting plant).

Council also resolved to carry out a community consultation process, to seek community feedback on the three options of:

- 4 unsupervised DOC's
- 1 unsupervised DOC (at Wyrallah Road Waste Facility); and
- a no recycling option

A Notice of Rescission Motion, relating to the decision made at the June Council meeting was subsequently received, together with a Notice of Motion, proposing changes to the three options identified, and a proposal that a community consultation process be conducted by a professional organisation.

To ensure an appropriate methodology is adopted for undertaking the survey process, it was decided that the matter would be outsourced to Southern Cross University (SCU), and that a draft survey form and methodology would be presented at the Council Meeting on July 10, 2001.

Following Murray Cullen's (SCU) presentation of recommendations to Council, prior to the Ordinary Meeting of Council on July 10, 2001, Council further resolved that the survey design process be overseen by a steering group, to include Councillors.

The survey design steering group, including nominated Councillors, met on 19 July 2001 to study the draft form and letter and reach agreement on suggested amendments. A revised form and letter was then made available to SCU, for a user trial involving students, (carried out during the week beginning July 30, 2001) in order that further improvements be identified.

A second meeting of the steering group occurred on August 7, 2001, when the results of the student trial were discussed, and agreement was reached regarding the 'final' format of the survey form and letter.

At the Ordinary Meeting of Council on August 14, 2001, Council resolved to approve the survey form and covering letter and adopt the recommendations contained in Murray Cullen's report. However this was subject to a Notice of Rescission Motion, moved at the ordinary meeting of Council on September 11, 2001.

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Recycling Review

At the Ordinary Meeting of Council on 11 September 2001, it was resolved that Council rescind its decision of 14 August 2001, to approve the survey form and covering letter. Council resolved to adopt a revised survey form, to include amendment to option C, to the effect that the environment levy cost of this option provide for tip vouchers to rural environment levy payers only.

Survey Process

In accordance with Council resolutions, and the recommendations contained in Murray Cullens report of July 2001, a total of 533 survey forms were distributed to residents, in the following breakdown:

312 - urban area;
186 - rural area; and
35 - rental properties in the urban area.

The above properties were randomly selected from the rates database, and those identified as 'absentee landlords' were re-selected. Survey forms, covering letters and return envelopes were posted on 26 September 2001. All letters returned as 'undeliverable' within the first week, were re-selected and re-issued.

A reminder letter was sent to all survey recipients on October 5, 2001, and valid, completed survey forms returned by the closing date of October 12, 2001, were analysed by Murray Cullen (SCU). The results were forwarded to Council, in a report by Murray Cullen (October 2001).

Survey Results:

A total of 271 forms were returned, with 11 of these being discarded because of failure to complete the forms, or ambiguity in responses. This represents a response rate of 48.8% giving the survey a sampling error of $\pm 6\%$.

It was found that 66.7% of respondents preferred Option A (4 DOC's), 19% preferred Option B (1 DOC) and 14.3% preferred Option C (no service).

Comments made by respondents were also coded, and support for Option A was evident, with 50 respondents either liking the current operation of the DOC's, or mentioning that Option A was the only option that could be considered.

The results of this survey indicate that the majority of Lismore residents (urban and rural) clearly prefer Option A, to the other two options.

Outstanding issues:

The current budget allocated for recycling service delivery has made provision for continuation of the existing service arrangement to January 2002. It remains for Council to decide which recycling service option is the most appropriate for Lismore, and resolve to implement that option during 2002.

Recommendation (PLA24)

It is recommended that:

1. Council adopt Option A, as the most appropriate option for recycling service delivery in Lismore. Also that Council resolve to implement Option A, comprising 4 DOC's, at Dawson Street, Brewster Street, Holland Street, and Wyrallah Road Waste Facility, with additional bins provided for plastic bags, and more resources committed to cleaning, education and maintenance of the centres.
2. In order to achieve a higher standard of DOC management, Council pursue contract negotiations with service providers, as outlined in previous resolutions.

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Subject/File No: OLD LISMORE HIGH SCHOOL SITE – ART IN THE HEART – BUSINESS PLAN
(P26242)

Prepared By: Manager Economic Development & Tourism - Andrew Lovett

Reason: To report the outcome of the Business Planning process to Council

Objective: Council's adoption of the Business Plan

Management Plan Activity: Economic Development/Community Services/Property

Background:

Council has considered the matter of the Old Lismore High School Site on a number of occasions over the last three years.

The most recent resolution of Council is noted below. Council, at the meeting held 13 March 2001, resolved the following:

(Minute 48/01)

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

1. Relocate the Central Library to B Block when funds for the renovation of the building become available.
2. Relocate the Lismore Neighbourhood Centre to C Block when funds from the developer of Lismore Square are made available.
3. Set aside an adequate area on the site for the future development of a new Art Gallery/Museum complex.
4. Further investigate the possibility of creating an Aboriginal Cultural Centre at the site.
5. Complete the Business Planning process within the available funding of \$50,000 by June 30, 2001.
6. After Council's adoption of the Business Plan, call for Expressions of Interest for the commercial development of the air space over the Harold Fredericks Car Park and for sympathetic commercial activity in the Cultural Centre.
7. Call for Expressions of Interest from community, arts and cultural bodies for leasing of space at the Cultural Centre.
8. Raise funds for the development of the site through the following means:
 - Application for State and Federal Grant Programs;
 - Community based fund raising through service clubs and community organisations;
 - Sell or lease the current library and art gallery buildings;
 - Continue to make contribution to reserve for the replacement of the library/art gallery, currently 100,00 per annum;
 - Sympathetic commercial leasing and development of the site.
9. Council's debt position not to be increased as a result of the development of the Cultural Centre.
10. Each of the buildings remain "boarded-up" until funds are raised sufficient for the refurbishment of each specific building.
11. That any services, facilities and subleasing of the site be in accordance with a Plan of Management approved by Council.

During the Business Plan process, there was a natural evolution of this position towards the recommendations that are noted in the first section of the Business Plan.

Manager - Finance & Administration Comments

The Business Plan provides us with a structured path to progress the development of this site. The logical option from Council's perspective is to develop the site as a cultural/commercial precinct, but with a strong emphasis on financial control.

The plan estimates that the cost to develop the cultural component of the precinct is \$10,640,000. It identifies funding sources and amounts that would be required for the development to proceed. We will need to vigorously pursue these options to ensure they are realised ideally prior to development.

The principles adopted by Council at its March 13, 2001 meeting and their subsequent modification and enhancement at following meetings, and this Business Plan, will need to be carefully considered by all decision makers from this point forward to ensure that the desired and best outcome for the community is achieved.

Public Consultations

There has been an extensive public consultation process undertaken during the Business Planning period. This has included two written submission periods and a workshop with Councillors that was extensively attended by the public.

Other Group Comments

Community Services Co-ordinator and Youth Development Officer

Since its inception it has been obvious that the local community strongly supports the redevelopment of the old school site into a Cultural Arts Precinct. The Business Plan documents well the multiple benefits to the local business and community sector and is inclusive of the arts cultural and community uses, which were initially identified in community workshops.

We support the mixed-use, subdivided lots model for its compatibility with arts and cultural uses. We also support the key recommendations outlined in the Business Plan including the relocation of the Lismore Neighbourhood Centre into the existing Library building.

A total of 9 out of 17 expressions of interest were made regarding the importance and need for a multi-purpose youth arts and activities centre, which indicates the high priority the local community has for the needs of young people. Lismore City Council's Community and Social Plan ranked the importance of the provision of facilities to meet youth recreational needs as a high priority. We support the inclusion of a Youth Arts Development Centre within the overall site concept and concur with the consultants that when specifications for the Expressions of Interest are formulated, that they include this 250 square metres allocation.

The youth sector indicated in the second round of submissions that their preferred option is to locate the Youth Art Development Centre within the Cultural Arts Precinct. The proposal for the Visitor Information Centre site presents some operational issues and needs further careful consideration and consultation if it is to be pursued.

Author's Response to Comments from Other Staff

Not required.

Conclusion

The Business Plan for the proposed Northern Rivers Cultural/Arts Precinct in Lismore, represents a reasonable plan for progressing the redevelopment of the Old Lismore High School Site.

Council's adoption of the Plan will allow this ongoing process to proceed to the next important steps.

Recommendation

That:

- 1 Council adopt the Business Plan as its strategy towards redevelopment of the Old Lismore High School Site.
- 2 The General Manager proceed to call for Expressions of Interest for the development of the site.
- 3 The General Manager prepare applications for State and Commonwealth Government Funding for the cultural facilities at the site.
- 4 The General Manager further investigate the disposal of surplus properties to pull together Council's share of the funding requirement.

Subject/File No: LISMORE LAKE
(P27012)

Prepared By: Recreation Planner, Alex Wilford

Reason: A petition has been received regarding the future of Lismore Lake

Objective: Council to consider the future of the Lismore Lake area.

Management Plan Activity: Community Services

Introduction

The adoption of the Lismore Lake Plan of Management prompted considerable public debate about whether motorised watercraft should be allowed to use the lake. Under the current plan, motorised watercraft will be permitted to use the lake once it is rehabilitated. Numerous letters and a petition containing 1,017 signatures have been received requesting that Council reconsider the future of the Lake and retain the area as a nature reserve for birds providing scenic and passive recreation opportunities.

Background:

Since its construction in 1971, Lismore Lake has been a popular site for many recreational watersports including model boat racing, water skiing, sailing, power boating, canoeing, rowing and jet skiing. In recent years the lake has been subject to severe blue-green algae blooms and aquatic weed infestation. This poses a potential health and liability risk and has resulted in the lake being closed for public use since early 1997.

Council adopted a plan of management for Lismore Lake in June 2001. Key elements of the plan include:

- Remediation of the lake to ensure that satisfactory water quality and levels are maintained and that excess weed is removed and controlled, with the installation of a submersible pump to allow for gradual topping up of the lake as a first priority.
- Limited and regulated use of the lake for motorised and non-motorised watersports such as jet skiing, power boating, model power boating, water skiing, canoeing, rowing, sailboarding, etc.
- Provision of passive recreation facilities such as picnic and barbecue facilities, bench seating, viewing platforms and a children's playground.
- Construction of a pedestrian/cycle path that extends around the lake (as per 1995 Cycleway plan).
- Improved landscaping and shade tree planting.
- Improved signage system (directional, instructional and interpretative).
- Improved vehicle parking and access.
- Retention of the swimming pool at least until the Memorial Baths (or any other new aquatic facility) are redeveloped. Cost-benefit assessment (economic and social) to be undertaken once the Memorial Baths are redeveloped to determine the best option for the future of the Lismore Lake pool.

The plan of management largely reflects the results of community consultation conducted throughout 2000. The consultation process comprised the following:

- Interviews with representatives of stakeholder and user groups,
 - Media Releases,
 - Newspaper advertisements,
-

LISMORE CITY COUNCIL - Meeting held on November 13, 2001

Lismore Lake

- Radio Interviews,
- Posters,
- Questionnaire,
- 24 Hour telephone Hotline,
- Discussion with MGM, relevant Council officers, the Public Lands Strategic Management Team and the Lismore District Sports Association,
- Exhibition of a draft plan of management, and
- Public submissions to the Draft Plan.

It must be pointed out that comparatively few birds inhabited the lake when the consultation was undertaken. Therefore, the importance of maintaining the habitat value of the area may not have seemed such a priority to many people at the time.

Calls for Council to Reconsider the Lake's Future

For several months in mid 2001 there was a dramatic increase in the number and range of birds inhabiting the lake. This, along with the adoption of the plan of management in June, prompted many people to question the future of the lake.

The Wilsons River Landcare Group Inc. (WRLG) and the Lismore Civic Pride Committee expressed their objection to allowing motorised watercraft to use the lake, suggesting that the area be kept as a nature reserve for birds providing scenic and passive recreation opportunities. The WRLG have gathered a petition to this effect, which contains 1,017 signatures. Numerous other letters that express similar sentiments have also been received over the past few months. Copies of the letters received since the plan was adopted and the letter that accompanied the WRLG petition are separately attached.

