



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, JULY 8, 2003, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

July 1, 2003

COUNCIL BUSINESS AGENDA

July 8, 2003

PUBLIC ACCESS SESSION:

PAGE NO.

PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES - Ordinary June 10, 2003
Special June 17, 2003

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSION

NOTICES OF MOTION

SUSPENSION OF STANDING ORDERS

(Consideration of the Suspension of Standing Orders to debate matters raised during Public Access).

REPORTS

1 - 38

COMMITTEE RECOMMENDATIONS

39 - 44

DOCUMENTS FOR SIGNING AND SEALING

45

QUESTIONS WITHOUT NOTICE

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

46 - 54

INDEX

REPORTS:	<u>PAGE NO.</u>
Draft Comprehensive Koala Plan of Management for north eastern portion of Lismore Local Government Area	1 - 8
Review of Lismore Contributions Plan 1999	9 - 17
Lismore Wilson River Redevelopment – Naming Elements	18 - 22
Application for Closure of Public Road – Part Orion Street, Lismore	23 - 24
Provision for Airport Management Services	25 - 27
Lismore Flood Levee Scheme – Property Acquisition – 43 Keen Street, Lismore	28 - 29
Aspect North Development at Airport	30 - 32
Review of Council’s Rating Structure	33 - 34
June 2003 Quarterly Budget Review Statement	35 - 38
<u>Committee Recommendations:</u>	
Traffic Advisory Committee 21/5/03	39 - 44
<u>Documents for Signing and Sealing:</u>	45
<u>Questions Without Notice:</u>	
<u>CONFIDENTIAL MATTERS - Committee of the Whole:</u>	46

Subject/File No: DRAFT COMPREHENSIVE KOALA PLAN OF MANAGEMENT FOR THE SOUTH-EAST PORTION OF THE LISMORE LOCAL GOVERNMENT AREA (SP: S310)

Prepared By: Environmental Planner – Sandy Pimm

Reason: Revised Plan completed

Objective: Council endorsement to place the draft plan on public exhibition.

Management Plan Activity: Planning Services

Introduction – Why have a Comprehensive Koala Plan of Management?

The benefits of a Comprehensive Koala Plan of Management are:

- Developers in the vicinity of urban Lismore will not be required to prepare individual Koala Plans of Management if their development proposal is consistent with the Comprehensive KPOM, resulting in a saving of \$2000 - \$4000 for each developer;
- The potential for local extinction of koalas is averted;
- Measures to protect the koala result in a positive image for Council and enhanced tourism potential;
- Habitat is retained for other species also dependent on bushland.

Background:

In response to concerns from the community over urban development of land containing koala habitat, Council in 1995/96 prepared a Koala Management Study, which recommended, amongst other matters, that a Koala Plan of Management be prepared and that Council facilitate formation of a Koala Management Committee. The resulting Koala Management Plan Steering Committee initiated in 1997 contains representatives of Government agencies, Southern Cross University, Councillors and landowners.

A draft Comprehensive Koala Plan of Management (CKPoM) for the south-east portion of the Lismore Local Government Area (Map 1) was prepared in 2000 for consideration by the Steering Committee and ultimately by Council. The CKPoM made recommendations in regard to proposed regulatory measures (rezonings, assessment of DAs), management strategies to reduce identified threats to koalas, incentives for conservation and habitat enhancement, education, koala health, welfare and research.

The Steering Committee did not agree to various aspects of that draft Plan, particularly:

- Protection of important Koala habitat throughout the study area by rezoning to Environmental Protection (Habitat) in Lismore City Council's LEP, and
- Amendment to Council's Tree Preservation Order to include protection throughout the Local Government Area for preferred Koala food trees.

These two matters were subsequently removed from the CKPoM. However, in order to comply with the requirements of State Environmental Planning Policy No. 44 Koala Habitat (SEPP 44) for preparation of Comprehensive Koala Plans of Management, some regulatory provisions were necessary. The Committee then appeared to reach a stalemate in terms of such regulations applying to rural land.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Draft Comprehensive Koala Plan of Management

The solution adopted by the Steering Committee on the basis of progressing the Plan was to split the CKPoM into two areas: the area subject to urban development and most likely to come under development pressure in the future, and the remainder of the study area being primarily rural and with little opportunity for intensive development. These two areas will henceforth be named as "Lismore Vicinity" and "Rural South-East" (Map 2).

Consistent with the recommendations of the Koala Management Plan Steering Committee, regulatory measures have been applied only to the Lismore Vicinity. It is only for this area therefore, that the requirements of SEPP 44 with respect to investigation of potential and core Koala habitat and the requirement for individual Koala Plans of Management will be superseded once both Council and PlanningNSW adopt this CKPoM. **Compliance with the adopted CKPoM will constitute compliance with SEPP 44 for relevant matters.**

The Rural South-East area will benefit from the non-regulatory components of the (CKPoM), **but will not be exempted from the above provisions of SEPP 44**, and development or activities in rural core Koala habitat may require Individual Koala Plans of Management. In addition, consent from the Department of Infrastructure Planning and Natural Resources (DIPNS, formerly Land & Water Conservation & Planning NSW) is required for clearing of native vegetation in rural areas under the Native Vegetation Conservation Act 1997 (exemptions and "quotas" apply).

Overview of the revised CKPoM

The complete draft Comprehensive Koala Plan of Management is in the Attachments to the Business Paper. The main points of the revised Plan are found in the following table.

Table 1: Main points of the revised Comprehensive Koala Plan of Management

	Lismore vicinity	Rural south-east
Habitat Conservation	Prohibit or restrict development or activities involving clearing, subdivisions or intensification of landuse within Primary Koala Habitat with evidence of Koala Activity. Seek to protect Preferred Koala Food Trees.	Incentives-based measures to encourage voluntary conservation. Existing SEPP 44 provisions apply.
Development Assessment	Performance standards must be met for rezoning proposals. Performance standards must be met for development applications.	Existing SEPP 44 provisions apply.
Habitat Restoration	Employ Vegetation Management Officer. Identify priority areas. Prepare Koala Habitat Restoration Plan Apply for grants and consider incentives below.	
Traffic Management	Education and awareness measures to continue as co-operative effort between Council and Friends of the Koala New roads must: <ul style="list-style-type: none">• Avoid bisecting Koala habitat• Include mitigation measures• Reduce speed limits• Restore habitat.	Education and awareness measures to continue as co-operative effort between Council and Friends of the Koala.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Draft Comprehensive Koala Plan of Management

Dog Management	Covenants to prevent dogs in new subdivisions in Koala Habitat. Prosecutions instigated where dogs dangerous. Additional resources provided so that Council Rangers can conduct some night patrols. Signposting of Koala reserves to alert dog owners. Education and awareness measures to continue as co-operative effort between Council and Friends of the Koala.	Education and awareness measures to continue as co-operative effort between Council and Friends of the Koala. Rural Lands Protection Board approached re feral dogs and foxes.
Koala Health & Welfare	Current Koala care arrangements should be maintained and expanded. Registers of assistants compiled (e.g. seed source, supply leaf, volunteers).	
Bushfires	Guidelines for fire management in Koala habitat compiled and explained. Koala habitat maps provided to Bush Fire authorities.	
Education	CKPoM and maps available to community. Advertise development in Koala habitat. Seek external funding to employ Education Officer or work in conjunction with Friends of the Koala to develop a comprehensive education strategy targeting all threats and informing community.	Seek external funding to employ Education Officer or work in conjunction with Friends of the Koala to develop a comprehensive education strategy.
Funding	Council will: <ul style="list-style-type: none"> • publicise any available incentives mechanisms • investigate rate rebates • consider Environmental Levy • apply for available grants • call for donations. 	
Research	Identify and prioritise potential research projects. Maintain register of same.	
Monitoring	Maintain register of Koala sightings. Annual report indicating progress of plan in State of Environment Report.	
Implementation	Convene Koala Advisory Committee. Committee to produce Annual report detailing progress on implementation of plan. Employ Vegetation Management Officer to: <ul style="list-style-type: none"> • investigate Critical Precinct for conservation agreements • Liaise with landowners • Prioritise restoration projects • establish budget and resource requirements • seek funding. 	

Costs of Implementation of the CKPoM

This report includes

- cost estimates for the 'fully funded' CKPoM and
- options for reducing those costs.

It must be emphasised that it is an *active* Plan of Management and must be resourced if it is to have any effect.

Implementation of the 2000 edition 'fully funded' option would require the employment of a Vegetation Management Officer, an Education Officer, an additional ranger, preparation of a Companion Animals Plan, education materials, plus vehicles and other support costs, and would cost approximately \$227,000 pa.

Options for reducing costs

The activities outlined in the original draft Koala Plan of Plan are the 'fully funded' option for koala management and it was never expected that all actions would be accepted without change. The main priorities of any Koala Plan of Management can be reduced to:

1. Habitat protection by alterations to existing planning controls

This includes amendment to the LEP to create stricter planning controls over development in koala habitat areas, introduction of performance criteria to be met for development applications and introduction of guidelines for assessment of koala habitat. Most of this work has been drafted or can be done in-house using existing resources. An important component will be education of the development industry and production of printed material for this purpose. The Planning Services budget allocations currently include an item for such matters.

2. On-ground Habitat restoration works and management.

Restoration and planting works have been occurring on Council land for some years and will continue to occur through use of labour market programs. A Green Corp "Koala Corridors" project is presently being put together for the next round of Green Corp projects. If this is all that can be funded at the present time, then this aspect will progress very slowly and no works will occur on private land, the area most in need.

Any program of works to target private land will involve actively seeking external funding and extension and project work. This aspect requires a dedicated officer for at least two or three days a week, and this position must be ongoing or for a minimum of three years in order that landowners feel confident in the continuance of the program. This officer would also be responsible for monitoring and reviewing those aspects of the CKPoM being implemented.

3. Other Matters:

Traffic

The priority for traffic management was to introduce signage and educate the public about koala 'black spot' areas. Most of this has been implemented. In addition, traffic-calming measures are considered for any new development in koala areas. Other traffic actions are lower priorities and can be postponed until funding becomes available.

Dogs

Analysis of the Friends of the Koala records have shown fewer dog attack victims in years where they have undertaken media campaigns targeting education for dog-owners. Although not the ideal, this component may be funded externally or on a voluntary basis.

At least some 'dog patrols' by Council's Law Enforcement Officers would greatly strengthen any education campaign by Friends of the Koala. It is accepted that funding for an additional Ranger is unlikely, however, the possibility of split shifts could be considered so that occasional patrols (or even just in response to complaints) could be undertaken during the peak of the breeding season. It is estimated that patrols twice weekly over three months (August to October) from dusk until 10pm could be enough to make a difference.

Control of feral animals is the responsibility of the Rural Lands Protection Board.

Education/publicity

The Friends of the Koala have indicated a commitment to annual media campaigns during the koala breeding season. This would have to suffice for the 'lower-cost option' CKPoM.