It is also important to note that a number of letters that support the use of motorised watercraft at the lake were also received after the plan of management was adopted. Copies of these letters are also separately attached.

Amendment of Plans of Management

In accordance with the Local Government Act 1993, a plan of management can only be amended by the formal adoption of a new plan of management. Therefore, should Council wish to amend the current Lismore Lake plan of management, a new draft plan would need to be prepared and exhibited for a minimum 28 days. Public submissions to the new draft plan must also be invited and considered before Council could formally adopt the new plan.

Installation of a Pump to top up the Lake

When Council adopted the Plan of Management, the installation of a pump to allow for gradual topping up of the lake from Wilsons River was identified as a first priority.

Council does not hold a license to pump water from Wilsons River and there is currently an embargo on the issuing of new licenses. However, following representations by Thomas George MP, the Minister for Land and Water Conservation, Richard Amery MP, has advised that Council may apply for a license to authorise pumping from Wilsons River because a Town and Village Water Supply Scheme exemption applies. A license application has been lodged with the Department of Land and Water Conservation (DLWC) and is currently being assessed.

In the mean time, an application for a permit to use an existing tractor powered pump to top up the lake has also been submitted with DLWC. It is intended that the old pump would be used in the interim.

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Lismore Lake

A design and costings for the supply and installation of a suitable new pumping system are currently being finalised. As there is currently no electricity to the eastern side of the lake, a new electrical supply will need to be established. This may also require an easement to be created through the adjacent caravan park. Approximately \$48,000 has been allocated in this year's budget towards lake remediation works.

Environmental Considerations

Council's Environmental Health Unit have been requested to investigate and report on the status of blue green algae in Lismore Lake and what effects the proposal to top up the lake from the adjacent Wilsons River would have on its potential to bloom and what effects this may have on the birds that inhabit the lake. They will also be investigating whether full lake remediation would still be required if the lake was to be kept as a nature reserve, rather than used for watersports as currently planned.

Opportunities for Funding Assistance

Under the current plan, the lake requires full remediation before it can be used for watersports. This involves considerable expense with cost estimates in the vicinity of \$250,000.

An application for funding assistance to remediate the lake was lodged in August 2000 through the Waterways Asset Development and Management Program (WADAMP) administered by the NSW Waterways Authority. The application was unsuccessful and Waterways recommended that assistance also be sought through environmental funding agencies, as a 50% contribution from Waterways alone, was not considered appropriate.

Preliminary discussions have been held with DLWC regarding the possibility of environmental funding and they have suggested that there may be opportunities through the Natural Heritage Trust and/or Estuaries Management Program. DLWC have suggested that the potential to obtain funding assistance would be increased, if the lake was to be remediated for environmental reasons, rather than to cater for motorised watersports as currently planned.

The funding assistance to be targeted would depend on the future use of the lake. For example if the lake is to be retained as a nature reserve, funding would be sought from environmental agencies and if it were to be reopened for motor boats the Waterways Authority would again be targeted.

The Wilsons River Landcare Group has also indicated its willingness to assist with environmental works at the lake site.

Manager - Finance & Administration Comments

I agree that Council needs to review its position in relation to the Lismore Lake Plan of Management. This has been brought about by a change in circumstances with a significant increase in the number and variety of birds using the lake, and a great deal of community support towards this facility being maintained as a nature reserve rather than being remediated for water sports.

From a financial perspective, funding the works included in the Plan of Management is a concern due to the lack of available funds and the reliance on grant funding, which proved unsuccessful at the last attempt. A review will provide us with an opportunity to reassess this position given the potential for remediation (\$250,000) not being necessary if the facility is maintained as a nature reserve and the increased options when applying for environmentally based grant funding.

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As alluded to at the Financial Plan Workshop, Council will need to review its initiatives as it is not possible to fund the recurrent works and services, major capital works, and other works and services initiatives, without changes. I see this as one of the 'first' decisions Council will need to make along these lines.

Public Consultations

The current Lismore Lake Plan of Management reflects the results of community consultation undertaken during its preparation in 2000. No further community consultation has been undertaken, however, as discussed in this report a petition and numerous letters in relation the future of the lake have been received since the plan of management was adopted in June 2001.

Other Group Comments

Manager-Parks & Recreation

When you consider that the Lake has been closed to public use since 1997 it is not surprising that large quantities of birds have gradually inhabited the site.

There are two non-compatible sides to this situation at present and Councillors will need to be mindful of several considerations. These include but are not limited to:

- Does Council have the necessary funds to redevelop the Lake if external funding cannot be obtained?
- Does Council have the recurrent funding to maintain a facility of the type identified in the existing Plan of Management?
- What other passive recreational facilities does the City possess?
- What would the maintenance requirements be if the Lake was to remain a nature refuge?
- What are the economic benefits in having a recreation facility or a nature reserve from a tourism perspective?

AND, most importantly

- What do the majority of the community really want?

I am aware that there have been numerous letters with strong arguments for both cases and I can confirm that the Civic Pride Advisory Panel at its meeting of August 13 resolved that Council investigate the remediation of the Lake as a nature reserve rather than as an active recreation facility.

Conclusion

Since the adoption of the Lismore Lake Plan of Management in June this year, there has been considerable public interest in the future use of the lake with many people calling for Council to reconsider the current plan of management.

Lismore Lake

A plan of management for community land should reflect a synthesis of the interests of key stakeholders and the community and not relate only to the interests of one group. Unfortunately in this instance, there is a division among the community about the future use of the lake, with many people wishing to see it kept as a nature reserve for birds and many desiring that it be restored to again cater for motorised watersports. These uses are obviously incompatible. There are also a number of environmental and financial considerations that further complicate this issue.

For these reasons it is recommended that these issues be further discussed at a Council workshop with relevant stakeholders invited to express their views, preferences and suggestions for the future use of the lake.

Recommendation (COR39)

1. That a Council workshop be held to further discuss the issues associated with Lismore Lake so that an informed decision can be made on its future.
2. That representatives of the Wilsons River Landcare Group, the Lismore Civic Pride Committee, Power Boat and Jet Ski Clubs, Council's Environmental Health Unit and other relevant stakeholders be invited to attend the workshop to express and discuss their views, preferences and suggestions for the future of the Lake.
3. If necessary, the current Lismore Lake Plan of Management be amended (i.e a new Draft Plan be prepared) to reflect the outcomes of the workshop.

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

Prepared By: Strategic Planner – Bruce Blackford

Reason: Close of exhibition period for draft amendments to the S 94 Plan

Objective: Council's adoption of the S94 Contributions Plan

Management Plan Activity: Strategic Planning

Background:

At its meeting of July 10, 2001 Council resolved to place a series of amendments to its Section 94 Contributions Plan on public exhibition for a period of twenty-eight (28) days. The amendments related primarily to administrative issues in the Plan that were identified by a working group comprising staff from those sections of Council involved in the collection, management or expenditure of Section 94 funds. The following is a summary of the proposed amendments:

1. The Plan was extensively reformatted to satisfy requirements of the Environmental Planning and Assessment Regulation 2000 and to achieve consistency with relevant practice notes issued by the Department of Urban Affairs and Planning.
2. Maps indicating the s94 catchments and the areas where discount factors apply to rural roads, and citywide open space and community facilities were redrawn on GIS to achieve better legibility.
3. The nine s94 catchment areas were adjusted so that their boundaries are coincident with Census Collection District boundaries.
4. The section of the plan relating to land acquisition was amended so that land will be acquired at the same valuation that forms the basis for the contribution rate.
5. The rural roads section of the Plan was amended to require payment of contributions for quarries at the end of each financial year based upon extraction rates for the previous year as submitted in the quarterly returns.
6. The Plan was amended to clarify that the contributions for arterial roads levied on industrial land (per m² site area) at the time of subdivision will be discounted against the contributions for subsequent industrial use of that land where the traffic generated by the development exceeds the base rate applied at subdivision stage.
7. A formula was included in the Plan for calculating contributions for arterial/link roads and traffic management works to allow for the change and intensification of approved uses and to include non-residential uses in the residential zones.
8. The Plan was amended to facilitate the pro rata payment of contributions for subdivision in instances where the Final Plan of Survey for the subdivision is released in stages.
9. The formula for road contributions for heavy haulage was amended to provide for CPI and an administration levy consistent with other contributions in the Plan.
10. A new formula was added to the rural roads section to enable contributions to be applied to upgrading of village streets. The formula is based upon similar methodology as for the calculation of contributions for rural roads.

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Review of Section 94 Contributions Plan

Public consultations:

The draft s 94 Contributions Plan was exhibited from September 10 to October 8, 2001. No public submissions were received in response to the exhibition, however Council's Fire Control Officer has raised an issue concerning contributions collected under the Bushfire Services section of the plan.

Under the current plan, contributions for bushfire services are collected for residential development in the rural areas. Contributions are not currently levied on non-residential development such as rural industries, rural tourist facilities etc., even though such development would be reliant upon the protection of the bushfire brigade if exposed to the threat of bushfire. The Fire Control Officer has requested that the Plan be amended to enable bushfire levies to be applied to non-residential development in rural areas.

Comment:

Section 94 of the EP&A Act requires that there must be a nexus between new development and the increased demand for public facilities or services before Council can apply a contribution for such facility or service. Non-residential development in rural areas clearly creates an additional demand on bushfire services, however in setting a contribution Council must ensure that the level of contribution relates to the level of demand that such development generates.

For residential development the bushfire contribution is set at a rate per equivalent tenement (ET) or lot. The Fire Control Officer has advised that the level of service required to provide adequate bushfire protection for a building is generally proportional to the size of the building involved. That is, a building of similar size to a dwelling house would require a similar level of resources to protect it during a bushfire. The resources required increases as the size of the building increases.

It is recommended therefore that a contribution for non-residential development in rural areas be included in the Section 94 Plan for Bushfire Services and that the contribution rate be set on the basis of the floor area of that development. It is recommended that this be equivalent to one ET per 300m² gross floor area. It is further recommended that for the purposes of clarification, a map showing the area for which the Rural Fire Service has responsibility be included in the Bushfire Services section of the Plan. This will indicate land to which that section of the Plan applies.

Manager - Finance & Administration Comments

Comments from the Manager Finance and Administration were provided in the report of July 10, 2001.

Other Group Comments

Comments from the Group Manager City Works were also provided in the report of July 10, 2001.

Author's Response to Comments from Other Staff

N/A

Conclusion

The exhibited amendments represent the first stage of a more comprehensive review of the s94 Contributions Plan that will occur over the next twelve (12) months or so. The first stage involved mostly administrative issues capable of being addressed in the short term. The second stage of the review process will involve wider changes to the Plan including the updating of Open Space and Community Services work schedules, a review of apportionment factors, revised population projections and the inclusion of a cash flow analysis.

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Review of Section 94 Contributions Plan

As part of the current review, the costings in the works schedules and the contributions rates have been updated to 2001/2002 rates using the consumer price index. This does not effect the level of contributions that would otherwise be payable in the current financial year.

It is recommended that a further amendment be made to allow bushfire services contributions to be applied to non-residential development in rural areas as requested by Council's Fire Control Officer. This will have the effect of increasing the overall level of contributions payable by such development, however such increase would be minimal given that the contribution rate for residential development is just \$95 per ET and the recommended rate for non-residential development would be \$95 per 300m² gross floor area.

Recommendation (PLA23)

That Council:

1. Adopt the draft Section 94 Contributions Plan as exhibited but including an amendment to allow for the levying of contributions for Bushfire Services on non-residential development in rural areas, and
2. Notify its decision in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Subject/File No:	DRAFT DEVELOPMENT CONTROL PLAN NO. 42 – 'Guidelines for Urban Design & Weather Protection in the CBD' (S635)
Prepared By:	Manager Planning Services – Helen Manning
Reason:	To obtain Council's endorsement for exhibition of the DCP
Objective:	To improve pedestrian amenity and urban design in Lismore's CBD, as a contribution to the economic well being of Lismore.
Management Plan Activity:	Strategic planning

Background:

In January 1994 Council adopted a strategic planning work program which listed "urban design and weather protection policy for the CBD" to be funded from the 1994/95 budget. It is understood that the impetus was the completion of streetscaping designs for the CBD and also an approval given for a building that did not provide any weather protection for pedestrians. The project was unable to be given priority at the time, and was not prepared in the time frame originally envisaged. In 1998 Council requested a report on the origins of the requirement for such a policy and resolved to '*prepare a development control plan for urban design incorporating weather protection for the CBD*' (31/3/98).