Incentives for conservation

It is proposed that Council propose incentives for habitat conservation only if funding can be obtained from an external source and if a Vegetation Management Officer is employed to manage an incentives system. In the absence of any external funding landowners would have to rely on incentives programs offered by other levels of government.

Koala Health, Welfare and Research

Council involvement in koala health, welfare and research matters would be minimal as at present; however this would not remove the need for an officer to implement other aspects of the Management Plan.

Funding

It is unlikely that external funding could be sourced for a staff position without some contribution from Council. However, if Council funded a Vegetation Management Officer position, funds for on-ground works would be much more easily accessible as a matching contribution would be present.

The scope of Council's Environmental Levy could be broadened to raise funds for environmental restoration works. As referred to previously, the more money Council can evidence as its own contribution, the more is the ability to 'value-add' to that money. Such money could also be raised for the education component, particularly for production of materials and field days.

Possible Funding Sources for Implementation of the CKPOM

- NHT through Catchment Blueprint – Biodiversity target. Priorities for this funding are currently on-ground works for restoration of high conservation value vegetation, rather than funding of staff positions. However, advice recently received is that implementation of NPWS Threatened Species Recovery Plans will need to be funded through the Blueprints priorities. The Recovery Plan for the koala is currently in draft stage and includes actions targeting completion and implementation of Comprehensive Koala Plans of Management by local government, including habitat restoration objectives. Council's submission in response to the draft Koala Recovery Plan has stressed the need for an action to be included to ensure Catchment Blueprints recognise the priority for habitat restoration works for koalas.
 - **Green Corps and Work for the Dole provide labour for works**
- Environmental Trust grants
- Introduce Environmental Levy (eg \$15 per property, = \$255,000 pa)
- Seek funding from relevant Gov't authorities, ie RTA for road measures, NPWS programs.
- Call for donations from public and organisations.

Possible Costs to Landowners of CKPoM

- Some development constraints on land previously considered to have urban potential; however the recently reviewed Urban Development Strategy considered habitat as a constraint to development and did not identify for future urban use any land containing significant habitat remnants. Infill development and land currently zoned as Residential but not yet developed, may be affected.
- Fencing in rural areas to exclude stock from regenerating habitat.
- Habitat planting, maintenance, weeding etc.
- Additional advertising of development application as part of DA fee.

Manager - Finance & Administration Comments

It is agreed that the cost to introduce the premium option would be in excess of \$220,000 per annum.

The estimates for the alternate option are in the vicinity of \$46,400 per annum. At this stage, no provision has been made in the 2003/04 Budget for the implementation of this Plan. To do so from within the existing Budget will require redirection of recurrent works and services funding. This may be possible as the financial year progresses.

One funding option suggested is to raise an environmental levy on ratepayers. This would require Council to resolve to make a submission for a Special Rate Variation to the DLG for approval in 2004/05. Based on about 16,800 rateable assessments, a levy of \$15 would generate \$252,000.

Views of the CKPoM Steering Committee

The Committee met on 25 June to consider the draft CKPoM and resolved to request that Council place the draft Plan on public exhibition for a period of at least two months. However members of the Committee raised the following matters:

1. A letter previously sent to affected landowners advised that public exhibition would be for a period of three months, and there was a view that this length of time was preferable;
2. Feedback on accuracy of the habitat mapping should be sought during public exhibition;
3. The exhibited information should make it clear that the proposed LEP amendment applies to mapped habitat rather than to an entire property;
4. That the Plan include a provision for signage to be erected advising people to report koala sightings and/or injuries to Council;
5. That the public consultation include direct notification to affected landowners.
6. That the draft Plan and submissions be reported again to the Committee following the exhibition period.
7. That typographical errors and other administrative anomalies identified by members be corrected.

Response to Comments from the Steering Committee

Response is made in accordance with the numbered points above.

1. Comment on the length of the public exhibition period has been given under "Public Consultations".
2. Any mapping undertaken via aerial photograph interpretation with limited ground-truthing (limited due to much of the habitat being on private land and the difficulty of obtaining owners' consent for this) is likely to contain some inaccuracies. The cost of further mapping to confirm koala presence or absence has proven prohibitive. During the consultation phase amendments to the mapping will be welcomed, (such amendments to be verified on the ground by staff or an objective qualified person).

3. The proposed LEP amendment in the draft CKPoM has been modified in accordance with this comment.
4. The draft Plan can be amended to include this recommendation, however, funds to erect such signage have yet to be identified and resourcing a "hotline" or responding to such calls is beyond current staff resources.
5. This has been addressed under "Public Consultations".
6. The Plan of Management for the Steering Committee includes a duty for the Committee to consider submissions made to the draft Plan.
7. Errors in the draft Plan have been corrected.

Public Consultations

Community input to date has been provided by members of the Koala Management Plan Steering Committee, which includes representatives of rural and urban landowners. A community survey throughout the LGA provided response on community attitude to koala conservation issues.

Public consultation is required before Council adopts the CKPoM. Although SEPP 44 'Guidelines for Preparation of a Koala Plan of Management' contains no requirements for the length of exhibition, at least two months is recommended so as to allow the organisation of facilitated workshops and sufficient time for the public to consider the document.

Public consultation will need to be comprehensive, accurate and targeted to affected landowners. Currently it is envisaged that consultation will include:

- Mail out to landowners within the Plan area, to include a brochure outlining the main provisions of the draft Plan and a letter advising of critical dates of exhibition and how a submission may be made;
- Workshops in key locations run by an external facilitator with technical advice provided by Planning Services staff;
- Provision of both parts of the document to the public Library, for sale at Council's office and on Council's internet site;
- Advertising in Council's weekly newspaper insert, together with media releases where appropriate;
- Provision of the draft Plan to relevant Government Departments and the SCU;
- A request for owners of land mapped as containing koala habitat to comment on the accuracy of the mapping, so that the site may be inspected and mapping adjusted if necessary.

A public exhibition period of two months is proposed so that sufficient time remains to evaluate submissions and report them and proposed alterations to the Steering Committee and Council before the end of 2003.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Draft Comprehensive Koala Plan of Management

Due to the number of affected landowners and the possibility of confusion in the public mind with various State Government natural resource management projects, the public consultation period is expected to be resource intensive, requiring the time of two staff as well as the relevant budget allocation.

Other Group Comments

CityWorks (Parks & Recreation): If management is of the opinion that the “fully funded” version of the CKPoM is beyond Council’s financial capabilities then the reduced version is the next best option. It would appear that the only other option would be to do nothing, and this would not reflect well on Council. In addition it would create additional burdens on developers who will in turn have to develop their own individual plans for each individual development. This will draw out the DA approval process and become quite complicated. If Council cannot absorb fully funded option, I recommend it take up the reduced ‘lower cost’ option.

Conclusion

There is no doubt that significant resources have been expended for the draft Comprehensive Koala Plan of Management to reach its current stage. There is also little doubt that there is a community expectation for definitive action on this matter.

The fully funded version of the draft CKPoM has been costed at over \$200,000 annually. In comparison, the ‘lower cost’ version of a Koala Plan of Management could cost annually, for a minimum of three years:

- Vegetation Management Officer @ Grade 14, 3 days per week, incl on-costs \$34900
- PC and support for above \$ 5000
- Ranger night patrols 24visits x 4hrs/night at o/time rate \$ 4000.
- Facilitation and educational materials, say \$2500 per year on average \$ 2500

TOTAL COST per annum = \$46400
TOTAL COST if for three years only = \$139200

A ‘median’ option has not been formulated or costed, however it could be assumed to have as its basis a full time Vegetation Management Officer who would be able to implement more of the recommendations of the CKPoM. The annual salary plus oncosts and resources for this full time position could approximate \$60,000.

Recommendation (PLA01)

That Council resolve to place the draft *Comprehensive Koala Plan of Management for the south-eastern portion of the Lismore Local Government Area* on public exhibition for a two month period and commence the associated community consultation.

Subject/File No: REVIEW OF LISMORE CONTRIBUTIONS PLAN 1999
(BB: S517)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Completion of review of Contributions Plan.

Objective: Resolution to exhibit draft Contributions Plan.

Management Plan Activity: Planning Services

Background:

At its meeting of November 13, 2001 Council adopted a series of amendments to its Section 94 Contributions Plan that arose as part of a first stage review of the Plan. The amendments related primarily to administrative issues in the Plan that had been identified by a staff working group representing various sections of Council involved in the collection, management or expenditure of Section 94 funds. This first stage review had no appreciable effect upon the level of contributions payable by the developer or upon the funding commitments for Council.

At the time of the first stage review it was acknowledged that a more comprehensive review would be necessary that would involve updating the work programmes for Open Space and Community Facilities, a complete review of the Transport section, a review of apportionment factors and updating population projections based upon results from the 2001 Census. The second stage review has now been completed. The review has involved staff from Planning Services, Parks and Recreation, Community Services, City Works and Financial Services. It has resulted in the formulation of a new draft Section 94 Contributions Plan that has a timeframe to 2013. A Council workshop on the draft plan was held on June 24, 2003. The new draft Plan is included as Attachment 1 to this report. In summary the review has involved the following:

1. Population Projections

New population projections for each catchment to the year 2013 have been provided based upon the 2001 Census data, population projections for non-metropolitan regions provided by Planning NSW and growth opportunities identified in the Lismore Urban Strategy, the Rural Housing Strategy and the Village Development Strategy. Population projections are critical to the operation of the Plan in that they facilitate the process of identifying new facilities that will be required to satisfy anticipated demand over the next 10 years, they assist in the apportionment of costs for those facilities between new and existing development and they provide a basis for calculating the contribution rates per new lot or equivalent tenement (ET) for each catchment.

2. Reconciliation and Apportionment

The process has involved the reconciliation of the 1999 Plan. Where contributions for a facility have been collected in full under the 1999 Plan, the facility has been deleted from the new Plan. Where a facility is to be carried over into the new Plan, the estimated cost of the facility has been reduced by the amount of contributions collected to date plus Council's commitment according to the apportionment factor contained in the old plan. The final reconciliation of the 1999 Plan will need to occur just prior to the new Plan coming into effect. Additional contributions received under the current Plan between now and that date will have the effect of reducing the cost of the facility and thus reducing the contribution for that facility from developers as well as Council.