Contents:

The draft DCP applies only to the CBD, which is defined by map as being bounded by Ballina, Dawson and Orion Street, and the River. The objectives of the DCP are to ensure that new buildings, or redevelopment of existing buildings, include in their design:

- Weather protection measure for pedestrians
- Energy efficiency principles
- Crime prevention principles
- Disabled access
- Respect for the streetscape and adjoining buildings

The DCP contains three sections:

1. Introduction and background
2. General guidelines (for new buildings and additions to existing buildings; weather protection; surface treatment and street furniture; disabled access; crime prevention; heritage buildings; retention of trees)
3. Specific requirements: building heights; roof form; windows and doors; design; scale/mass; setbacks; materials; colour; signage.

All requirements of the DCP are taken from current guidelines and practices. The urban design requirements are very basic 'common sense' principles which would already be familiar to professional building designers and architects.

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Draft Development Control Plan No. 42

The draft DCP was the subject of a workshop with Councillors earlier this year. It has also been circulated to, and discussed with, the Civic Pride Advisory Panel and relevant staff. Feedback and suggestions from these sources has been addressed where possible, although suggestions from some sources contradicted others.

Since the workshop with Councillors the DCP has been further edited in accordance with suggestions from Councillors. The word 'must' is used only in relation to the provision of weather protection for pedestrians, and the provisions for building heights are in the form of a guideline and performance indicator. However, a suggestion for including strong direction on heritage colours for heritage items has not been included as it is a specialist field not within the expertise of staff. Council may wish to commission a consultant to prepare a 'colour palette' for Lismore (which has been suggested by a previous Heritage Advisor), which would identify a suitable colour theme for Lismore and which could be incorporated into Lismore identification and promotions. However, it is understood that most paint companies include 'heritage colour' ranges and offer a consultancy service.

The DCP is contained within the attachment to this Business Paper.

Manager - Finance & Administration Comments

Not sought; the DCP has been prepared by staff and within current budget allocations.

Public Consultations

Should Council endorse the draft DCP for public exhibition, it is proposed to provide copies to the Civic Pride Advisory Panel and Lismore Unlimited as well as making copies available at the front counter. As the November-December period can be the busiest time of the year for some business operators, it is proposed to exhibit the draft plan for three months from November to January.

Other Group Comments

Included in draft plan.

Author's Response to Comments from Other Staff

Not required.

Conclusion

Draft DCP 42 Guidelines for Urban Design and Weather Protection seeks to preserve and improve the amenity of the CBD so as to attract customers and visitors, contributing to the city's economic competitiveness within the region. Public exhibition of the draft plan is recommended so as to obtain input from the business and general community.

Recommendation (PLA22)

That Council endorse draft Development Control Plan No 42 'Guidelines for Urban Design and Weather Protection in the CBD' for public exhibition for a period of three months.

Subject/File No: FINANCIAL PLAN
(RS:S779)

Prepared By: Manager – Finance & Administration, Rino Santin

Reason: The need to provide a strategic 'tool' to assess Council's short to medium term financial position

Objective: For Council to adopt a policy which supports the objectives of the Financial Plan

Management Plan Activity: Financial Services

Background:

There is increasing pressure on Council to deliver more and more works and services. While we would like to be in the best possible position to meet this demand, it is clear that we simply do not have the financial resources available to do so. However, because we 'can't afford it' is not sufficient reason to exclude it and Council needs to be able to assess priorities of 'what we do now' compared to 'what we want to do' giving due consideration to maintaining financial stability. For example, we have major capital works projects and other works and services initiatives worthy of support, but as to how we can 'fit' them into the current Budget, if at all, and when and what impact will they have on our financial position, remains inadequately answered.

In this instance, the purpose of a Financial Plan would be to provide a strategic 'tool' that will allow us to predict our financial position based on 'core' recurrent works and services. This information will allow Council to determine the appropriate course of action for assessing priorities of recurrent works and services, major capital works and other works and services initiatives.

To meet a medium term horizon, a ten (10) year Financial Plan has been prepared. This is an enhancement to the Management Plan, which is prepared annually for a three (3) year period. While the Management Plan satisfies the legislative requirements, its main focus is the next twelve (12) months. This provides insufficient information on Council's longer term financial position especially when considering the impact of competing major capital works. The Financial Plan will allow our financial position to be 'modelled' after considering these impacts so as to present a likely scenario that will allow Council to make informed, financially responsible decisions.

Workshop

A workshop on the Financial Plan was held on October 23, 2001. At the workshop, a number of important issues were discussed including: -

- ❖ Objectives of the Financial Plan,
- ❖ Basis of preparation of the Financial Plan, and
- ❖ Assumptions used to prepare the Financial Plan.

The key outcome from the workshop was agreement that the foundation of the Financial Plan should be the 'recurrent works and services'. That is, the works and services, both operating and capital, that we provide on an ongoing basis using 2001/02 funding levels.

Based on the information prepared for the workshop, a draft Financial Plan was presented. (Attachment A)

Financial Plan

In regards to the assumptions, it was identified that the 'Management Approved Increase', which is applied to expenses, was less than the CPI. This means that funding for expenses is less than the likely increase in costs. Effectively, it is likely that if we increase expense budgets by less than the CPI, it would result in a reduction of works and services being delivered. The dilemma for Council is that if we increase expenses by the CPI, our financial position deteriorates rapidly to an operating deficit of around \$809,000 in 2010/11. Over the life of the Plan, this will total an accumulated deficit of \$3.4 million. Obviously, this is clearly not sustainable and this situation will need to be discussed at the Expenditure Review Forum to devise a suitable strategy.

To put Council's financial position into perspective, a number of scenarios were presented which included the Lismore Levee Scheme and Memorial Baths Redevelopment. While this indicated that it was possible to fund both the Lismore Levee Scheme and Memorial Baths only, **no significant level of other major capital works or other works and services initiatives could be undertaken in the short term.** Considering we included approximately \$1.2 million in other works and services initiatives in the 2001/02 Budget, this may not be achievable. Again, this is an issue that will need to be discussed at the Expenditure Review Forum.

It was requested that a number of other scenarios be prepared and included with this report for information. They are,

- a) Presented Financial Plan + Memorial Baths + Lismore Levee Scheme on a 2:2:1 basis (Attachment B), and
- b) Above scenario + CPI Expense Increase (Attachment C)

The integration of the Management and Financial Plans is preferred so that Council will then consider its overall financial position for the short to medium term at the one time. In that way, any longer term difficulties can be identified early and an action plan prepared to address them.

To formalise Council's commitment to a Financial Plan, a policy is attached for consideration. The policy will provide broad guidelines for Council and management to consider when decisions requiring commitment of significant financial resources are required.

Evaluation

In looking at the Financial Plan submitted to the workshop, I would suggest that it provides a reasonable 'snapshot' of the future capacity of this Council. As you would expect, there are likely to be changes as there are many variables that affect what we do and how we do it. These may be beneficial or detrimental.

On face value, looking at the short term, I would suggest that this will be a 'difficult' period for Council as the level of working funds will be sufficient to only support limited capital works, very modest increases in expenses and little or no other capital works or other works and services initiatives. This is quite different from previous years.

This clearly indicates to me that if Council wants to undertake a series of major capital works or other works and services initiatives, we need to review our recurrent works and services as well as look at other alternatives.

As for the medium term, the only comment I would offer is that the decisions made now or in the short term will significantly influence the outcome.

With this in mind and the need for a 'starting point', the adoption of the Financial Plan, as presented and based on the assumptions at the workshop, is recommended. The task of fitting in the Lismore Levee System, Memorial Baths, and any other changes will flow from there and be included in the quarterly and annual review of the Management Plan.

Financial Plan

Public Consultations

Not required.

Conclusion

Considering the demand for capital works and other works and services initiatives, Council needs a tool to assist with the management of its financial responsibilities. The Financial Plan provides a framework for Council and management to meet this challenge.

It is important to note that the Financial Plan is another step in the ongoing challenge for Council to remain 'financially sound'. It has been based on sound assumptions so as to be reliable, flexible and gain commitment. It will not answer all questions, and in fact it may generate more questions than it answers, but it will provide 'guidance' to Council on financial aspects to ensure informed decision making.

The importance of the Expenditure Review Forum has been heightened, given the fact that Council has indicated that it wants to proceed with both the Lismore Levee Scheme and Memorial Baths Redevelopment. The fact is this will place limitations on our ability to fund other major capital works and other works and services initiatives.

Recommendation

- 1) That Council adopt the Policy 1.5.11 "Financial Plan" as attached.
- 2) The Expenditure Review Forum also consider –
 - i) whether to increase expenses by the CPI or the Management Approved Increase, and
 - ii) developing a strategy that provides for the Lismore Levee Scheme, Memorial Baths Redevelopment, other capital works, and other works and services initiatives.

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Subject/File No: 2000/2001 FINANCIAL RESERVES
(GB:S755)

Prepared By: Principal Accountant, Gary Boyd

Reason: In accordance with Council Policy 1.5.10

Objective: To inform Council of 2000/2001 Financial Reserves balances

Management Plan Activity: All

Background:

Council, at its meeting on February 13, 2001 adopted a Reserves Policy. It also resolved the following:

“That a separate report on reserves, including their need and appropriate level be brought to Council on an annual basis.”

This report has been written to inform Council of the level and intended use of reserves as at June 30, 2001. It should be read in-conjunction with the policy, which states the objective and funding level for each reserve.

All reserves held at June 30, 2001 are deemed to be at an appropriate level given that they are either within a suitable range of the policy funding level or are for a specific purpose, given the available cash at June 30, 2001.

The following commentary should be read in-conjunction with the one page reserve summary, which is attached to this report. This summary shows the opening balance at July 1, 2000, the movements for the year and the closing balance at June 30, 2001.

General Manager's Group

Staff Development Reserve – Balance \$153,700

There are several items included under this reserve heading, as detailed below.

There is an amount of \$44,000 reserved predominantly for the review and enhancement of Council's services during the current financial year. \$25,000 of this has already been committed to a review of Council's records management systems/processes. Most of these funds were reserved from unspent monies in 2000/01 from the General Managers program.

There is \$30,500 remaining from the 2000/01 allocation made to fund the back-pay amounts required as a result of Council meeting its award obligations. This will be required, as well as an additional amount in the current year.

A joint initiative with the Lismore Skills Centre has resulted in \$20,200 being carried over in revenue received but not spent from 2000/01 for an up-skilling program for parks and recreation staff. This program has been running for several years.

The balance of \$58,700 is to financially support human resource programs that enhance skills development within the workforce, as per the reserves policy.

Economic Development – Balance \$106,100

Major items include the following under this reserve heading.

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2000/01 Financial Reserves

Council resolved to carry over \$12,400 from 2000/01 for the Northern Rivers Herb Festival, which was held in August 2001.

The Economic Incentives Fund had a balance at June 30, 2001 of \$61,600. At present approximately \$50,000 is transferred to this reserve annually. Policy 11.1.1 "Lismore Incentives for Investment" sets a maximum level for this fund at \$300,000.

Two Tourism items, which were included in the 2000/01 budget have been carried over to 2001/02 due to staff being unable to commence these projects. These total \$17,500 and relate to the production of CD containing photographic images and City Tour Walks Brochures/Signs.

Corporate and Community Services Group

Administrative Purposes – Balance \$173,100

This heading contains several reserves, which are separately detailed in the reserves policy. Major items include the following.

There is \$25,500 in the Records Management Systems reserve used to file/store records that must be archived. There is \$24,900 in the election expenses reserve. There is \$27,000 in the legal expenses reserve generated from unspent legal expenses in 2000/01.

There has been a reserve created from budgeted insurance expenses not incurred in 2000/01. These have been set-aside in what has been termed the Risk Management Reserve. These funds are in the process of being used to minimise potential trip points on our footpath/cycleway network. All funds will be spent in 2001/02. This should reduce insurance costs in the future.

Information Services – Balance \$388,200

As per the Reserve Policy, funds are to be used to allow for the future development and replacement of the central computer system software and hardware. Reference should also be made to the recent IT Strategic Plan, which touches on future IT reserves and their expected level.

Employee Leave Entitlements – Balance \$1,317,300

Funds are required to ensure adequate financing of employee oncosts. The policy funding level indicates that 30% of General Fund employee leave entitlement provisions is appropriate. At June 30, 2001 these provisions totalled \$3.1 million. At present the level of reserves is in excess of the reserves policy funding level, however there have been additional funds reserved to fund the back-pay amounts required as a result of Council meeting its award obligations in relation to staff. These funds were generated through the oncost savings made against budget in the 2000/01 financial year. The exact amount is yet to be finalised, but it is estimated that after reducing the reserve by this amount, the balance will be at a satisfactory level.

Community Services – Balance \$49,100

The Masters Games excess revenue over expenses accounts form the majority of this reserve, \$48,000. This reserve was created due to the timing issue of Council being required to close off its books at June 30, 2001. These funds were spent in September.

Child Care – Balance \$27,900

The balance includes \$13,900 for Koala, \$4,500 for Gingerbread House and \$9,500 for After School Hours Care. Funds are as a result of surpluses made against budget, to be used in future years if the opposite result occurs or for replacement of equipment.

The exception is Gingerbread House, where their budgeted operating expenses have been reduced and replaced by an annual transfer to reserves. This is to fund the future repainting / building maintenance of the centre.

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2000/01 Financial Reserves

Library Services – Balance \$6,500

These funds are to assist in the provision of library services. There has been no movement in the reserve in the 2000/01 financial year.

Regional Art Gallery – Balance \$94,600

These funds are to assist in the provision of a regional art gallery. This reserve is used for several separate purposes within the Art Gallery's operations and is actively and well managed throughout the course of the year.

Community Facilities – Balance \$1,131,300

Funds held are for the Memorial Baths Redevelopment, \$847,200 and there is \$284,100 in the Community Facilities Reserve. This reserve is used to assist in the development of community facilities. Priority is given to major facilities included in the Section 94 Community Facilities Plan.

Planning and Development Group

Planning Studies – Balance \$123,500

Included under this reserve heading is \$62,400 for Section 94 Administration Charges. Funds have been accumulated through reserving 2.5% of all levies collected. These may be used to fund the administration of the Plan, for example reviews and modifications.

In addition, there are a number of small amounts held over predominantly from 2000/01 for projects or studies that were unable to be completed due to a number of internal and external factors. Some of these include \$17,200 for the Stormwater Management Plan, \$9,200 for essential fire safety measures being addressed by the Building Control program and \$8,200 Council holds as part of the Regional Phosphorous Reduction campaign.

Remediation Programs – Balance \$169,000

The remediation of the former gasworks site should be finalised this financial year. The balance reflects previously committed funds unspent at June 30, 2001.

Waste Minimisation – Balance \$239,400

This reserve contains \$83,200 in unspent funds raised from the Environmental Levy Council charges annually and \$156,200 in funds contributed from the Environmental Protection Authority and other Councils in the region as part of the North East Waste Forum. This is an ongoing program that Lismore is administering.

City Works Group

Plant Operations – Balance \$1,326,500

The balance reflects the net operating surplus generated on all plant items predominantly in 2000/01 net of plant replacements. Initially this figure appears excessive, however it should be noted that a decision to split up the plant fund with individual program managers now being responsible for the full management of their fleet has been effected from July 1, 2001. This resulted in a number of programmed replacements not occurring in 2000/01. Hence funds were held over at the end of the year. The plant reserve is distributed between the following programs.

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2000/01 Financial Reserves

Program	Amount
Bridges	39,000
Crematorium and Lawn Cemetery	26,000
Motor Vehicles	145,300
Parks and Recreation	104,000
Quarry	147,000
Roadworks	508,000
Waste	206,000
Workshop	151,200

Budget/Plant Managers are now expected to effectively manage their fleet including all future replacement decisions. Funding for these replacements will come from the reserves shown above and annual operating surpluses.

Flood Mitigation – Balance \$284,800

This reserve is to provide funds that will assist in the construction of a flood levee for Lismore and appropriate flood prone property acquisitions.

Parks and Reserves– Balance \$231,200

The majority of this reserve balance originated from the following sources. There was \$22,600 held over for works on Coronation Park and \$35,600 for Kadina Park from 2000/01. Also, there was \$57,000 unspent from operating expenses and \$43,000 from recurring capital expenses. Finally, a figure of \$48,400 remains in reserve for remediation of the Lismore Lake.

The capital funds held over from 2000/01 will be spent on the remaining budgeted projects in 2001/02. The operating surplus will be used to fund Council's \$25,000 commitment to flood restoration works (this is the first \$25,000 not met by the Department of Public Works and Services for flood relief) and \$32,000 will be used to fund the purchase of Parks and Recreation plant, which historically has not been self-funding.

Sporting Grounds – Balance \$58,500

Significant amounts include \$25,800 for Nesbitt Park and \$24,200 for Oakes Oval Seating. Both of these reserves have a dedicated income source that is shown in annual budgets. Funds are for future developments at these respective grounds.

Transportation Infrastructure – Balance \$1,901,600

A list of the major items contained under this reserve heading is included in the following table.

Reserve Name and Description	Amount
DA Contributions to Works – Funds have been received from developers that are for Council to use on completing works associated with the development. These items fall outside the Section 94 legislation.	81,400
Financial Assistance Grants – The balance shown here is intended to match Council's 50% share of Urban Arterial Road works under the Section 94 Plan. Due to a number of factors, works have not commenced on the scheduled project.	390,200
Contractors Reserve – With the introduction of single invitation contracts by the RTA, Council bid for work in 2000/01 and performed the work to RTA accepted standards. The excess income received over expenses has been reserved for future jobs where there may be a deficit or margins are decreased markedly due to competition.	580,500
Bridge Construction – All planned construction work was not undertaken due to the bridge crew working on the Kadina Overpass. Funds have been reserved for use in 2001/02.	38,700
Road Construction – Similarly for the roads program, funds predominantly for capital works were not spent by June, primarily because of the RTA providing funds late in the	480,000

LISMORE CITY COUNCIL - Meeting held November 13, 2001

2000/01 Financial Reserves

year for state and regional road work. Management decided to take up this opportunity of undertaking RTA jobs first and reserving Council funds that were already secured for use in 2001/02. In addition the flood funding Council received for associated works tied up with fixing flood damage limited the available works crews time for completing other projects.	
Safety Cameras – Funds raised by the CBD special rate and dedicated to the safety camera network were not spent at June 30, 2001. These funds have been used in 2001/02 to expand the network.	54,300
Magellan Street – Funds have been set aside pending the outcome of legal proceedings between Council and the contractor who was engaged to complete works in Magellan Street several years ago. This issue is ongoing and costs are still being incurred.	134,000
Car Parking – Kerb Side Dining – Funds collected in relation to kerbside dining have been reserved for future capital improvements	36,700
Lismore Carboot Market – Funds collected from the Carboot markets have been reserved for future works.	31,700

Business and Enterprise Group

Other Waste Management – Balance \$976,200

Funds reflect the surplus generated from the ongoing operation of the Wyrallah Road Waste Facility. These funds will be used to ensure the long-term sustainability of a waste facility for Lismore.

Quarry Management – Balance \$2,726,200

The Quarry Reserve consists largely of operating surpluses made net of capital improvements for the Quarry. These funds are required to ensure that adequate funds are available to develop, enhance and restore Blakebrook Quarry and approved gravel quarries.

Lawn Cemetery / Crematorium – Balance \$79,000

Funds reflect the surplus generated from the ongoing operation of the Lismore Lawn Cemetery and Crematorium. These funds will be used to ensure the long-term sustainability of this type of facility for Lismore.

Aerodrome – Balance \$49,300

Funds reflect the surplus generated from the ongoing operation of the Lismore Regional Airport. These funds have already been committed in 2001/02.

Property Management – Balance \$443,100

The major components combined under this heading include the following.

There has been \$24,500 in total reserved over the last three years for part funding of a lift in the building where the Richmond River Historical Society operate.

Funds for the new Library/Art Gallery development total \$190,000 at June 30, 2001. Although Council will soon settle on the purchase of a significant portion of the former Lismore High School Site at a purchase price of \$140,000, funded from this reserve.

There is a total of \$209,800 in residential real estate development and shops and offices property reserves at June 30, 2001. These funds provide assistance in the maintenance, enhancement and development of Council owned properties.

LISMORE CITY COUNCIL - Meeting held November 13, 2001

2000/01 Financial Reserves

Water Supplies – Balance \$3,227,002

These funds reflect the net movement in the Water Fund to the end of June 2001. The reserve is used to ensure adequate funds are available to operate, manage and maintain a high quality water supply service.

Wastewater Services – Balance \$2,999,159

Similarly for the Wastewater Fund, funds reflect the net movement in the Fund to June 2001. The reserve is used to ensure adequate funds are available to operate, manage and maintain a high quality wastewater service.

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

None received.

Author's Response to Comments from Other Staff

Not applicable.

Conclusion

This report is intended to inform Council of the level of reserves and how they have been composed at June 30, 2001. In a perfect world, Council would have adequate reserves to fund all of its many and varied functions. Obviously this is not the case, although Council is fortunate to have a significant level of reserves present.

These reserves have been made available through a number of prudent financial strategies that Council and management have adopted over a number of years. These strategies are usually reviewed or enhanced annually through the budget process. In addition, all of Council's designated businesses now have business plans in place. Other programs have forward plans in place, for example the IT Strategic Plan and the Child Care Centres Five Year Plans. These plans provide a useful tool for forecasting the expected level of reserves required and highlight the ongoing need to plan for the future.

Recommendation (COR41)

That the report be received and noted.

LISMORE CITY COUNCIL - Meeting held November 13, 2001

Subject/File No: FINANCIAL REPORTS – 2000/01
(S755)

Prepared By: Principal Accountant, Gary Boyd

Reason: Statutory Requirement

Objective: To present the 2000/01 Financial Reports

Management Plan Activity: Financial Services

Background:

Council resolved at the October 9, 2001 meeting to, in part,

208/01 b) present the 2000/01 Financial Reports to the public at the November 13, 2001 Council meeting.”

In accordance with the Local Government Act, 1993 (LGA), this was advertised and submissions from the public invited. At the time of preparing this report, there had not been any submissions received. Any submissions received will be faxed to Councillors and comments provided, if required. The public has to November 21, 2001 to make a submission. This is part of the reporting anomaly within the LGA mentioned in the previous Council business paper concerning the Financial Reports.

As the detailed 2000/2001 Financial Reports were considered by Council at the previous meeting, the following summary of results is now presented.

Item	2000/01 (\$,000)	1999/00 (\$,000)
Statement of Financial Performance		
Total Revenues from Ordinary Activities	41,482	37,578
Total Expenses from Ordinary Activities	39,178	38,695
Surplus/(Deficit) from Ordinary Activities	2,304	(1,117)
Grants and Contributions provided for Capital Purposes	7,113	3,977
Outside Equity Interests/Corrections	0	0
Surplus/(Deficit) from All Activities	9,417	2,860
Financial Position		
Current Assets	27,148	21,660
Current Liabilities	7,558	7,151
Non Current Assets	394,275	390,641
Non Current Liabilities	9,092	9,794
Total Equity	404,773	395,356
Other Financial Information		
Current Ratio (expressed as a ratio)	3.59	3.05
Unrestricted Current Ratio (expressed as a ratio)	2.60	2.39
Debt Service Percentage (%)	6.21	7.89
Rate Coverage Percentage (%)	43.27	47.44
Rates and Annual Charges Outstanding Percentage (%)	9.06	9.86

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

None received to date.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable.

Recommendation (COR40)

That Council present to the public the 2000/01 Financial Statements.