Apportionment has been determined by:

- The estimated proportion of Citywide and local "use" for those facilities that are included in both Citywide and local catchment Works Programmes, and
- The proportion of costs which are considered to be directly attributable to the requirements of new development.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Review of Lismore Contributions Plan 1999

The methodology for determining contributions in the new Plan is as follows:

$$\text{Contribution (per ET)} = \left\{ \frac{\{(C \times P^1) - R\} \times P^2 + AL}{N} \right\} \times \text{CPI}$$

Where:

C = estimated cost of the facility or work

R = reconciliation amount (carried over from previous plan)

P¹ = percentage of city-wide or local use

P² = percentage attributable to new development

N = estimated number of new lots/ET's within the catchment

AL = administration levy (2.5%)

CPI = Consumer Price Index (Sydney) (applies from July 1 each year)

3. Open Space

The open space works programmes in the current Plan are outdated having been prepared from information dating back to 1993. Since that time various projects have been completed while a demand for new facilities not identified in the Plan has been recognised. Revised work programmes have been prepared by Parks and Recreation taking into account the likely demand for open space facilities that will be generated by future growth in the nominated release areas identified in the Lismore Urban Strategy, the Rural Housing Strategy and the Village Development Strategy. Valuations for land acquisition costs in the Open Space works programme have been based upon in-house estimates. These will be substituted with valuations carried out by a Registered Valuer when these are received. It is expected that these valuations will be received before the draft Plan is exhibited and consequently the exhibited Plan will contain the updated valuations. It is not expected that this will have a significant effect on the level of contributions.

Apportionment has been based upon the component of each new facility that is required to satisfy demand generated by new development. Attachment 2 contains a report from the Manager Parks and Recreation outlining the methodology used in preparing the new works programmes.

The urban bushland component of the plan has been subject to a review by Planning Services. It has utilised vegetation mapping undertaken by Ecograph in 2000 and identifies 25ha of habitat area for acquisition in areas where there is development pressure.

4. Community Facilities

The community facilities works programmes in the current Plan were compiled from various Community Services and Facilities Plans prepared between 1991 and 1993. Revised work programmes have now been prepared by Community Services to identify finalised projects for deletion from the plan and to include new projects according to anticipated need based upon growth projections in nominated areas identified in the Lismore Urban Strategy, the Rural Housing Strategy and the Village Development Strategy. The Community Facilities works programmes have been merged with the Open Space works programmes and are now included in a new section of the plan titled 'Recreation and Community Facilities'. Attachment 3 contains a report from the Community Development and Project Officer outlining the methodology used in preparing the new works programmes.

5. Transport

All sections of the transport plan (urban roads, rural roads, footpaths/cycleways/bus shelters and carparking) have been reviewed by City Works. Attachment 4 contains a report from the Development Engineer outlining the proposed changes to this part of the plan.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Review of Lismore Contributions Plan 1999

6. State Emergency Service

This plan has been reviewed and modified to cater for the requirements identified by the Lismore SES.

7. Rural Fire Services

The Rural Fire Services section of the Plan has been amended to be consistent with anticipated rural growth rates. Some minor changes to the Bushfire Services section were made as part of the first stage review.

Previous Council resolutions

There have been four resolutions of Council dating back to June 2001 that relate to S94 matters. These are:

1. The Riverbank project be considered for inclusion in Section 94 Plans (119/01),
2. Elders Memorial Park be included in the S94 Plan at its next review (207/01),
3. The Lismore Rainforest Botanic Gardens be added to the S94 Plan as a Citywide project at the next review (264/01), and
4. Council review the need for a S94 carparking plan for Lismore CBD (274/01).

Riverbank and Botanic Gardens

The Riverbank and Botanic Gardens are both large projects that could be considered for inclusion in the Citywide Works Programme. The cost of the Riverbank project has been estimated to be \$3.71M and that of the Botanic Gardens between \$7.27M and \$8.01M. The principle of apportionment under S94 means that all those who may benefit from the provision of a new facility must be identified and that the contributing population should pay only for its share. In the case of both projects, the benefiting population is the wider community and the share that could be attributed to new development would therefore be limited to the percentage that estimated new growth will represent as a proportion of the total population (ie. 7.4%).

While including these projects in the Plan would generate some funds for these projects, it would also have the effect of requiring Council to contribute the remaining 92.6% of the funds for these projects within the period of the life of the Plan (ie by 2013). This amounts to \$10.84M worth of works that Council would be committed to in this timeframe. As Council is unable to guarantee the necessary funding within the specified timeframe, due to pre-existing commitments in the current S94 Plan, the projects should not be included in the Plan. Consequently these projects have not been included in the Citywide Works Programme. This does not mean that such projects will be unable to proceed within that time, however the small proportion of funding that could be raised through S94 will not be available.

Elders Memorial Park

Elders Memorial Park has not been included in the Urban Catchment (East) Works Programme because of the difficulty in establishing a nexus between new development and additional facilities to be provided in this park. For a project to be included in a S94 Plan there must be a demonstrated relationship between the expected types of development in an area and the demand for additional public facilities created by those developments. Elders Memorial Park is located in an established area where little new development is expected to occur. While there may be a need for new or upgraded facilities in the park, such need cannot be attributed to demand created by new development in the area. Accordingly no nexus exists and S94 cannot be used to fund this upgrading.

Carparking (CBD)

The carparking contribution in the S94 Plan is different to all other contributions in the Plan in that it is the only one that is not mandatory. The carparking contribution applies only to the Lismore and Nimbin CBDs and only applies where the developer is unable to provide the requisite number of car parks on-site. In these instances the developer has an option of paying a contribution in lieu of providing on-site parking. The contribution rate per space is based upon the real costs for Council

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Review of Lismore Contributions Plan 1999

to acquire land in the CBD and to construct alternative carparking. If this contribution was removed from the Plan, all development would be required to meet its carparking requirements on-site. In some cases this could be difficult or impossible to achieve and the result would be a disincentive to new development in the CBD.

Manager - Finance & Administration Comments

Background

The 1999 Lismore Contributions Plan has been under review by a staff working party since early 2001. This process has resulted in a draft contributions plan being prepared, 2003 Lismore Contributions Plan (Plan), which will replace the existing plan.

The review has highlighted the need for a better understanding of contribution plans and Section 94 generally by councillors, management and staff. It needs to be clearly understood so we can ensure that the Plan clearly meets our requirements.

From my perspective, a Plan can have both positive and negative sides. The real positive is that development, if it proves to be the single cause of demand for additional facilities or services can be levied the full cost of providing those facilities or services.

Where we can encounter a negative is when the full cost of providing facilities or services is not attributable to development. When this situation occurs, a Plan will require the existing population to meet its share of the costs. Effectively, this commits the Council, in a worse case scenario where no other funding sources materialise (ie grants), to providing funding for this facility or service regardless of its financial position, within a reasonable time.

As such, when considering the inclusion of facilities or services into a Plan, if as the result of development this must & will occur, then it should be included on the basis of development contributing its fair share. If there is some uncertainty, then financially I would suggest it be excluded especially if it financially commitments a future Council to a course of action.

In summary, it is important to note that the review focus to date has been to make the Plan administratively and professionally supportable, while acknowledging that Council does have some financial constraints. Management have reviewed the Plan to provide the 'big picture' perspective

The following is an appraisal of the financial issues: -

Council's Contribution

Recreation & Community Facilities (Attachment 5)

After reconciling the existing plan and the impact of future developer contributions, Council's contribution to this Plan is estimated to be approximately **\$6.29** million over the next ten years.

The projects requiring a contribution in this Plan include: -

a) Goonellabah Recreation Centre - \$3.47 million.

The Goonellabah Recreation Centre is included in the Plan at \$7.0 million. The maximum funding from all S94's, including those in this Plan is approximately \$1.52 million. After deducting reserve funds of say \$890,000, this still leaves a shortfall of around \$4.59 million for this project.

Council has previously committed to this project and will build the facility 'when funds are available'.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Review of Lismore Contributions Plan 1999

b) Art in the Heart - \$2.74 million

Council has previously resolved to include this project in the Plan. Due to the site's planned cultural significance, it is likely that we will receive major grant funding to support its development. These can be used to offset Council's contribution. Also, the site offers some commercial development opportunities. It is suggested that the proceeds from this be applied to the site to meet Council's contribution

c) Peace Park - \$132,215

This is to be the central park facility for Nimbin. It is expected to service community demands and be a central location for the festivals that makes Nimbin one of the premier tourist attractions for Lismore.

It is expected that some of Council's contribution will be offset by the grants. This amount has not been quantified.

Transport (Attachment 6)

After reconciling the existing plan and the impact of future developer contributions, Council's contribution to this Plan is estimated to be approximately **\$9.59** million

The projects requiring a contribution in this Plan include: -

a) Strategic Urban Roads

A total of \$8.47 million will be required as Council's contribution towards "Strategic Urban Roads. As many works are located on main roads, the RTA will contribute significantly to these and this can be considered as Council's contribution. Rural development will also pick up some component of this contribution.

As this distinct from other sections of this Plan, the section is not based on a ten year period, but rather on reaching 'growth' levels. The reality is that this section will have a life of around twenty (20) years and this makes Council's contribution more affordable

b) Nimbin Local Area Traffic Management

Council will be required to contribute approximately \$60,000 towards this project. It is acknowledged that some works have already being completed, but the remaining works are required.

These funds will need to come from council's recurrent works and services budget.

c) Footpaths/Cycleways

Council's contribution is estimated to be \$1.06 million. Given we allocate approximately \$130,000 per annum for footpaths/cycleway enhancement/expansion (not risk management), plus the RTA partially fund cycleways, the funding of this amount appears possible within existing allocations.

State Emergency Service and Rural Fire Services

No contribution is required from Council to these sections of the Plan.

Contribution Comparison 1999 v 2003

Attachment 7 represents a comparison between the current contributions and those proposed by the new Plan. The increases/decreases are reflected as both dollar and percentage amounts.

The contributions payable by developer's predominately reflect the facilities and services included in the Plan.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Review of Lismore Contributions Plan 1999

As such, if contributions are believed to be 'too high', they can be reduced by reducing the facilities and services included in the Plan, or allowing for an increased contribution from Council eg by providing a subsidy. In the case where an increase in council's contribution is required, it must be provided in future budgets.

While the majority of contributions have decreased, the most significant increases in the Plan are:

- a) Recreation & Community Facilities – The Channon & District – Local increasing from \$223 to \$342 per ET. This is an increase of \$119 or 53%.
- b) Recreation & Community Facilities – Clunes/Bexhill/Eltham – Local increasing from \$541 to \$636 per ET. This is an increase of \$95 or 18%.
- c) Recreation & Community Facilities – Street Trees increasing from \$85 to \$185 per lot. This is an increase of \$100 or 118%.
- d) Carparking - Lismore contribution going from \$8,628 to \$14,419 per space. This is an increase of \$5,791 or 67%.
- e) Carparking - Nimbin contribution going from \$1,168 to \$2,483 per space. This is an increase of \$1,316 or 113%.
- f) Strategic Urban Roads - Residential going from \$1,839 to \$4,481 per ET. This is an increase of \$2,642 or 144%.
- g) Strategic Urban Roads - Commercial going from \$18.39 to \$35.91 per square metre. This is an increase of \$17.52 or 95%. This is after Management included a subsidy of 50% to the rate recognising the economic benefits.
- h) Rural Roads - Basically increasing by at least 100% due to a 50% discount factor being removed and updated construction costs.
- i) Nimbin LATM – Residential increasing to \$208 from \$30 per ET. This is an increase of \$178 or 593%.
- j) Footpaths/Cycleways – Urban Area – Trunk will increase to \$242 per lot. This replaces other trunk contributions and is effectively an increase of between \$185-\$201 or 325%-490%.
- k) Footpaths/Cycleways – Urban Area - Internal will increase to \$595 per lot. This replaces other 'internal' contributions and is an increase of \$401 or 207%.
- l) State Emergency Service – To increase to \$61 from \$20 per lot. This is an increase of \$41 or 205%
- m) Rural Fire Services – Equipment - To increase from \$78 to \$132. This is an increase of \$54 or 69%.

There has been some discussion with Management on the issue of comparison with other Council's. This resulted in the reduction of the Strategic Urban Roads – Commercial contribution rate by 50%.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Review of Lismore Contributions Plan 1999

Reconciliation

The reconciliation process is required to be undertaken as part of the winding up of an existing plan. As such, for the current plan, this will be done in conjunction with the final adoption of the new Plan as it is intended, in some cases, to carry forward contribution already received, plus the council contribution, to the new Plan. The best example of this is the Goonellabah Recreation Centre where \$3.148 million is to be carried forward

In other cases, it is recommended that the contributions not be carried forward to the new Plan, but rather expended on the project or like project for which they were originally collected. The best example of this is the Aquatic Centre where citywide contributions received will be used on this project. While this process sounds academic, the existing Plan has some anomalies in that there are Council contributions, which have not been previously funded. While I don't expect this to amount to be significant, we may need to find some funding to finalise the current plan.

For me, this situation could have been avoided through proper consideration of the projects and its implications at the inception of the plan. The same phase we are going through now!

I'm reasonably confident that the proposed Plan does not create a potential liability for Council that we cannot service.

Next Review

We are required under the EPA Act to review this Plan within the next five years. This is the mechanism we will use to keep it relevant. As such, any modifications would be addressed at least every five years. I would suggest that if something was that 'wrong', changes would be made immediately.

Public Consultations

There will be opportunity for consultation with relevant organisations and the wider public during the public exhibition of the draft Plan. The minimum statutory exhibition period for draft section 94 Plans as required under the EP&A Regulation 2000 is twenty eight (28) days. Given the importance that S94 has for development and the future provision of facilities, it is recommended that the draft Plan be exhibited for eight weeks. This would mean that the exhibition period would extend to September 12, 2003 and a report on submissions could be presented to the October 14 Council meeting.

Other Group Comments

The review of the 1999 Contributions Plan and preparation of the new draft Contribution Plan has been a collaborative effort involving Planning Services, Finance and Administration, Parks and Recreation, Community Services and City Works. Reports from the Manager Parks and Recreation, Community Development and Project Officer and Development Assessment Engineer are included in Attachments 2, 3 and 4.

Comment from Manager - Economic Development and Tourism

I have participated in a number of staff level meetings during the process of drafting the proposed Section 94 Plan. I would acknowledge that the team have looked closely at a number of the proposed areas of the plan and made significant reductions in the proposed charges.

Having said that, I still have some lingering concerns:

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Review of Lismore Contributions Plan 1999

- It needs to be recognised that these developer charges are a tax on investment. Investment is a necessary pre-cursor to job generation and we are located in the highest unemployment area in Australia. Increasing charges will have a detrimental effect on investment and job generation. Having said that, it is appropriate that new development contributes. The secret is finding the right balance point.
- I believe that the biggest social issue that we have is unemployment.
- We are in a position of competing for investment in development projects with other centres such as Tweed Heads, Ballina, Casino, Grafton, Tamworth, Armidale and Coffs Harbour. I believe that it is critical that a written comparison of charges for some typical developments (residential, commercial, industrial) be made with our competitors. Perhaps this can be carried out during the public display period. We must be competitive against those centres and the written comparison will be important in selling a new charging regime to our stakeholders. This comparison should also take into account the land valuations in each of these areas, as there is such a high variance between the coast and inland.
- With the current state of Lismore's residential real estate market it may seem that the increase will have little bearing on the viability of the release of further land. However, we should remember that these things are cyclic - it could well be that a future Council is calling for the charges to be reduced again in 5-10 years due to some future downturn.
- Commercial charges for roads and car parks are increasing by approximately 100%
- We should remember that Rous Water have just completed a significant increase in their Section 64 charges. Developers are going to be hit with two substantial increases in rapid succession.
- It is important that a "Savings and Transition" clause is included to ensure that developers with current approvals or DAs that are submitted are protected.
- The consultation with Lismore Unlimited and Lismore Economic Development Advisory Board will be proactive and the team will be invited to present the proposed plan to the appropriate forums in each group.

Author's Response to Comments from Other Staff

Staff have investigated S94 charges from several Councils including Tweed, Byron, Ballina, Coffs Harbour, Wagga and a number of Sydney Councils. Contribution rates vary widely between Councils and for different categories of development (eg. Residential, Commercial and Industrial). The different methodologies used by Councils often make direct comparisons difficult (eg. some Plans are not based upon ETs). The draft 2003 Plan has been based upon a reasonable apportionment of the costs of the proposed facilities between new development and existing ratepayers.

In terms of a "Savings and Transition" clause, the draft Plan provides that any DA lodged prior to the new Plan coming into effect (whether or not it is determined before that date) would be levied at the rates in the 1999 Plan. Consultation with organisations such as Lismore Unlimited and LEDAB is proposed as part of the public exhibition process.

Conclusion

The current Section 94 Plan (1999) is based upon studies that, in some cases, were undertaken a decade or more ago. While the 1999 Plan deleted some completed items from the previous Plan, it did not contain a comprehensive analysis of future needs. Consequently new facilities to satisfy demand generated by new development were generally not included. This review has resulted in the formulation of a new draft Plan which has taken into account the likely demand for new facilities using growth projections for each catchment derived from Council's urban, rural and village strategies. It provides a basis for the collection of developer contributions over the next ten years to fund facilities in areas where growth is predicted to occur.

Recommendation (PLA25)

1. That the draft Section 94 Contributions Plan (with updated valuations for land acquisition costs in the Recreation and Community Facilities Works Programmes) be placed on public exhibition for a period of eight (8) weeks.
2. That letters be sent to affected community and sporting organisations advising them of the recommendations and proposed changes to the Plan and inviting them to comment.
3. That an information session on the Plan be held for local consultants and representatives from the development industry.

Subject/File No:	LISMORE WILSONS RIVER REDEVELOPMENT - NAMING ELEMENTS (LW:TMI:S775)
Prepared By:	Manager Special Projects & Properties, Lindsay Walker
Reason:	To put forward community feedback on naming of elements of the Wilsons River
Objective:	To gain council endorsement for naming of identified redevelopment areas of the Wilsons River environs between the Boat Ramp and Pritchard Park
Management Plan Activity:	Parks and Recreation

Background:

The overall objective of the redevelopment of the Wilson River is to significantly increase community access to the river and its environs in the city together with beautification, increased commercial opportunities and greater awareness of both indigenous culture and European historical sites within the projects boundaries.

As the overall success of this project has always been dependent upon gaining the involvement of the broadest possible cross section of the community and incorporating their views, the planning and implementation of this project has been led by community consultation.

The cumulative representation of ideas collected through the consultation process is detailed in the Strategic Plan "Reflections of a River", which has been adopted by Lismore City Council.

During the strategic planning process, 'working names' were assigned to each of the six identified areas.

These working names are:

- **The Ramp:** The boat ramp area immediately to the south of Ballina Street.
- **Riverside Picnic Area:** The newly completed park immediately to the north of Ballina Road
- **The Riviera:** The area in the centre of the CBD where Kirklands was situated
- **The Stops:** At the junction of Wilson River and Leycester Creek
- **Pritchard Rainforest Reserve:** Opposite the Police Station
- **Bundjalung Nature Plantation and Wharf Park:** On the western side of the river, adjacent to the old Railway Wharf.

As several of the six identified areas are now well developed, the Steering Committee was of the view that the areas should be formally named. It is no longer appropriate to continue to use the initial "working names".

In accordance with the adopted practice of community consultation the Steering Committee sought comment from a wide range of sources.

The input was sought by;

- Direct mail to all parties registered on the database
- Direct mail to all people involved in consultation
- Local media – the Northern Rivers Echo
- Survey in 'Community Link'

LISMORE CITY COUNCIL - Meeting held

Lismore Wilsons River Redevelopment - Naming Elements

Over 70 submissions were received.

With the exception of “Pritchard Rainforest Reserve”, at least 90% of submissions favoured the working names adopted through the original consultation process.

In the case of Pritchard Park it is recognised that the majority of the submissions preferred the inclusion of the word “rainforest” in the name, but this is no longer appropriate. Consultation which followed the adoption of the initial strategy has led to both the local residents, the LandCare Group and the Committee agreeing not to plant this area out as rainforest. It was decided to leave the open nature of the park, which is consistent with the flood modelling in the area.

The recommended name for “Pritchard Rainforest Reserve” is Pritchard Park.

The only area which will require an approach to the Geographic Naming board “Riverside Picnic Area”, as this is currently included in Heritage Park.

It is considered that the area to the west of Victoria Street requires a new name to differentiate it from the children’s play area in Heritage Park. If different names are not adopted for the two areas there will continue to be confusion in the mind of the public. This has already occurred during previous Australia Day celebrations.

Heritage Park is now widely understood to be the children’s play area.

Manager - Finance & Administration Comments

Nil.

Public Consultations

Nil.

Other Group Comments

Manager Economic Development and Tourism

I think that the naming of the railway land on the western bank of the river should be held over until there is more certainty about the progress of that element of the project. Also, State Rail and the aboriginal community should be consulted in more detail about this naming before it is finalised.

Also, I think that naming the park which abuts the southern side of the boat ramp and Ballina Street Bridge, "The Ramp", is inappropriate. There are other factors involved here: the site of the original Wilson Homestead was in this area and it is also intended in the strategic plan that a leash-free dog run area be established in the park. I think that more thought and work needs to go into the naming of this area.

For the other elements of the project, I believe that the following names are appropriate:

1. Riverside Amphitheatre - currently named as part of Heritage Park
2. The Riviera
3. The Stops
4. Pritchard Park

LISMORE CITY COUNCIL - Meeting held

Lismore Wilsons River Redevelopment - Naming Elements

Manager Parks and Reserves

There are no objections from the Parks & Recreation department regarding the proposed names. It would seem that there has been adequate public consultation in relation to this matter. In addition it would be appropriate to identify the difference between the tiny tots playground area and the new parklands on the riverbank and given the recent construction of the flood levee this is an opportune time to create this separation.

Author's Response to Comments from Other Staff

In respect to the comments by the Manager Economic Development and Tourism (M-EDU) the Author advises;

a) The Ramp

It is considered that this is an entirely appropriate name for the area as this is the primary element in this park.

The Wilson homestead was located at the southernmost limit of the park and will be highlighted along with other elements in the historical information which is to be introduced throughout the length of the walkways which are being constructed.