LISMORE CITY COUNCIL - Meeting held November 13, 2001

Subject/File No:	SEPTEMBER 2001 QUARTERLY BUDGET REVIEW STATEMENT (GB: S779)
Prepared By:	Principal Accountant – Gary Boyd
Reason:	Clause 7, Local Government (Financial Management) Regulations 1993
Objective:	To gain Council's approval to amend the 2001/02 budget to reflect actual or anticipated results.
Management Plan Activity:	N/A

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 purpose of the September review is to "fine tune" any budgets that may vary due to more accurate information being available now than during the estimates process. This includes the reinstatement of budgets for works carried forward from 2000/01.

General Fund

The 2001/02 Management Plan provided for a working fund surplus of \$30,000. This review details a decrease of \$45,900 with the budgeted working fund deficit now \$15,900.

A deficit situation means that our expected expenses are greater than our expected income. This is not an ideal situation to be in. The lack of a surplus limits Council and Management in what it can achieve should additional funds be required over the remainder of the financial year. All budgets should be monitored closely to ensure that revenue targets are met and expenses are not exceeded.

Whilst the deficit amount of \$15,900 is not significant in the context of the overall budget, if the trend continues corrective action will need to be taken.

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

Description	Amount \$
Opening Balance at July 1, 2001	30,000
Less – Reduction in rental income from Laurie Allen Centre as per Council resolution	(2,200)
Add – Increase due to amended budget received from NSW Rural Fire Service	49,300
Add – Increase due to amended legislated development fees chargeable	3,000
Less – Reduced landing fee income for the Airport to the September Quarter due to the collapse of Ansett	(96,000)
Closing Balance at 30 September, 2001	(15,900)

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

Airport

Revenue for the first quarter of 2001/02 has been reduced significantly compared to budget. This is primarily due to the collapse of Ansett and the flow on effect to one of its subsidiaries, Hazelton Airlines.

LISMORE CITY COUNCIL - Meeting held November 13, 2001

September 2001 Quarterly Budget Review Statement

The Airline was placed into administration in mid September and did not operate for the last two weeks of the month. In addition, Council is unlikely to receive the revenue it is owed for the month of August for some time. The amount owing was \$26,712. This will be treated as a doubtful debt.

The original budget for 2001/02 was based on 55,000 passengers per annum at \$9.00 (excluding GST). This equates to \$41,250 per month or \$123,750 for the first quarter, on average. Of the budgeted amount, Council has only received payment of \$27,596, which was for the first four weeks of the financial year. The balance for the quarter is not expected to be received for some time or potentially at all. This equates to the \$96,000 that has been funded from a reduction in the working funds balance.

A report will be prepared by the Group Manager – Business and Enterprise for the December Council meeting detailing the budget effects for the remainder of the financial year. Hazelton was back in the air from October and the level of passengers using this service will have a major impact on the financial result for the Airport and Council for 2001/02.

General Manager and Support Services

There has been \$25,000 committed to a review of Council's records management systems/processes and customer service standards. This has been funded from reserves.

Corporate Management

\$23,600 has been transferred from the Legal Expenses reserve to planning and development legal costs due to an increase in litigation against/by Council compared to budget.

Client Services Unit

The purchase of part of the Old Lismore High School Site has now been finalised. Funding has been transferred from the reserve set up for this purpose, \$145,000.

Economic Development Unit

Budget revenue and expense allocations have been created for a grant promised by the Department of Workplace Relations and Small Business for the Riverbank project. Works will commence when the first payment has been received.

General Purpose Revenues

An additional \$115,600 has been included under the Roads to Recovery program. This is essentially a catch up from 2000/01 for funds that could have been claimed for works performed. As the City Works group had other commitments with flood funding and the RTA, this amount has been rescheduled for 2001/02. A corresponding expense budget has been provided for under the Roads program.

Information Services

Capital works budgeted for 2000/01 but not commenced, have been transferred to 2001/02 with funding from IT reserves, \$199,000.

Council commenced a leasing agreement for its PC's late in the 2000/01 financial year. Part of the initial agreement called for Council to purchase the first batch of equipment to be leased and then, when the agreement came into effect, Council would sell the equipment to the leasing company. The initial purchase occurred in 2000/01, funded from reserves. In September 2001, Council sold the PC's and received the cash, which has been transferred back to IT reserves, \$166,800.

LISMORE CITY COUNCIL - Meeting held November 13, 2001

September 2001 Quarterly Budget Review Statement

Community Services

The finances for the Masters Games, held in September are still being finalised. A report on the Games will be presented to Council in December, with the final budget presented in the next Quarterly Budget Review. It is anticipated that a small surplus will be made from the Games, with no underwriting from Council required.

Environmental Health

Adjustments have been made following Council's decision to borrow \$315,000 for completion of the gasworks remediation. The amount budgeted for in 2001/02 now stands at \$555,500. The balance of the funding comes from reserves unspent at June 30, 2001 and the \$71,500 Council committed from general purpose revenues as part of the 2001/02 Management Plan.

Waste Strategies

Funding of \$156,200 for the North East Waste Forum has been transferred from reserves for the ongoing operation of the forum in 2001/02.

Workshop and Fleet Operations

A new electronic message board for roadworks has been added to the plant fleet. Funding of \$63,000 has come from the Contractors Reserve under the control of the roads program. This sign will be used on many roadwork jobs, road safety campaigns and also for other Council promoted public messages.

Bushfire Services

As mentioned earlier in the report, the NSW Rural Fire Service has confirmed its budget for 2001/02. This has resulted in a reduction in funds required by Council of \$49,300 without a reduction in service levels. This has increased the working funds balance.

Enforcement

The RTA has confirmed the level of funding under the Regional Roads Block Grant. Part of this agreement relates a traffic facilities component. The Manager Roads and Infrastructure has allocated \$35,000 of this component to the Enforcement program for Traffic Committee Items.

The safety camera network is in the process of being expanded/upgraded at a cost of \$83,400. This is funded by reserves, \$54,300 not spent in previous years and a contribution from Lismore Unlimited for the balance.

Parks and Recreation

Budgets have been created for flood restoration works agreed to by the Department of Land and Water Conservation totalling \$109,600. Capital works not completed last financial year have been transferred from reserves in the amount of \$85,800.

Urban Roads

All funds contained in the Risk Management Reserve, \$81,500, have been transferred to the footpath construction budget for upgrading of risk areas on Council's footpath/cycleway network. This should help to reduce future insurance premiums as a study was undertaken to highlight the areas in most need of work.

Rural Roads

Capital budgets have been increased by \$602,000 in the rural roads program. Funding for this increase includes \$115,000 additional revenue from the Roads to Recovery grant for 2001/02 and \$126,000 from unexpended grants from the same source held over from 2000/01. The balance of \$361,000 is made up of reserves from 2000/01 capital works not commenced.

LISMORE CITY COUNCIL - Meeting held November 13, 2001

September 2001 Quarterly Budget Review Statement

RTA Works

Various changes have been made to revenue and expense budgets as the RTA provides information to Council on agreed projects. There has also been \$85,000 in Section 94 levies used to fund part of the works on the Kadina Overpass.

Water and Sewerage Funds

There have been no budget adjustments made against these funds to the end of September 2001.

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Not provided.

Author's Response to Comments from Other Staff

Not applicable.

Conclusion

Change in Net Assets

The 2001/02 Management Plan showed a surplus in the "Change in Net Assets" of \$938,000. This review has reduced the surplus by \$16,000 to \$922,000.

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

Recommendation (COR42)

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

LISMORE CITY COUNCIL - Meeting held November 13, 2001

Subject/File No: COUNCIL MEETINGS AND PUBLIC CONTACT FORUMS FOR 2002
(GW/LM: S4)

Prepared By: Administrative Services Manager – Graeme Wilson

Reason: Council policy

Objective: Determine schedule and meeting locations.

Management Plan Activity: Corporate Management

1 **Council Meeting Schedule**

Council has resolved that Ordinary meetings will be held on the second Tuesday of each month. The first meeting of the year will be held on February 12, 2002.

2 **Rural Meetings and Public Contact Forums**

Council's Policy 1.2.7 of open government states that Council will meet two times a year at village locations and will also conduct three Public Contact Forums at rural locations. Over the past 11 years Council has visited almost every Public Hall at least once, visits which are well received by local residents.

In the current year two rural Council meeting locations have been Coffee Camp and McLeans Ridges.

All three Public Contact Forums – Wyrallah, Corndale and Goolmangar – have been conducted, all with good attendance from local residents.

It is proposed that Council continue both practices in 2002. In this regard the following schedule of venues is suggested.

a) Council Meetings	May 14 November 12	Dunoon South Gundurimba
b) Public Contact Forums	March 18 June 17 September 16	Whian Whian Numulgi Nimbin

3 **City Contact Forums**

Council has introduced the concept of City Contact Forums. Two are scheduled each year, with this year's being held at the East Lismore Bowling Club and the Goonellabah Community Centre.

Meeting dates and locations are detailed below:

April 15	Fountain Room, City Hall
July 15	Lismore Heights Bowling Club

Manager - Finance & Administration Comments

Not requested.

Public Consultations

Not required.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not applicable.

Recommendation (COR38)

That the schedule of venues as outlined below be adopted.

- | | | |
|--------------------------|-------------------------------------|--|
| a) Council Meetings | May 14
November 12 | Dunoon
South Gundurimba |
| b) Public Contact Forums | March 18
June 17
September 16 | Whian Whian
Numulgi
Nimbin |
| c) City Contact Forums | April 15
July 15 | Fountain Room, City Hall
Lismore Heights Bowling Club |

LISMORE CITY COUNCIL - Meeting held November 13, 2001

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD OCTOBER 17, 2001

AT 10.00 AM.

(GW:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors John Hampton and Mervyn King, M/s Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Messrs Mike Baldwin (*Roads and Traffic Authority*), Snr Const Brian Buckley (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*) and Mr Graeme Wilson (*Administrative Services Manager*).

In Attendance: Mr Stan Wilson for Item No. 1 (Hindmarsh Street).

Apologies: Apologies for non-attendance on behalf of Messrs John Daley and Bill MacDonald (*Leave*) were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – September 19, 2001

Members were advised that the Minutes of the meeting held on September 19, 2001 were adopted by Council at its meeting of October 9, 2001, excluding Item No. 3 (*S Wilson on behalf of residents of Hindmarsh Street*), No. 7 (*Nimbin Chamber of Commerce and TS Bates*), and No. 13 (*Erection of Tourist Signs at City Entrances*).

1. S Wilson on behalf of residents of Hindmarsh Street

(Item No. 3 of Minutes of September 19, 2001)

Mr Wilson raised concern at the volume of traffic using Hindmarsh Street and the resulting noise and vehicle emission pollution for residents. His alternate proposals included closing Hindmarsh Street to through traffic and diverting traffic via Leycester Street (with a roundabout at Dawson Street); re-opening Orion Street, and extending Zadoc Street through to Brewster Street.

TAC140/01 **RECOMMENDED** that Council support Mr Wilson's efforts to obtain funding for a roundabout at the intersection of Leycester and Dawson Streets but that Hindmarsh Street remain open to through traffic. (01-12942:R6029)

2. Nimbin Chamber of Commerce and TS Bates

(Item No. 7 of Minutes of September 19, 2001)

TAC141/01 **RECOMMENDED –**

1. That no action be taken with respect to the speed of traffic through the "bends".
2. A 'Give Way' sign be erected on Gungas Road, at its intersection with Tumble Falls Road. (01-13763,01-13400: S352,R2141)

Disclosure of Interest: Nil

Business Arising:

3. M Wawn - Intersection of Bangalow Road/Howards Grass Road

(Item No. 3 of minutes of August 22,, 2001)

Possible solutions identified included a slip lane, double centre lines, shoulder widening and extra signage. It was noted that the volume of traffic turning into Howards Grass Road was very low.

TAC142/01 **RECOMMENDED** that additional signage be investigated warning of turning traffic. (01-10837:R4401,R4101)

Correspondence

4. Summerland V8 Dirt Modified Association Inc., seeking Council's support for a street parade on the occasion of the 2001/02 V8 Dirt Modified Australian Championships to be held on December 29, 2001.