The leash free dog area will be established in this park but does not need to be highlighted in the name of the area.

b) Bundjalung Nature Plantation and Wharf Park

The comments by M-EDU are correct in that the final size and nature of the area dedicated to Council is still very dependent upon negotiations with State Rail.

The Author has removed this element from the recommended names and will bring this park back before Council when negotiations have been completed with State Rail.

Conclusion

The wide community consultation which was initially conducted and led to the use of the "working names" used in the initial strategy has been shown to be generally consistent with the 70 submissions which have recently been received.

The preferred names for the identified areas are:

- The Ramp
- Riverside Picnic Area
- The Riviera
- The Stops
- Pritchard Park

Recommendation (GM12)

That subject to the provisions of Councils Naming of Public Places Policies, the Geographic Naming Board be approached to adopt the names as per the community's wishes as detailed below:

- The Ramp
- Riverside Picnic Area
- The Riviera
- The Stops
- Pritchard Park

LISMORE CITY COUNCIL - Meeting held

Lismore Wilsons River Redevelopment - Naming Elements

The Ramp	
Same	45
The Boat Ramp	5
Launch Ramp Park	1
Heritage Park Boat Ramp	1
Riverside Boat Ramp	1

Riverside Picnic Area	
Same	36
The Riverside Park	3
The Amphitheatre	1
Riverside City Picnic Park	1
Riverside Picnic Park	1
Heritage Park	5
Eastbank	1
Bob Gates Park	1
The Bob Gates Picnic Area	1
Bob Gates Memorial Area	1
Riverside Heritage Picnic Area	1
Ecotage Park	1
The Sun Spot Picnic Area	1

The Riviera	
Same	43
The City Peoples Wharf Centre	1
Rivertops Walk	1
Eastside	1
Fig Tree Walk	1
Riverpark Central	1
Kirklands Riviera	1
Lismore Waters	1
The RIV	2
Nullabore	1
The Beer Garden	1

The Stops	
Same	42
The Logsniggers Crepe Myrtle Park	1
Riverview Junction	1
The Junction	2
The Hensley Wharf	2
Where the Rivers Meet	1
The Meeting of the Rivers	2
Two Rivers Meet	1
The Punts	1

LISMORE CITY COUNCIL - Meeting held

Lismore Wilsons River Redevelopment - Naming Elements

Pritchard Rainforest Reserve	
Same	35
Pritchard Park	19
Pritchard's Figtree Promenade Park	1
Pioneers Rainforest	1
The Stops Rainforest Reserve	1
John Seed Rainforest Reserve	1

Bundjalung Nature Plantation & Wharf Park	
Same	38
Bundjalung Park	2
Bundjalung Wharf Park	3
Bundjalung Nature Park	1
The Railway Wharf	3
Bundjalung Plantation & Railway Heritage Wharf Park	1
Westbank	1
Rail Wharf Park	2
Wharf Park	2
Bundjalung Reserve	1
Token Apology Gardens	1
Southside Park	1

Subject/File No: APPLICATION FOR CLOSURE OF PUBLIC ROAD – PART ORION STREET, LISMORE
(LW:TMI:R6051/2)

Prepared By: Manager Special Projects & Properties, Lindsay Walker

Reason: Request by Trinity Catholic College Lismore Ltd seeking road closure to allow expansion of existing school.

Objective: To seek Council endorsement of recommendation

Management Plan Activity: Roads - Urban, Rural and Regional Roads

Background:

Towards the end of 2001, Trinity Catholic College (TCCL) sought Council's views with respect to a proposal that they had to expand the school. For the school to be able to provide increased facilities and services it required additional land area over which it could expand.

Although the proposal was in its preliminary and exploratory stages it had already become clear that it would be very beneficial to TCCL if it could purchase part of Orion Street. It was with this background knowledge that TCCL approached Council.

Being mindful of the benefits to the Community as a whole of TCCL's providing better facilities at Lismore, Council advised the responsible architects that it would consider selling part of Orion Street with the provision that the elements currently provided by the street continued to be available to the community as a whole. The elements which were currently provided by Orion Street were identified as being:

1. Student drop off area away from through roads
2. Staff parking for TCCL
3. Pedestrian access from TCCL to adjoining playing fields
4. Street access to the Police Citizens Youth Club.

Council is now in receipt of an application to close part of Orion Street, between Dawson Street and Brewster Street. This application is based upon concept plans which are currently before Council's planners for comment. These plans appear to address the issues raised by Council previously and it is timely to advertise the subject road closure proposal.

Manager - Finance & Administration Comments

As all costs and the land valuation associated with the road closure are to be paid by the applicant, the recommendations are supported.

Public Consultations

Nil.

Other Group Comments

Manager - Economic Development and Tourism

I support the recommendations in the report.

LISMORE CITY COUNCIL - Meeting held July 08, 2003

Application for closure of public road – Part Orion Street, Lismore

TCCL is an extremely important institution and a major employer within Lismore City. At the 2001 Census, the education industry employed some 1,626 Lismore residents, ranking as the 3rd highest employer behind retail and health. Over the 15 year period from 1986 to 2001 the education industry has grown by some 443 jobs (37%). TCCL is a very key player in this important growth industry. Clearly, TCCL is also of significant importance to the social fabric of the city. I understand that the quality of the educational results from TCCL are excellent.

Group Manager City Works

The construction of the bus interchange has made this section of Orion Street redundant as a through traffic route. The RTA has agreed to fund a roundabout at the corner of Dawson and Leicester Street, which will lock in the road hierarchy in this part of Lismore. Provided the needs of neighbours are met, and there are sufficient drop off and pick up areas for parents there is little need for LCC to keep this section of Orion Street.

Manager Planning Services

I support the proposal.

Special Projects Planner

The action to close the section of Orion Street has already been discussed at some length with the school, in relation to proposed extensions and improved carparking facilities for the school. The relevant issues have been identified above in this report, and there are no objections from Planning and Development to the part street closure as proposed.

Author's Response to Comments from Other Staff

Nil.

Conclusion

TCCL is a major regional school and its proposal to improve its facilities should be encouraged. The school has developed preliminary plans for increased facilities which require the closure and purchase of part of Orion Street. It is likely that these plans will be approved by Council and it is timely to initiate the requested road closure process.

Recommendation (GM11)

1. That the application to close the identified part of Orion Street, Lismore (shown as hatched on the enclosed plan) be endorsed for public exhibition.
2. That all costs associated with the road closure be borne by the applicant.
3. That a valuation be obtained for the proposed road closure area and that said valuation be used in the determination of the sale price sought for the subject part of Orion Street.
4. That the General Manager be authorised to sign any documents necessary to bring about the recommendation.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Subject/File No: PROVISION FOR AIRPORT MANAGEMENT SERVICES
(P9733)

Prepared By: Contracts Officer, Chris Allison

Reason: To inform Council of the process undertaken to appoint Airport Management Company

Objective: Council approval of new five year contract

Management Plan Activity: Lismore Regional Airport

Background:

At the September 19, 2000 meeting, Council resolved to award a contract to Ambidji Frontec Pty Ltd for the management of the Lismore Airport for a five year period with an option for a further five years.

The Agreement included the provision of a full review of the contract prior to September 2003 at which time the performance of the Ambidji Frontec Pty Ltd would be reviewed together with the five (5) year forecast of revenue and expenditure relating to the operation of the Lismore Airport. The forecast of revenue and expenditure was a key component of the Agreement between Council and Ambidji Frontec Pty Ltd.

The review has shown that Ambidji Frontec Pty Ltd has delivered a very professional service since taking over management of the Lismore Airport. However, during the past three (3) years the airline industry in Australia has undergone substantial changes with the demise of Ansett Airlines and the flow on effect to Hazelton Airlines directly impacting on the number of passengers using the regional airlines. This reduction in passenger numbers has impacted on the actual and projected revenues for the Lismore Airport. The direct result of the reduction in passenger numbers has made it impossible for Ambidji Frontec Pty Ltd to achieve the requirements as set out in the Agreement.

Therefore Council and Ambidji Frontec Pty Ltd have held discussions as to what measures can be undertaken in regard to the requirements of the Agreement. Given that the five (5) year forecast of revenue and expenditure relating to the operation of the Lismore Airport is a critical component of the Agreement, it has been decided by mutual agreement to terminate the current agreement and negotiate a revised agreement based on current revenues and passenger numbers utilising the Lismore Airport.

The proposal to terminate the existing contract, formed after tender, and replace it with a revised Agreement would normally require re-tendering, as its value exceeds the \$100,000 threshold. Under the Local Government (Tendering) Regulations 1999 Clause 3, *a Council may resolve where, because of extenuating circumstances, not to call tenders for a contract.* Council previously called tenders for the management of the Lismore Airport and only received two (2) conforming tenders for the works, with one being based on an employment contract. Given the current market conditions, it can be assumed that there are a limited number of competitive tenderers and there would be no advantages to Council to re-call tenders, particularly as the proposed result can be compared to the alternative of direct employment.

Under the proposed agreement Ambidji Frontec Pty Ltd will continue to provide management services only for the Lismore Airport, while control of revenue collection and expenses will revert to Council. The net effect is to reduce the cost operations and management budget administered by Ambidji Frontec Pty Ltd and therefore reduce the management fees payable by Council. A summary of the details is provided in the Manager-Finance & Administration comments.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Provision for Airport Management Services

Group Manager – Business & Enterprise Comments

Council has notified Ambidji Frontec (AF) of its intentions to invoke the right to terminate the existing Agreement as the binding financial projections had not been met. Following this step the options available to Council were to employ an Airport Manager directly or to renegotiate other terms for a contract Airport Manager.

Following Council's initial notification, AF responded with a proposal to negotiate an alternate agreement. It was made clear to AF that the issues facing Council centred on cost and that only alternatives approaching the theoretical cost of direct employment could be considered. To this end an alternate agreement based around labour hire was negotiated, subject to Council approval. The existing Agreement was due for early termination on August 31, 2003. This committed Council to a further two months under the existing arrangements. During the negotiations, consideration was given to a five-year agreement, commencing on July 1, 2003. If accepted by Council, AF have consented to backdating the new Agreement from this date.

I have reviewed actual costs for the airport and the impact of the new agreement compared to a direct hire model. In my opinion the labour hire approach proposed by AF will provide Council with better financial and performance outcomes than the direct hire of staff. According to projections the cost of the new Agreement compared to the existing Agreement results in a saving to Council of \$70,000 per annum. Comparing the new Agreement to direct employment of a staff member forecasts a \$14,000 per annum saving if the new Agreement is adopted. The new Agreement does however provide more flexibility in service delivery compared to direct employment.

The offer of a five-year term provides AF and their staff with some certainty and mirrors any similar offer that would be made by Council to an internal appointment. In any new Agreement, Council will retain similar clauses to the existing Agreement with regard to unforeseen withdrawal of services and the de-licensing of the airport. These provisions allow both parties to terminate due to conditions imposed on the airport but not initiated by either party.