TAC143/01 **RECOMMENDED** that Council support the parade, subject to Police approval. (01-10837:R4401,R4101)

LISMORE CITY COUNCIL - Meeting held November 13, 2001

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING OF OCTOBER 17, 2001 (Cont'd)

5. **Thomas George, MP, on behalf of M/s Donna Sewell**, raising concerns about the T-intersection of Dalley and College Streets, East Lismore.
- TAC144/01** **RECOMMENDED** that the signage on Dalley Street be raised to improve sight distance and 'No Standing' signs be erected at the southern end of College Street.
(01-12525:S352,R7426,R7420)
6. **NSW Department of Education & Training**, referring to a proposal discussed at a meeting with Council's Rural Works Engineer on September 11, 2001, to construct a bus set-down and pick-up facility outside Larnook Public School and requesting Council undertake the work.
- TAC145/01** **RECOMMENDED** –
1. That consideration of this matter be referred to Council's Design Services Section to prepare plans for presentation to the Committee.
 2. That discussions be held to determine if the facility could be located on the same side of the road as the School.
(01-13768:P25867)
7. **Mr G & Mrs K Jones**, advising that traffic on the unmade section of lower Thorburn Street, Nimbin, is quite heavy and with another tourist facility proposed in the street, requesting Council give consideration to a further control of the speed of traffic using Thorburn Street.
- It was noted that the Development Consent issued for the tourist facility included requirements for the upgrading of the road.
- TAC146/01** **RECOMMENDED** that Mr and Mrs Jones be advised of the proposed works associated with the Development Application.
(01-13791:R1702)
8. **Young and Powerful School**, expressing concern for the safety of students and requesting that "School Zone" signs be placed along both Holland and Slade Streets, Goonellabah, and also that a crossing be painted at the beginning of Slade Street.
- It was noted that the School did not have large numbers of students and that its location encouraged attendance by private vehicles or public transport. The speed limit for Slade Street was 50 kph.
- TAC147/01** **RECOMMENDED** that no action be taken on the request by the Young and Powerful School.
(01-14639:S345)
9. **Lismore Branch, NSW Bus & Coach Association**, requesting Council investigate the possibility of providing steel barriers (*similar to those erected at Trinity Catholic College*) at the front of Richmond River High School; also advising that Operators feel the Trinity Interchange individual bays could have been an extra 2.0m longer, and drawing attention to the roundabout at the intersection of Uralba and Brewster Streets.
- The concern of pedestrian safety at Richmond River High School was noted. However, it was considered that with the level of supervision provided by teachers, the barriers were not required.
- TAC148/01** **RECOMMENDED** that no action be taken on the erection of barriers.
- The Committee was advised that the bus bays at the Trinity Bus Interchange were marked in accordance with the regulations and should be suitable for standard length buses.
- TAC149/01** **RECOMMENDED** that no action be taken on this request.
- It was noted that the roundabout at the intersection of Uralba and Brewster Streets would be upgraded with the expansion of Lismore Square. However, in the interim some temporary work could be completed to overcome the bus operators' concerns.
- TAC150/01** **RECOMMENDED** that additional hotmix be placed on the north-western corner of the roundabout.
(01-14574:S352)
-

10. **NSW Roads & Traffic Authority**, enclosing letter from Mr David Menzies concerning road conditions and speed limits on Nimbin Road.

TAC151/01 RECOMMENDED –

1. That the 60 kph zone at Goolmangar not be extended.
2. That the speed advisory sign on the western side of Goolmangar be relocated to a more prominent location. (01-14606:S352)

11. **The Channon Trust Committee**, drawing attention to the lack of safe crossings between the Village and Terania Street at the intersection of Nimbin Road and Standing Street, and the issue of introducing signage to reduce speeding between Coronation Park and the Koonorigan turn-off.

TAC152/01 RECOMMENDED that the current signage be replaced/upgraded and that additional signs be erected within the 60 kph zone. (01-14414:S342)

12. **Lismore Heights Public School P & C Association**, drawing attention to the matter of parking access, pedestrian access (specifically children), and the danger that vehicles are posing associated with the delivery and collection of School children at Milton Street.

TAC153/01 RECOMMENDED that an inspection of Milton Street be conducted during peak pedestrian/traffic times. (01-14913:S352,R7125)

General Business

13. **Entrance to BBC Hardwarehouse**
A plan for the redesign of the carpark proposed by the RTA was displayed to the Committee. This redesign endeavoured to encourage traffic returning to Lismore, to exit from the eastern side of the site. Various options were discussed and it was agreed that further work was required.

TAC154/01 RECOMMENDED that further redesign options be presented to a future meeting. (D000263)

14. **Showview Street – Parking**
TAC155/01 RECOMMENDED that Council investigate a one-way street option for this area having regard to the narrow pavement width exacerbated by cars being parked on the side of the road. (R7475)

15. **Barham Street, East Lismore**
TAC156/01 RECOMMENDED that City Works Group Staff review the sight distances at the Barham Street/Beaumont Drive/City View Drive intersection, and report back on possible solutions. (R7410,R7411,R7416)

16. **Oliver Avenue, Goonellabah – Speeding Vehicles**
TAC157/01 RECOMMENDED that the Police Service be asked to monitor Oliver Avenue for speeding traffic, particularly at night on weekends. (R6493)

This concluded the business and the meeting terminated at 11.20 am.

CHAIRPERSON

**ADMINISTRATIVE SERVICES
MANAGER**

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:-

Assignment of Licence – Kerbside Dining – Mecca Café

The Mecca Café has recently been purchased by Mr Terry & Mrs Heather Ruth Tall and the Assignment of Licence transfers the kerbside dining licence from Simon Fry to Mr & Mrs Tall.
(01-14973: P6314)

Application for an Apparatus Licence under the Television Black Spots Program at East Lismore – 5 Channels

This will enable the ABA to issue an apparatus licence to provide the legal authority to operate a transmitter within the broadcast services band.
(01-13495: S571)

Funding and Performance Agreement – Department of Community Services & Koala Long Day Care Centre

Funding Agreement – January to June 2002.
(P17488)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, OCTOBER 9, 2001 AT 6.03PM.

Present: His Worship the Mayor, Councillor Gates; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin (from 6.07pm), King, Roberts, Suffolk, Swientek (from 6.23pm) and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Finance & Administration, Manager-Client Services, Contracts Officer, Projects Assessment Planner, Manager-Planning Services, Manager-Communications and Public Relations and Administrative Services Manager.

**Apologies/
Leave of
Absence:** NIL

204/01 **Minutes:** The Minutes of the Ordinary Meeting held on September 11, 2001, were confirmed.
(Councillors Swientek/Irwin)

PUBLIC ACCESS SESSION:

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

Mr Darran Singh re Report - Financial Reports 2000/2001

(See Minute No. 208/01)

Mr Singh spoke to the auditor's report with respect to the 2000/01 Financial Reports.
(S755)

Mr S Graman re Notice of Motion – Playground Equipment – Elders Memorial Park

(See Minute No. 207/01)

Mr Graman spoke on behalf of the Goonellabah Residents Action Group in support of the proposal to place play equipment in Elders Memorial Park.
(01-14031: P6489)

Mr Damian Chapelle re Report – DA01/367 SCU International Residential College, Cynthia Wilson Drive

(See Minute No. 209/01)

Mr Chapelle referred to the site meeting with Councillors and the agreement of the SCU to amend condition number 28 to provide emergency and disabled vehicular access to all units.
(D01/367)

ELECTION OF DEPUTY MAYOR:

Nomination

A nomination for the position of Deputy Mayor was received for Councillor King.

Election

With only one candidate nominated the Returning Officer (Group Manager-Corporate & Community Services) declared Councillor King elected as Deputy Mayor for the ensuing 12 months.
(S44)

MAYORAL MINUTES:

Easement Encroachment Lot 4 DP 28818 at 169 Ballina Road, Goonellabah

(Copy attached)

A MOTION WAS MOVED that the minute be received and Council agree to reduce the width of the existing easement to 2.25m without conditions, for that part of the easement which is encroached upon by the low brick veneer building walls and the part and width of the easement not encroached upon, to remain at 3.05m in width, the cost to alter the easement be as follows:

Council will prepare the necessary plans using Mr Walker's services as a registered surveyor but Mr Hancock be requested to pay the registration fee and other costs.

(Councillors Gates/Suffolk)

AN AMENDMENT WAS MOVED that the minute be received and Council agree to reduce the width of the existing easement to 2.25m without conditions, for that part of the easement which is encroached upon by the low brick veneer building walls and the part and width of the easement not encroached upon to remain at 3.05m in width, the cost to alter the easement be as follows:

Council will prepare the necessary plans using Mr Walker's services as a registered surveyor at no cost to Mr Hancock.

(Councillors Crowther/Chant)

On submission to the meeting the AMENDMENT was DEFEATED

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

205/01 **RESOLVED** that the minute be received and Council agree to reduce the width of the existing easement to 2.25m without conditions, for that part of the easement which is encroached upon by the low brick veneer building walls and the part and width of the easement not encroached upon, to remain at 3.05m in width, the cost to alter the easement be as follows:

Council will prepare the necessary plans using Mr Walker's services as a registered surveyor but Mr Hancock be requested to pay the registration fee and other costs.

(Councillors Gates/Suffolk)

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

(P579)

Public Meeting For Candidates For Federal Election

(Tabled) (Copy attached)

206/01 **RESOLVED** that the minute be received and –

- 1 A Public Meeting be called to be chaired by the Mayor to allow candidates for the forthcoming Federal Election to state their policies and election platform. It is anticipated the meeting would run for approximately 2 hours. The venue would be the City Hall.
- 2 Candidates be asked to address the following specific issues at the public meeting and in writing to the Council:
 - A commitment to collaboration with all key regional stakeholders in formulating regional development policies and funding strategies;
 - The re-instatement of the 2:2:1 funding formula for the Lismore flood levee;
 - On-going commitment for Federal funding for flood mitigation;
 - Support for funding for the development of a cultural precinct at the Old Lismore High School site;
 - A commitment to long-term, reliable and competitive air services between Lismore and Sydney airport;
 - Support for increased funding for tertiary education including funding for the proposed Kellas Street entrance road for Southern Cross University;

- More funding for depleted rural health services (and the Northern Rivers Area Health Service);
- Support for the establishment of a Clinical School in Lismore and a stronger funding commitment to the Northern Rivers (SCU) University Department of Rural Health;
- Funding to improve access to dental health services;
- Further Commonwealth support for aged care services through the development of multipurpose services, which increase access to high and low aged residential care beds;
- Commonwealth funding enhancement and support for Indigenous Health;
- Programmes to increase the attraction and retention of skilled health professionals in rural areas and proposals to resolve the critical situation in Nimbin;
- An increase in the percentage of the fuel levy collected being returned to local government for road works;
- Medicare Rebate and associated licensing of a MIR Scanner at St Vincent's
- Support for the funding of the leisure and sports hall at Goonellabah and the Memorial Baths rebuild.

(Councillors Gates/King)

Voting Against: Councillor Irwin.
(S12)

NOTICE OF MOTIONS:

Installation of Playground Equipment – Elders Park

207/01

Formal notice having been given by Councillor Irwin it was **RESOLVED** that –

- 1 Council supports in principle the installation of playground equipment at Elders Memorial Park and requires it to be included for consideration in the 2002/2003 budget.
- 2 Elders Memorial Park be included in the S94 Plan at its next review.
- 3 Corporate & Community Services staff assist the local community in the preparation of submissions for external funding under programs such as the Casino Community Benefit Scheme.

(Councillors Irwin/Roberts) (01-14031: P6489)

REPORTS:

Financial Reports 2000/2001

(Copy attached)

208/01

RESOLVED that the report be received and that Council -

- 1 Adopt the 2000/01 Financial Reports and 'Council's Statement' for both the General Purpose Financial Reports and Special Purpose Financial Reports.
- 2 Present the Financial Reports to the public at the November 13, 2001 council meeting.
- 3 Advertise the presentation of the Financial Reports to the public from November 3, 2001 and invite inspection of the reports.
- 4 Express appreciation to staff and the auditor on the preparation of the report.