Accordingly, I support the recommendation.

Manager - Finance & Administration Comments

From a financial perspective, the termination of the existing agreement and agreement to the Ambidji proposal is supported.

After reviewing the costings and comparing the options, the Ambidji proposal results in the best financial outcome for Council. It is estimated that the operating deficit will be reduced from \$211,600 (2003/04 Management Plan) to \$141,222. A saving of approximately \$70,000.

A summary of the options evaluated is provided below:-

<u>Budget Item</u>	<u>Management Plan – Budget (Current Contract)</u>	<u>Ambidji Proposal</u>	<u>Council Appointed Management</u>
Operating Revenues	468,400	518,828	518,828
Less :			
Management Contract	325,700	124,550	0
Operating Expenses	354,300	535,500	672,731
Operating Deficit	(211,600)	(141,222)	(153,903)

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Provision for Airport Management Services

Public Consultations

N/A

Other Group Comments

N/A

Author's Response to Comments from Other Staff

N/A

Conclusion

Ambidji Frontec have performed a high level of management services at the Lismore Airport since being awarded the contract and at the time of awarding the contract it was not possible to foresee the dramatic changes to the airline industry in Australia. This proposal is designed to continue with Ambidji Frontec managing the airport on behalf of Council, while reducing the overall cost.

Recommendation

That Council:

1. (a) Terminate the current five (5) year agreement with Ambidji Frontec Pty Ltd.
(b) Not call tenders for the management of the Lismore Airport due to the lack of competitive tenderers in the market.
(c) Contract with Ambidji Frontec Pty Ltd for a five year period for the management of the Lismore Airport effective from July 1, 2003.
2. The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.

Subject/File No: LISMORE FLOOD LEVEE SCHEME – PROPERTY ACQUISITION –
43 KEEN STREET, LISMORE
(LW:TMI:P5595)

Prepared By: Manager - Special Projects & Properties, Lindsay Walker

Reason: To obtain a Council resolution to purchase flood prone property, being Lot 2 in Deposited Plan 532545.

Objective: To provide Council with background information to assist its determination of the future of Lot 2 in Deposited Plan 532545, being 43 Keen Street, Lismore.

Management Plan Activity: Emergency Services

Background:

The Lismore Flood Levee Scheme has been investigating options and opportunities which exist in the Clyde Campbell Carpark for the improvement of water flows in major flood events. These investigations have indicated that it would be beneficial if Lot 2 in D.P. 532545 were in public ownership as it would provide opportunities for the improvement of flood overflow paths through the car park. The 1999 Environmental Impact Statement identified this area as being especially affected by the changes to flooding behaviour in a major event. The subject property is located in a high velocity flow path. The property comprises two shops in a single story building plus adjacent vacant land, has an area of 620m² and is located adjacent to the Keen Street entrance to the car park.

Accordingly the Lismore Flood Levee Scheme obtained a valuation for the property and negotiated a purchase price of \$180,000.00.

The Richmond River County Council (RRCC), being the body who oversee the scheme, do not consider it appropriate to own property in the CBD and has asked that the land be purchased in the Lismore City Councils name.

The subject site is zoned 5 (car park) and is identified as being “Floodway” in the adopted Lismore Floodplain Management Plan”.

Manager - Finance & Administration Comments

The acquisition of this property is supported on the basis that it strategically satisfies the requirements of the Lismore Flood Levee Scheme and provides land close to the Lismore CBD, which can be easily developed for carparking.

As such, it is recommended that Council’s share of purchase costs, estimated at approximately \$48,100, be funded from Section 94 Carparking developer contributions. The balance will be funded from grant funds applicable to the levee scheme.

Public Consultations

Nil.

Other Group Comments

Group Manager City Works

The purchase of key properties within the Browns Creek Floodway will have substantial benefits in a major flood event.

Author's Response to Comments from Other Staff

Nil.

Conclusion

It is considered that there is benefit in the subject lot being in public ownership as the site is occasionally subject to high velocity water flows.

The purchase will be subsidised by the Lismore Flood Levee Scheme.

Recommendation (GM13)

That:

1. The General Manager or his delegate be authorised to proceed with the purchase of Lot 2 in D.P. 532545, being land in Keen Street, Lismore, for a purchase price of \$180,000.00.
2. The General Manager be authorised to execute and apply the Common Seal of the Council to the Contract for Sale, Memo of Transfer and or any other legal instruments necessary to effect the transfer of the property.
3. The Council resolve pursuant to Clause 31(2) of the Local Government Act 1993, as amended, that the land the subject of this report be classified as 'Operational Land'.
4. All costs associated with this purchase be borne by the Lismore Flood Levee Scheme.

Subject/File No: ASPECT NORTH DEVELOPMENT
(P9733)

Prepared By: Craig Kelly – Group Manager Business & Enterprise

Reason: To further inform Council on this matter

Objective: To seek Council resolution

Management Plan Activity: Lismore Regional Airport

Background:

Council considered this matter at the March 11, 2003 meeting and resolved to provide the land to Aspect North for no cost.

This decision was rescinded at the April 8, 2003 meeting and a subsequent motion was adopted:

- “1 Council record its support for this development and commit that it will work with the principals to achieve beneficial outcomes;.....*
- 4 The General Manager be delegated authority to negotiate an agreement with Aspect North following independent valuation advice on the site plan as attached to the March report for the sale of the freehold title;*
- 5 The agreement address the following issues:*
- (i) A target completion date for the proposed development;*
 - (ii) Council receive first refusal rights, should Aspect North wish to dispose of the site;*
 - (iii) Identification of the terminal building in the name of Habib Habib to be retained.*
- 6 That the matter of funding essential works at the airport be considered as part of the budget process.”*

The report was also put to the Airport Advisory Panel, at the March 2003 meeting, where it resolved:

“That the Panel supports in principle the thrust of the report and confirms its support for the project and the servicing officer of the Panel continue to provide information to the Panel as and when such becomes available.”

Beneficial Outcomes

Following the Council resolution, a meeting was held between representatives of Aspect North Pty Limited (Aspect North) and Council to negotiate an appropriate agreement. The outcome of this meeting was committed to correspondence between Council and Aspect North and this has formed the basis of a licence for site occupation prior to the completion of subdivision and contract for sale. The sale contract is an annexure to the license agreement.

Advice from Ambidji Frontec Pty Ltd

Council sought the advice of Ambidji Frontec regarding the position of the development and future planning of the airport. The response in summary was:

“The site that is proposed for the Aspect North development is a prime parcel of land that is well serviced and has apron frontage. I believe it is the best option for such a development to be situated”

Independent Valuation

Council had the existing land valuation for general aviation hangars updated for consideration as part of the negotiation.

The Negotiated Outcome

To allow for the stipulated timeframes of Aspect North it was determined that two agreements would be appropriate. Firstly, a license agreement to allow for immediate occupation and control of the site and secondly, a contract for sale for the ultimate transfer of title from Council to Aspect North.

License Agreement

The key terms of these agreements are outlined below. A plan of the site is also included as Attachment A.

From the date of the license agreement Aspect North will:

- Have exclusive access to “the site” and non-exclusive access to the current roadway that traverses the site;
- Take possession of the old terminal and retain the Habib Habib signage;

and

- The parties agree to enter into a contract for the sale of the site within 21 days.

To allow for the immediate effect of the license agreement this document was signed by the General Manager under delegated authority on June 25, 2003. This facilitated a key milestone for the overall funding agreement provided by the Federal Government to Aspect North.

Contract for Sale

The contract for sale of the proposed lot includes the following special conditions, that Council will:

- Use its best endeavours to transfer the existing right of carriageway from its current alignment to the proposed alignment;
- Reconstruct and reseal Airport Drive;
- Reconstruct and seal East Street, South Lismore;
- Extend the taxiway to connect up the proposed new hangar.

The contract for sale of the proposed lot includes the following special conditions, that Aspect North will:

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Report – Aspect North Development

- Pay \$70,000 on July 1, 2005, pay all developer contributions and development application charges related to this development, the subdivision of the land and the development in the airport industrial estate as they ordinarily fall due;
- Develop the lot within the initial period (three years) of the Development Approval for the site, or transfer the land back to Council for \$1;
- Lodge a development application for the site within 30 days of the exchange of contracts;
- Acknowledge that Council has a right of first refusal should Aspect North seek to sell the site within five (5) years of completing this contract.

All of the issues raised in the resolution of Council dated April 8, 2003 are appropriately addressed in the license agreement and the contract for sale of the land.

Manager - Finance & Administration Comments

The license agreement and proposed sale of land conditions are supported, as they provide reasonable consideration to Aspect North and protect Council's significant investment in the Lismore Regional Airport.

Financially, it will require Council to undertake works both within and outside the Airport. While funding for Airport Drive and apron extension works are provided in the 2003/04 Budget, the reconstruction and seal of East Street, South Lismore, will need to be included in future years.

Public Consultations

Refer to the comments of the Airport Advisory Panel included in the body of the report.

Other Group Comments

Nil.

Author's Response to Comments from Other Staff

Nil.

Conclusion

Council has expressed its support for the Aspect North development at the Lismore Regional Airport and has now defined the level and extent of this support in the license agreement and the contract for sale.

Recommendations (ENT04)

That Council:

1. Authorise the General Manager or his delegate to conclude the sale of part Lot 28 in DP 1035497, being land at 40 Three Chain Road, South Lismore.
2. The General Manager and Mayor be authorised to sign and apply the Common Seal of Council to the contract of sale and property transfers as necessary.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Subject/File No: REVIEW OF COUNCIL'S RATING STRUCTURE
(S384/JB)

Prepared By: Rating Services Co-Coordinator, John Beacroft

Reason: Change in circumstances following a previous resolution of Council

Objective: To obtain Council direction

Management Plan Activity: General Purpose Revenues

Background:

Council will recall the various public meetings in relation to Council's rating structure, held in March of this year and a Council Workshop on March 17, 2003 and a subsequent report to Council's April 8, 2003 meeting, reporting the outcomes of the various meetings.

Council resolved, 76/03, at the April 8 2003 meeting as follows: -

- "1. No changes be made to the general fund rating structure for 2003/04, (subject to special variation increase and /or changes requested by the business communities of Nimbin and Lismore)*
- 2. A working party be formed, at the commencement of the new Council's term, made up of representative members of Council and staff to discuss the complexities of the rating structure and report back on any suggested changes."*

The recommendation and adoption of the above resolution was predicated on the normal circle of local government elections being continued, i.e., in September 2003.

As Council is aware these elections have been moved and will now take place in March 2004.

This places a series of obstacles in Council's path in regard to a reasonable timeframe in which to complete a review of the rating structure and allow for public consultation and participation.

Council's involvement in the budget process usually commences in April and the draft management plan is normally advertised from mid May to mid June with the rates being made towards the end of June.

With the election being held in March 2004, it is suggested that a timetable for conducting a review into the rating structure would be rushed and not conducive to a reasoned and thorough review.