(Councillors Swientek/Gallen) (S755)

DA 01/367 SCU International Residential College, Cynthia Wilson Drive

(Copy attached)

209/01

RESOLVED that the report be received and –

- A** That Council SUPPORT an approval of the application together with the attaching Koala Plan of Management, subject to compliance with the following conditions:

PLANNING

- 1 In granting this development consent, Council requires:
- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
 - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
 - Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions
- and be substantially in accordance with the stamped approved plan(s) Project No. 00174E plans LP1 Issue B, SKI-4 (inclus) Issue A, EW1 Issue B, EW1A Issue B and EWA1-6 (inclus) Issue A and/or supporting documents submitted with the application. Copies of the approved plan is/are attached to this consent.
- Reason:** *To correctly describe what has been approved. (EPA Act Sec 79C)*
- 2 A separate Development Application to be lodged and approved for earthworks for proposed Stages 2(a) and 2(b), prior to any construction for those two stages.
- Reason:** *Earthworks for Stages 2(a) and 2(b) not part of this consent.*

BUILDING

- 3 A minimum of three (3) disabled access units are to be provided, and they shall be distributed as equitably as practical across the development.
- Reason:** *To satisfy criteria of Table D3.2 of the Building Code of Australia.*
- 4 The roofing must have a low reflective finish.
- Reason:** *To minimise the reflectivity of the building and to ensure its compatibility with the landscape.*
- 5 The use of the building must not unreasonably interfere with the amenity of the neighbourhood.
- Reason:** *To ensure that reasonable levels of amenity for neighbouring properties are maintained.*
- 6 Erosion and sediment control measures must be put in place and be maintained to prevent soil erosion and the transportation of sediment from the site into natural or constructed drainage lines or watercourses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.
- Note:** *Inspections of the structural work will not be carried out and work may not proceed, until the sedimentation controls are in place.*
- Reason:** *To prevent erosion of materials from the site.*
- 7 Access for the disabled in accordance with AS1428.1 is to be provided to the main entrance of the community facilities building, and the nominated disabled residential unit buildings.
- Reason:** *Required by Clause D3.2 of the Building Code of Australia.*
- 8 Facilities for the use of the disabled must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1993 "Design for Access and Mobility".
- Reason:** *Required by Clause F2.4 of the Building Code of Australia.*
- 9 Provide signs to the disabled facilities in accordance with AS 1428.1-1993 "Design for Access and Mobility".
- Reason:** *To highlight the availability of facilities for disabled persons.*
- 10 Provide car parking spaces for the disabled, including signage, in accordance with the requirements of AS 2890.1 - 1993 "Off-Street Car Parking" Cl 2.4.5(b).
- Reason:** *Required by Clause D3.5 of the Building Code of Australia*
- 11 Provide signs, incorporating the disabled access symbol, identifying the location of each accessible entrance to the building, lift and sanitary facility.
- Reason:** *Required by Clause D3.6 of the Building Code of Australia.*
-

- 12 Disabled toilet facilities must be unisex.
Reason: *Required by Policy 03.01.31 of the Lismore City Council.*
- 13 No additional internal partitions are to be erected without prior approval.
Reason: *To indicate that additional approval is required.*
- 14 Access to the development shall meet the following requirements:
- a) Paths and steps to have even non-slip surfaces.
 - b) Paths to be a minimum of 1350 mm wide, with a maximum camber of 1:100.
 - c) Provide fixed, rigid, continuous handrails 900 mm above steps and paths, where the ground level falls away close to the path. Handrails are to be provided on both sides of steps and to extend a minimum of 300 mm past the first and last step. A change in surface texture is recommended between steps and a path, and a contrasting surface is required at the edge of paths and steps to assist the visually impaired.
 - d) The first and last step in a flight of stairs are to have the tread painted or constructed of white or a light colour.
 - e) Changes in levels of less than 150 mm and single steps are to be avoided.
 - f) Stairs must not have open risers.
- Reason:** *To provide equality of access.*
- 15 Access to the building and facilities for disabled persons must be provided and constructed in accordance with the requirements of Technical Bulletin No. 17, Department of Environment & Planning, AS 1428.1-1992 "Design for Access and Mobility" and Clauses D3.2 and D3.3 Building Code of Australia, to ground floors of the respective buildings.
Reason: *To ensure equity in access.*
- 16 A detailed landscaping plan (in duplicate) shall be submitted to the Principal Certifying Authority prior to release of the Construction Certificate. Landscaping plans shall be in accordance with Council's Landscaping Code and relevant Development Control Plans. Species identified in Council's Landscaping Code shall be planted wherever possible. Landscaping plans shall indicate:
- location of Council's sewer
 - proposed location for planted shrubs and trees
 - botanical name of shrubs and trees to be planted
 - mature height of trees to be planted
 - location of grassed areas
 - location of paved areas
 - location of trees identified for retention in the development application plans.
- Principal Certifying Authority approved landscaping shall be completed prior to the release of the Occupation Certificate and maintained at all times to the satisfaction of Council. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.
Reason: *To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))*

ENGINEERING

- 17 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed by a suitably qualified person experienced in Hydraulic design and submitted to Council prior to release of the Construction Certificate for each stage. Drainage is to direct all water to a suitable discharge point to prevent intensification of discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). All drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.
Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b))*
-

- 18 The discharge of stormwater from the site shall be limited to the pre-development flow (rural flow) for an ARI of 10 years and a time of concentration of 6 minutes. On-site retention of stormwater shall be encouraged to achieve this requirement. Full design details shall be submitted with the Construction Certificate.
Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b)).*

ROADS

- 19 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended) prior to the release of the Interim or Final Occupation Certificate for stage 1(b). In relation to the following works, the proponent shall pay Council's GST cost prior to the release of the Interim or Final Occupation Certificate for stage 1(b). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

Intersections

- a) Construction of a channelised intersection layout at the junction of Cynthia Wilson Drive and Rifle Range Road in accordance with relevant standards. A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Interim or Final Occupation Certificate for stage 1(b), a "works-as-executed" set of plans and construction certification. The certification shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and approved design plans.
Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*
- 20 Full design plans of the proposed engineering works to satisfy condition(s) 17, 18, 19, 20 and 28 shall be submitted to and approved by Council prior to the issue of a Construction Certificate for each stage. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.
Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*
- 21 The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. This plan of management shall be lodged with Council prior to the commencement of works. All works shall comply with the Occupation Health and Safety Act.
Reason: *To ensure no conflict occurs between civil works and general public during construction.*

VEHICULAR ACCESS

- 22 Redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended).
Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*
- 23 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

- 24 All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

- 25 Vehicular access from the road pavement to the development shall be provided by the construction of a crossing, in accordance with the Council's Design and Construction Specification for Vehicular Access.

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

CARPARKING

- 26 Provision shall be made for a total of seventy seven (77) carparking spaces (in 4 stages) with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements for each stage. Documentary evidence to be submitted to the Principal Certifying Authority prior to the release of an Interim or Final Occupation Certificate.

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

- 27 The proponent shall construct a 1.2m wide reinforced concrete, paving block or equivalent footpath, leading from the entrance to the proposed carpark on Rifle Range Road along the Rifle Range Road reserve to the intersection with Cynthia Wilson Drive in accordance with Council's Development, Design and Construction Manuals (as amended). Any costs shall be the responsibility of the proponent. Works to be completed prior to the release of the Interim or Final Occupation Certificate for Stage 2(a).

Reason: *To meet the anticipated demand for open space by residents of the development. (EPA Act Sec 94)*

- 28 The proposed vehicular access and pedestrian link to Cynthia Wilson Drive shall be deleted. Alternate emergency and disabled vehicular access shall be provided to all units via the conversion of the proposed footpaths to 3m wide shared pathway/driveway.

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to ensure adequate access to and from the development. (EPA Act Sec 79C(c))*

- 29 Pedestrian and vehicular access from Cynthia Wilson Drive shall be prohibited, excepting emergency access. Prior to the release of the Interim or Final Occupation Certificate for stage 1(a) the proponent shall construct a man proof fence for the full frontage of the land to Cynthia Wilson Drive, such fence may incorporate an emergency use only locked vehicular access gate.

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

ENVIRONMENTAL HEALTH

- 30 The applicant shall employ a suitably qualified consultant to oversee the installation and maintenance of all soil and water management works on the site. The consultant will be required to provide a written report to Council's Development Assessment Engineer on a weekly basis during construction works certifying that all works have been carried out in accordance with best practice and the approved plans.

Reason: *To ensure a reasonable monitoring programme*

- 31 The applicant shall provide on-site training for all works, subcontractors, consultants and personnel in relation to soil and water management plans and works. Training shall include:

- general information on the soil and water management plan;
 - correct construction of sediment fences;
 - purpose and function of staging program;
 - purpose and function of sediment fences and barrier fences;
-

- maintenance on soil and water management works.

Reason: *To ensure a reasonable monitoring programme*

- 32 Prior to the commencement of works the applicant shall prepare, and submit to and gain the approval of Council, of a soil and water management plan that identifies stormwater management (both quantity and quality) and maintenance issues associated with the proposed development for both construction and post construction phases.

Reason: *To ensure a reasonable monitoring programme*

WATER & SEWER

- 33 The water supply connection shall be designed, installed and maintained to prevent contaminants from being introduced into Lismore City Council's potable water supply system.

Full details of the proposed backflow method and cross connection controls shall be designed and installed in accordance with Australian Standard 3500.1 and submitted prior to the release of the Construction Certificate.

Reason: *Required by NSW Code of Practice "Plumbing and Drainage".*

34. The water supply service shall be sized in accordance with Australian Standard 3500.1 to service the whole development.

Reason: *Required by NSW Code of Practice "Plumbing and Drainage".*

- 35 Full design plans of the proposed engineering works to satisfy condition(s) shall be submitted to Lismore City Council. Such plans must be approved by the Manager-Water and Sewerage before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under s.26 of the Water Supply Authorities Act 1987.

Reason: *To provide adequate services for the development (EPA Act Sec 79C(c))*

- 36 Sewer connections must be effectively sealed off at the boundary riser. In this regard a Minor Works Permit must be applied for at Council and all work is to be carried out in accordance with Lismore City Council Sewer Specifications prior to the commencement of work.

Reason: *Required by Clause 65 of the Local Government (Approvals) Regulation.*

- 37 Water connections must be effectively disconnected. In this regard a Disconnection Permit must be applied for at Council and all work is to be carried out in accordance with Lismore City Council Water Specifications, prior to the commencement of work.

Reason: *Required by Clause 65 of the Local Government (Approvals) Regulation.*

- 38 The proponent shall pay to Council all Water and Sewerage Headworks Levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993, as detailed in the attached schedule. Such levies shall be paid prior to release of Construction Certificate.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan dated February 1996 as required by the increased population or activity. (EPA Act Sec 94)*

- 39 The water reticulation to service this development is to be drawn from the existing internal supply serviced via the bulk water meter at the Ross Street Reservoir. A separate internal private bulk water meter is to be installed on the service line to this development.

Reason: *To provide adequate services for the development (EPA Act Sec 79C(c))*

- 40 A conventional gravity sewer reticulation design to service this development is to be submitted to Council for concurrence and approval with reference to the connection point to Council's sewer.

Reason: *To provide adequate services for the development (EPA Act Sec 79C(c))*

- 41 If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

NB: GST means any tax levy charge or impost under the authority of any GST law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means a New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

Reason: *To cater for newly introduced GST provisions.*

DEVELOPMENT

- 42 The planting of a minimum of 500 trees throughout the site, to consist of tallowood, forest red gum and grey ironbark. Attention should be given to planting a number of these trees adjacent and around existing trees, particularly where adjacent to excavation works.

A landscaping plan showing all proposed landscaping (including the planting of 500 koala feed trees) for each stage be submitted to Council prior to release of the Construction Certificate for Stage 1(a).

Reason: *Site enhancement and supplementation to Koala feed trees; to assist with buffering of existing trees.*

- 43 No roots of identified Koala food trees located south-east of the buildings contained in cluster (Stage) 1(b) are to be disturbed during construction, including earthworks. Soil within 10 metres of tree trunks is not to be disturbed in any way, and retaining walls (engineered to maximize soil strength) are to be incorporated into earthworks in lieu of batters, where necessary, in order to achieve this aim.