As a further complication, and one, which does require careful consideration, is the fact that the current valuations being used for rating purposes have a base date of July 1, 2001, a point in time which was probably the low point for property sales in Lismore.

The Valuer General has indicated that Council will receive new valuations for rating purposes in around November 2004 that will have a base date of July 1, 2004. This general valuation has the potential to radically alter the relationship of values between properties within areas and categories, and between categories, as sale activity in Lismore is currently very high in both quantity and prices.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Review of Council's Rating Structure

Manager - Finance & Administration Comments

It is clear that if Council wishes to implement a revised rating structure in July 2004, the review process would need to commence well before the March 2004 Local Government Elections. If the process started in April 2004, there would be insufficient time to properly identify and assess the options, consult with the community and brief Councillors, for the Council to determine a course of action and advertise any proposed change.

As such, the commencement of this review forthwith is supported.

Public Consultations

None undertaken but the relevancy of the March 2003 meetings is still valid.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Not required.

Conclusion

The reason that this report has been brought to Council is the State Government's decision to alter the timing of Local Government elections and the implications that decision has on Council's previous resolution to conduct a review into its rating structure.

If a proper, reasoned review is to be undertaken, time is of the essence and it would seem appropriate that this Council commence the process in the near future although there are significant variables that may affect any decision that either this Council may eventually endorse or refer to the next Council.

Alternatively, Council may wish to leave any review to the new Council for review in late 2004, as they will then have the benefit of updated information as a result of the new general valuation.

Recommendation (COR03)

- 1 That a Working Party be formed consisting of three Councillors, Management and the Rating Services Coordinator, to investigate the appropriateness of the current rating structure in relation to the Council's revenue raising requirements.
- 2 A report from the Working Party be presented to Council by February 2004.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

Subject/File No: JUNE 2003 QUARTERLY BUDGET REVIEW STATEMENT
(GB: S802)

Prepared By: Principal Accountant – Gary Boyd

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

Objective: Legislated requirement for Council to amend the 2002/03 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 with any significant variances being reported to Council. This report satisfies the LGA's requirements.

The purpose of this review is to give Council an indication of the final budget result for 2002/03. At this point in time, the completion and audit of the Financial Statements is still at least two months away. As such, it should be acknowledged that the figures stated in this report are "indicative" only.

This review has been completed at programme level and only significant variances have been reported. A more informative report will be provided as part of the Financial Statements.

General Fund

The 2002/03 Management Plan provided for a budget cash surplus of \$30,000. The September review reported a decrease of \$3,200. December detailed a decrease of \$124,000. March recorded a further decrease of \$55,800. This review shows an improved position with a reduction in the deficit of \$88,500 and reports a total budgeted cash deficit for 2002/03 of \$64,500.

For Councillors benefit, the detail of the budget cash balance movement is as follows.

Budget Balance Movements for Quarter	Amount \$
Opening (Deficit) Balance at April 1, 2003	(153,000)
Add – Savings in interest expenses on loan funds not borrowed for the pool and lower than expected interest rates secured for new loans.	50,500
Add – Greater than expected Health and Building Services income as a result of demand for services tied to the increased activity in the building industry.	42,500
Add – Increased revenue in the Planning Services section relating to development application fees and planning certificates exceeding budget expectations.	30,500
Add – Savings made in the Community Services section in relation to salary costs as a result of several vacancies not being filled immediately.	27,000
Less – Additional costs incurred in excess of forecast for new library building.	(23,500)
Less – Additional costs incurred in excess of forecast for refit of old library building for Neighbourhood Centre.	(38,500)
Closing (Deficit) Balance at June 30, 2003	(64,500)

For Councillors information, listed on the next page are the details of the activities with significant variances. Please refer to the attachment for individual programs for details of all budget movements.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

June 2003 Quarterly Budget Review Statement

Swimming Pools

The loan funds included in the 2002/03 budget for the pool restoration are not required, given the timing of the project in its current form. Hence the capital expense and capital income budgets of \$2,138,000 have been removed. In addition, \$78,000 in expenses incurred this financial year have been reallocated from a capital budget to an operating budget. These costs have been funded from existing reserves and are merely being transferred to the correct expense classification for accounting purposes.

Economic Development Unit

Grant funds of \$96,400 have been received from the Department of Transport and Regional Services for the Riverbank Development. A further \$151,600 is expected in 2003/04, with works planned for restoration and additions to the Government wharf, historical signage, boating facilities for the area and other infrastructure on the riverbank.

Traffic, Enforcement and Lighting

The final component of the TV Blackspots grant funding has been recognised in the budget. \$74,000 has been added to capital income and expense budgets.

The recurring capital budget of \$25,800 allocated to street lighting upgrades has been transferred to reserves. It is planned to combine this with the same amount from the 2003/04 budget to achieve economies of scale on a larger upgrade project.

Emergency Services

Budgets have been amended to reflect the most recent cash flow expectations for the Lismore Levee Scheme. The budgeted contribution to the levee scheme for 2002/03 has been increased by \$254,000 to \$921,000. This has been funded from a combination of grants, loans and reserves with no impact on the budget balance.

Roads

A capital income budget of \$156,900 has been included for the developer's contribution to the roundabout to be constructed at the corners of Ballina Road and Holland Street relating to the East Point Shopping Village development. A corresponding increase in the roads capital budget has also been made. Any amounts unspent at June 30 will be reserved for this project.

The \$220,000 allocated for Skyline Road in the 2002/03 budget has been transferred to reserves for use in 2003/04.

RTA Works

Further changes to the programme of works as approved by the RTA have been incorporated into the current budget. This has resulted in a substantial net increase in budgeted works of \$1,221,100 across a variety of programs.

The late influx of funds from the RTA at the end of the financial year is not uncommon. It is the general practice of staff to welcome and encourage any RTA road projects and funds at this time of year as this means additional attention and funding is being directed towards roads in the local government area. This practice usually results in staff not being able to spend all of Councils allocated road budget by June 30 as works staff are dedicated to RTA funded jobs. As such, Council funds not spent on capital projects are generally reserved and transferred to the next financial year.

Water Fund

Budgets totalling \$39,000 have been transferred to operating expenses from capital expenses. This is to reflect Council's accounting treatment of capitalised expenses for the year-end financial statements.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

June 2003 Quarterly Budget Review Statement

Sewerage Fund

Sewerage fund budgets have not been changed in the final quarter.

Change in Net Assets

The 2002/03 Management Plan showed a surplus for the "Change in Net Assets" of \$1,542,000. Based on the September increase of \$1,043,000, December decrease of \$73,000 and March decrease of \$277,000 this amount was increased to \$2,235,000 at the end of March, 2003. This review increases the surplus by \$230,000 to give a total "Change in Net Assets" of \$2,465,000 for 2002/2003.

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

Manager - Finance & Administration Comments

Included in the body of the report.

Public Consultations

Not required.

Other Group Comments

Contracts Officer

Refurbishment of Old Library

The original budget for the refurbishment of the old library to house the Lismore Neighbourhood Centre was for the internal refurbishment of the building only. In 2002 a program of building inspections was developed as part of a six (6) year program to have all Council buildings inspected and a building defects report prepared. The old library building was programmed to be inspected in January 2003.

The defects report indicated several external maintenance items, which needed to be addressed, the majority of the defects in the report related to the roof area of the building. These defects included extensive corrosion of the box gutters and ridge capping, corrosion of several roof sheets and water damage to the air conditioning support frame.

Council had engaged Bennett Industries to undertake the refurbishment works of the building when the defects report was received and it was decided that the works should be taken as a matter of urgency. After discussions it was agreed that there were cost savings if Bennett Industries were engaged to undertake these additional works while on site. The additional costs in the refurbishment works are the result of the maintenance works carried out on the building.

Author's Response to Comments from Other Staff

Comments noted.

Conclusion

Council's budget position has improved in the last quarter of 2002/03. This was largely the result of a further increase in health, building and planning revenue against budget. Interest expense on loans not taken up also contributed to the improvement in the budget deficit, which now stands at \$64,500. Overall, Council's financial position remains sound.

Recommendation

1. Council adopt the June 2003 Budget Review Statement for General, Water and Sewerage Funds.
2. This information be submitted to Council's Auditor.

LISMORE CITY COUNCIL - Meeting held July 8, 2003

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD JUNE 18, 2003

AT 10.00 AM.

(WMacD:VLC:S352)

Present: Mr Bill Moorhouse (*Chairperson*), Councillors Ken Gallen, John Chant, John Hampton and Mervyn King, Ms Bronwyn Mitchell on behalf of Mr Thomas George, MP, Mike Baldwin (*Roads and Traffic Authority*), Mr John Daley (*Lismore Unlimited*), Snr Const Brian Buckley (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*), Messrs Paul O'Sullivan (*General Manager*) and Bill MacDonald (*Traffic and Law Enforcement Co-Ordinator*).
In Attendance: Mrs Rachel Drew for Item No. 19.

Apologies: An apology for non-attendance on behalf of Mr Thomas George, MP, was received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – May 21, 2003

Members were advised that the Minutes of the meeting held on May 21, 2003 were adopted by Council at its meeting of June 10, 2003.

Disclosure of Interest: Nil

Correspondence:

1. **Thomas George, MP;** forwarding copy of his address to Parliament regarding pedestrian safety and the need for increased measures to prohibit the use of bicycles, skateboards and scooters on footpaths.
The Committee noted Mr George's efforts to have this matter brought to the appropriate authorities' attention and they were appreciated.
TAC86/03 **RECOMMENDED** that the above be noted and Mr George be thanked for his time in dealing with this important matter. (03-5582:S352)

2. **Ms HR Osborne;** drawing attention to the intersection of Fischer and Pleasant Streets, Goonellabah, and the need for traffic signage to be upgraded.
An inspection revealed that the "Give Way" sign on the southern leg of Fischer Street, at its intersection with Pleasant Street, was partly obscured by a shrub planted on the footpath area. Apart from some pruning being required, the "Give Way" signs were clearly visible and the need to change them to "Stop" signs was not considered necessary.
TAC87/03 **RECOMMENDED** that the shrub in front of the "Give Way" sign on the southern leg of Fischer Street at its intersection with Pleasant Street, be pruned and the current signage remain as is. (03-5609:S187)

3. **Ms J Johnson;** expressing concern for the need to improve road safety near the entrance to the "Clan Macadam" macadamia property, No. 1594 Dunoon Road, Dunoon, warning drivers of the concealed driveway.
TAC88/03 **RECOMMENDED** that a "Concealed Driveway over Crest" warning sign be installed on the northern side of the crest near Fraser Road for south-bound traffic. (03-5673:S346,R3407)

LISMORE CITY COUNCIL - Meeting held July 8, 2003

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD JUNE 18, 2003 (Cont'd)

4. **Mrs ML Harris;** drawing attention to the problems being experienced with exiting/entering her driveway due to users of Rochdale House parking their vehicles all day in front of No. 168 Ballina Road, Goonellabah.
Mr MacDonald advised that he had spoken to the owners of Rochdale House and they had taken on board the concerns of the resident and had advised their staff not to park any further east than the Doctor's surgery next door. They also intended to liaise with the Department of Education about the possibility of their staff parking within this property as in the past. It was suggested the area be monitored to ascertain if additional signage was required across Mrs Harris' driveway.