Reason: *To ensure presentation of existing trees on site.*

- 44 Apart from the three (3) trees nominated in this application, no trees are to be removed from site without the express approval of the Council.

Reason: *To ensure perpetuation of habitat.*

- 45 The hours of work for any noise generating activity of the proposed development are to be limited to the following time restrictions:

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))

- 46 That the Ngulingah Local Aboriginal Land Council and NSW National Parks and Wildlife Service be immediately advised in the event of the discovery of any Aboriginal sites or relics as a consequence of the development. All works to cease and not to recommence until the approval of these two bodies has been obtained.

Reason: To protect Aboriginal heritage.

SECTION 94

- 47 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Construction Certificate is granted. The rates and amounts applying at the date of this notice, totalling **\$57,370**, are set out in the schedule, together with attached discounting notes, for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the Construction Certificate is granted.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI) on an annual basis.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1999 as required by the increased population or activity. (EPA Act Sec 94)

- B** That the draft conditions be referred to the applicant (SCU) for concurrence, as required by Section 116C of the Environmental Planning and Assessment Act.
- C** That the General Manager be empowered to grant final approval to the development pending:
- i) receipt of written concurrence to finally agreed draft conditions of consent following Section 116C referral to the applicant;
 - ii) approval being received from the Director of the Department of Urban Affairs and Planning to the Koala Plan of Management, and inclusion into the current Plan of any additional matters as may be notified by the Director; and

iii) receipt of advices from the Ngulingah LALC and Gunjil Jindabah Centre that there are no objections to the proposed development on the site.

D That Council grant delegated authority to the General Manager to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

(Councillors Suffolk/Hampton) (D01/367)

DA 01/194 Lismore Square Car Boot Market Sec 96 Modification

(Copy attached)

210/01 **RESOLVED** that the report be received and that the application be modified as follows-

- 1 Condition No. 13 be deleted.
- 2 Condition No. 17 be adhered to.
- 3 Condition No. 19 be modified by deleting the amount of \$4,349 and replacement with the amount of \$782.

(Councillors Crowther/Chant) (DA01/94)

Alteration of Village Development Strategy and Repeal of DCP 23 – Village of Wyrallah

(Copy attached)

211/01 **RESOLVED** that the report be received and that, pursuant to clause 23 of the Environmental Planning & Assessment Regulation, Council resolve to -

- 1 Repeal DCP 23 Village of Wyrallah.
- 2 Place strategic planning information about the future expansion of Dunoon, Clunes and Wyrallah into the Village Development Strategy.
- 3 Place the amended Village Development Strategy on public exhibition for one month.
- 4 Owners affected by the repeal of DCP 23 be advised in writing of the reasons for the repeal.

(Councillors Gates/Suffolk) (S537)

Draft Catchment Management Plan

(Copy attached)

A MOTION WAS MOVED that the report be received and Council advise the Northern Rivers Catchment Management Board that it supports the draft Plan in principle, subject to -

- 1 The State Government providing the investment strategy and prioritisation document for further Council review.
- 2 The State Government providing sufficient resources to carry out the actions required.

(Councillors Irwin/Tomlinson)

AN AMENDMENT WAS MOVED that the report be received and Council advise the Northern Rivers Catchment Board that it supports the Draft Plan in principle subject to -

- 1 The plan remaining advisory only.
- 2 Deletion of management target 2.3 concerning the reversal of impacts of small rural lots as outlined in the above report unless substantial resourcing is provided from State and Federal Governments.
- 3 The State Government providing the investment strategy and prioritisation document for further Council review.
- 4 The State Government providing sufficient resources to carry out the actions required.

5 Council has as its objective, to work towards at least 50% use of sewerage effluent.

6 Community awareness not become Council's responsibility other than where it can be incorporated in Council's State of Environment Report or any other documentation.

(Councillors Gates/Tomlinson)

On submission to the meeting the AMENDMENT was DEFEATED.

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

(S227)

On submission to the meeting the MOTION was DEFEATED.

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

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

RECOMMITTAL MOTION:

212/01

RESOLVED that this item be recommitted to the business paper.

(Councillors Roberts/Gallen)

A MOTION WAS MOVED that the report be received and Council advise the Northern Rivers Catchment Management Board that it supports the draft Plan in principle, subject to -

1 The State Government providing the investment strategy and prioritisation document for further Council review.

2 The State Government providing sufficient resources to carry out the actions required.

(Councillors Irwin/Tomlinson)

AN AMENDMENT WAS MOVED that the report be received and Council advise the Northern Rivers Catchment Board that it supports the Draft Plan in principle subject to -

1 The plan remaining advisory only.

2 Deletion of management target 2.3 concerning the reversal of impacts of small rural lots as outlined in the above report unless substantial resourcing is provided from State and Federal Governments.

3 The State Government providing the investment strategy and prioritisation document for further Council review.

4 The State Government providing sufficient resources to carry out the actions required.

5 Council has as its objective, to work towards at least 50% use of sewerage effluent.

6 Community awareness not become Council's responsibility other than where it can be incorporated in Council's State of Environment Report or any other documentation.

(Councillors Gates/Tomlinson)

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

Voting Against: Councillors Hampton and Suffolk.

213/01

RESOLVED that the report be received and Council advise the Northern Rivers Catchment Board that it supports the Draft Plan in principle subject to -

1 The plan remaining advisory only.

- 2 Deletion of management target 2.3 concerning the reversal of impacts of small rural lots as outlined in the above report unless substantial resourcing is provided from State and Federal Governments.
- 3 The State Government providing the investment strategy and prioritisation document for further Council review.
- 4 The State Government providing sufficient resources to carry out the actions required.
- 5 Council has as its objective, to work towards at least 50% use of sewerage effluent.
- 6 Community awareness not become Council's responsibility other than where it can be incorporated in Council's State of Environment Report or any other documentation.

(Councillors Gates/Tomlinson)

Voting Against: Councillors Hampton and Suffolk.

(S227)

Tenders for the Provision of Banking Services

(Copy attached)

214/01 **RESOLVED** that the report be received and –

- 1 The contract for the provision for banking services be awarded to Commonwealth Bank of Australia for a five (5) year period based on the rates tendered.
- 2 The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
- 3 Council enter into negotiations with the Commonwealth Bank to facilitate the Nimbin Post Office and other Post Office agencies which charge fees becoming agencies to accept payments.

(Councillors King/Irwin) (T21018)

Television Black Spots Program

(Copy attached)

215/01 **RESOLVED** that the report be received and –

- 1 That owing to the extenuating circumstances and the existing Memorandum of Understanding signed by Council with BSA, that Council not call tenders for the supply and installation of equipment under the Television Black Spots Program for the East Lismore service.
- 2 The General Manager or his delegate be authorised to negotiate directly with BSA to form a contract on Council's behalf.
- 3 BSA be engaged to complete the works in accordance with the Memorandum of Understanding.
- 4 The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

(Councillors Hampton/Swientek) (S571)

Disposal of Surplus Land - Rural Quarries at Bexhill, Bishops Creek and Newby's Hill

(Copy attached)

216/01 **RESOLVED** that the report be received and –

- 1 That the General Manager be authorised to conduct negotiation for the sale of surplus rural quarries:
 - a) Lot 2A in Deposited Plan 382967 at Bexhill
 - b) Lot 1 in Deposited Plan 432410 at Bishops Creek
 - c) Lot 237 in Deposited Plan 755699 at Newby's Hill

- 2 That the General Manager be authorised to execute and apply the common seal of the Council on the Contract of Sale, Memorandum of Transfer or any other instrument necessary for the transfer of the properties.
(Councillors Irwin/Swientek) (P11056,P15386,P12517)

Road Closure – Cellulose Valley

(Copy attached)

- 217/01 **RESOLVED** that the report be received and the General Manager be authorised to execute and apply the common seal of the Council on the contract for sale, memo of transfer or any other instrument necessary for the transfer of lot 1 in D.P.1027540 to the Southern Cross University.
(Councillors Irwin Chant) (P27476)

Waste Services Strategic Business Plan – Progress Report

(Copy attached)

- 218/01 **RESOLVED** that the report be received and –
- 1 That Council commends the Group Manager-Business & Enterprise and Manager-Waste Services on the first report to Council as an attempt to inform Councillors of what is happening in Waste Services.
 - 2 That an overview be presented to the next meeting identifying the major achievements, outcomes of reviews where appropriate and reasons for non-achievement of targets.
 - 3 That an overview accompany future reports to ensure that the report is meaningful to Councillors.
- (Councillors Irwin/Tomlinson)
Voting Against: Councillors Hampton and Suffolk.
(P25041)

Policy on Footpath/Cycleway Risk Management

(Copy attached)

- 219/01 **RESOLVED** that the report be received and Council adopt as policy the Footpath / Cycleway Asset Management Procedures for the assessment of risk and prioritisation of maintenance works within budget allocations determined by Council.
(Councillors Swientek/Gallen) (S187)

Disclosure of Pecuniary Interest Returns 2000/2001

(Copy attached)

- 220/01 **RESOLVED** that the report be received and noted.
(Councillors Irwin/Swientek) (S18)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 19/9/01

(Copy attached)

- 221/01 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted, excluding Clauses 3 (TAC128/01), 4 (TAC129/01), 6 (TAC131/01), 7 (TAC132/01), 8 (TAC133/01), 11 (TAC136/01) and 13 (TAC138/01).
(Councillors Irwin/Roberts)

Clause 3 (TAC128/01) – S Wilson (on behalf of residents of Hindmarsh Street)

- 222/01 **RESOLVED** that this matter be referred back to the Traffic Advisory Committee for further consideration.
(Councillors Irwin/Roberts) (01-12942:R6029)

223/01 **Clause 4 (TAC129/01) – Albert Park Public School P & C Association**
RESOLVED that this matter be received and noted and the writer be advised in accordance with the recommendation.
(Councillors Roberts/Hampton)
Voting Against: Councillor Irwin.
(01-13313: R6002,S342)

224/01 **Clause 6 (TAC131/01) – Ruthven Hall Committee**
RESOLVED that the writer be advised in accordance with the recommendation.
(Councillors Irwin/Roberts) (01-13507: R5001)

225/01 **Clause 7 (TAC132/01) – Nimbin Chamber of Commerce and T S Bates**
RESOLVED that this matter be referred back to the Traffic Advisory Committee to consider alternative ways to slow traffic through the bends and the installation of a “Stop” sign at the intersection of Gungas and Tuntable Falls Road.
(Councillors Roberts/Gallen) (01-13763,01-13400: S352,R2141)

226/01 **Clause 8 (TAC133/01) – Mrs Ivy Proctor**
RESOLVED that the writer be advised in accordance with the recommendation.
(Councillors Suffolk/Hampton) (01-13442: S352,R5209)

227/01 **Clause 11 (TAC136/01) – Gainsborough Way, Goonellabah – Speed Control Devices**
RESOLVED that the recommendation be noted.
(Councillors Irwin/Hampton) (R6448)

228/01 **Clause 13 (TAC138/01) – Erection of Tourist Signs at City Entrances**
RESOLVED that the recommendation be noted and the matter be referred to the Tourism Advisory Panel for information.
(Councillors Tomlinson/Hampton) (S347)
(S352)

229/01 **CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:**
RESOLVED that Council now exclude the press and public and meet in Committee of the Whole to consider the following matter:-

Strategic Planning – Rous County Council
(Copy attached)
(Councillors Baxter/Hampton)

RESUMPTION OF OPEN COUNCIL:

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Committee of the Whole, had resolved to exclude the press and public during its consideration of the beforementioned matters to preserve the confidentiality of advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

AND IT NOW RECOMMENDED

Item 1:

- 1 That the report included above be referred to Rous County Council for comment back to Lismore City Council. Rous County Council also be requested to forward a copy of the report to its constituent councils together with its comments.

LISMORE CITY COUNCIL - Ordinary Meeting held October 9, 2001

2 If Rous County Council does not pass on the reports/comments to its constituent councils, then Lismore City Council shall forward to these councils a copy of the report.

230/01 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and adopted.

(Councillors Roberts/Irwin)

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

This concluded the business and the meeting terminated at 9.10 pm.

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

MAYOR