TAC89/03 **RECOMMENDED** that the writer be advised in accordance with the above.
(03-5900:R6408)

5. **Nicolas Harrison;** objecting to the closure of the intersection of Carrington and Conway Streets.
Mr MacDonald advised that he had spoken with Mr Harrison and conveyed Council's reasons for the closure and the proposal to install new Bus Stops and pedestrian facilities on Conway Street. Mr Harrison accepted the fact that the current closure was a trial and that further contact would be made with businesses within the section of Carrington Street, between Conway and Magellan Streets, to ascertain what impact, if any, the closure caused to business prior to any permanent works being carried out.

TAC90/03 **RECOMMENDED** that the above be noted. (03-5983:R7307,R7303)

6. **CT Pratt;** drawing attention to the need to improve road safety at the intersection of Dudley Drive and Fiona Court, Goonellabah.

TAC91/03 **RECOMMENDED** that a double white centre line be painted along Dudley Drive over the crest near Fiona Court. (03-6017:R6554)

7. **St Vincent's Hospital;** expressing concern for the lack of visibility for motorists at its Stocks Street entrance/exit.

TAC9203 **RECOMMENDED** that "No Stopping" signs be placed both sides of the driveway to the St Vincent's Hospital entrance off Stocks Street. (03-6241:S346,P26616)

8. **Thomas George, MP;** making representations on behalf of the Caniaba Public School with regard to its application to vary the School Zone on Caniaba Road and forwarding a photograph of a School Zone in Parkes with varied times.

The Committee noted the times shown on the sign in the photograph supplied. However, it was unclear when the picture was taken or whether this sign had just not been updated yet. Mr Baldwin explained that Caniaba School had already taken this matter to the appropriate Appeals Committee and it had been determined that the current signs be retained. Mr Baldwin understood that the School was negotiating with the Department of Transport concerning the possibility of having the bus times altered slightly. As this issue had been determined by the Appeals Committee, there was nothing else that could be done.

TAC93/03 **RECOMMENDED** that the writer be advised in accordance with the above.
(03-6204,03-6206,S352,R4701)

9. **The Channon Craft Market Inc;** advising that continued high attendance numbers on Market Days have drawn attention to the need to improve traffic signage and parking facilities at Coronation Park.
Mr MacDonald advised that a meeting had been held on-site with Market Organisers to discuss ways of improving traffic flows and parking conditions on Market Days. A number of measures had already been put in place and other treatments proposed were -
- More regular slashing maintenance to the grassed road shoulders between Coronation Park and the Village to encourage motorists to park further off the road.
 - Taping of roadsides down the "cutting" and on one side of Keerrong Road in an effort to restrict parking in these areas.
 - Station traffic control personnel near the bottom of the "cutting" to ensure motorists kept driving towards Coronation Park and used the off-street carparks.
 - Improve pedestrian access to the Market. The Market representatives undertook to raise this item with Council's Roads & Infrastructure Manager as a separate issue.
 - Install additional "No Stopping" signs opposite the main entrance to Coronation Park to keep this area clear.
- TAC94/03** **RECOMMENDED** that additional "No Stopping" signs be installed opposite the main entrance to Coronation Park.
- TAC95/03** **FURTHER RECOMMENDED** that the roadside slashing and pedestrian access issues be referred to Council's Manager – Roads & Infrastructure for information and action as required. (R3301,P13126)

General Business

10. **Intersection of Rosehill and Rock Valley Roads**
R Smith had requested that consideration be given to replacing the "Give Way" sign with a "Stop" sign at the above intersection as well as reducing the speed limit on Rock Valley Road to 80 kph.
Mr Baldwin advised that Rock Valley Road was a rural road and the appropriate speed limit was the general State limit. A reduction in speed limit was not considered necessary.
- TAC96/03** **RECOMMENDED** that the "Give Way" sign on Rock Valley Road, at its intersection with Rosehill Road, be changed to a "Stop" sign.
- TAC97/03** **FURTHER RECOMMENDED** that raised reflective pavement markers be installed along the first 30m of the centre line on Rock Valley Road. (R2401,R2704)
11. **Conway Street – Pedestrian / Traffic Survey**
The results of a recent pedestrian and vehicle survey were tabled at the meeting. Two locations had been nominated for marked pedestrian crossings to be installed; one mid-way between Molesworth and Carrington Streets, and the other immediately east of the Carrington Street intersection. A kerb blister would need to be constructed on the southern side of Conway Street at this location to ensure adequate visibility of pedestrians due to its proximity to the new Bus Stop location.
- TAC98/03** **RECOMMENDED** that two marked pedestrian crossings be installed on Conway Street, one mid-way between Molesworth and Carrington Streets, and the other immediately east of Carrington Street.
- TAC99/03** **FURTHER RECOMMENDED** that a kerb blister be constructed on the southern side of Conway Street at Carrington Street. (R7307)

12. **Kirkland Riviera Carpark – Revised Layout**
The Committee discussed the revised layout and traffic movements as a result of the flood levee construction. It was noted that Glasgow Lane (south) would have a south-bound traffic flow only due to the construction of a single-lane flood levee gate across the laneway. The flows within the carpark would remain unchanged. This item was submitted for information. (P6301)
13. **Main Street, Clunes – “Slow Point” Design**
A plan showing a typical layout for slow points was tabled for discussion. The Committee raised no objection to the plan being used in areas of need. Mr Baldwin advised that the RTA had recently carried out traffic counts in the Clunes Village; one near Jarvis Street and the other near Walker Street. The results for the count near Jarvis Street (tabled at the meeting) showed an 85th percentile speed of 58 kph and 60 kph in each direction. Whilst the results of the count near Walker Street were not available, Mr Baldwin stated they were the same in both locations. The results indicated that the speeding problem through the Clunes Village may have been reduced due to the measures already taken. There was some doubt as to whether or not any additional works were required. However, the “slow point” could still be used in other areas.
TAC100/03 **RECOMMENDED** that the plan be adopted as a typical “slow point” construction for areas that required traffic calming. (R1301,S352)
14. **Woodlark Street – Accident Statistics**
Mrs Johnson tabled a very detailed statistical survey of the area of Woodlark Street, between Dawson and Molesworth Streets. In the six-year period between 1996-2002 there had been 10 pedestrian accidents, 1 cyclist accident, 1 motorcycle accident, and 32 motor vehicle accidents. The effect of recent works, including the changed parking conditions and the new pedestrian crossings on Woodlark Street, was yet unknown. However, it was noted that there may be a need to stagger the approaches to the mid-block crossing between Molesworth and Keen Streets so that the sight of pedestrians on the crossing was not obscured by the transformer structure pillars. This could be further explored as part of the next CBD Workshop.
TAC101/03 **RECOMMENDED** that the above information be noted. (R7329)
15. **Woodlark Street – U-Turn Facility near Lismore Nissan**
Concern had been expressed regarding the U-turn facility and its close proximity to the pedestrian crossing. After an inspection of the site it was felt that the existing facility was working as intended and no additional works were needed.
TAC102/03 **RECOMMENDED** that the above be noted. (R7329)
16. **Lockett Street, Lismore – Parking Facilities**
Mr & Mrs F Spinaze had drawn attention to problems being experienced with current parking arrangements at Lockett Street and were met on-site to further discuss their concerns.
TAC103/03 **RECOMMENDED** that the existing “No Standing” signs on both sides of Lockett Street, near its intersection with Conway Street, be replaced with “No Stopping” signs.
TAC104/03 **FURTHER RECOMMENDED** that “No Parking” be stenciled on the roadway in front of the driveway leading to the carpark behind Mr & Mrs Spinaze’s property. (R7318)

17. **Intersection of Dawson, Leycester and Orion Streets**
R Ibbotson, Heavy Vehicle Driving Instructor, had highlighted the problems being experienced at the above intersection, particularly for larger vehicles turning out of Leycester Street and wanting to turn west-bound into Orion Street.
Unfortunately there was little that could be done in terms of the existing layout at the intersection of Dawson, Leycester and Orion Streets until such time as a roundabout was constructed.
The Chairperson advised that the RTA had recently informed him that funding for the proposed roundabout had been deferred until the next financial year (2004/05). It was suggested that as problems such as those being experienced by Mr Ibbotson continued to arise, the need for the roundabout could not keep being deferred.
- TAC105/03** **RECOMMENDED** that Mr George, MP, be asked to raise the matter with the relevant Minister on Council's behalf in order to ensure construction could take place as soon as possible.
- TAC106/03** **FURTHER RECOMMENDED** that failing an early funding commitment, Council pursue the possibility of carrying the cost of construction providing the State Government confirmed funding would be available within 12 months.
(R6017,R6042)
18. **One-Way Traffic Movement - Southern Side of Ballina Street Bridge**
It would appear that some motorists continue to drive back towards Molesworth Street against the legal traffic flow direction.
- TAC107/03** **RECOMMENDED** that a new "One Way" sign be installed on the concrete wall of the Ballina Street Bridge, near the bend, and that two directional arrows be painted on the roadway.
(R6002)
19. **Recent Accident on Ballina Road, Goonellabah**
Ms Drew was welcomed to the meeting and invited to outline her concerns. Ms Drew stated that three of her family's cars had been "written off" in the past five years when parked in front of their property as a result of motorists losing control on the bend near their property. It was acknowledged that these incidents were not due to faulty road design but rather excessive speed. Snr Const Buckley stated that patrols were regularly carried out along Ballina Road and these would continue. It was suggested that the area could be assessed for the installation of a permanent speed camera. Mr Baldwin stated that there was certain criteria that needed to be met but the process could be initiated by Council.
- TAC108/03** **RECOMMENDED** that classifiers be placed on Ballina Road near No. 258 for east-bound traffic, between the roundabouts at the intersections with Gordon Blair Drive and Kadina Street, to determine actual vehicle speeds.
- TAC109/03** **FURTHER RECOMMENDED** that the results, together with any accident data, be referred to the RTA with a request that the location be considered for the installation of a permanent speed camera.
(R6408)

LISMORE CITY COUNCIL - Meeting held July 8, 2003

MINUTES OF TRAFFIC ADVISORY COMMITTEE MEETING HELD JUNE 18, 2003 (Cont'd)

20. **Permanent Speed Camera Installations**
Snr Const Buckley advised that the Richmond Area Command had been requested to nominate a potential location for a permanent speed camera within an existing School Zone precinct. The obvious choice would be on Ballina Road near the Goonellabah Public School.
- TAC110/03** **RECOMMENDED** that classifiers be placed on Ballina Road for both east and west-bound traffic and this information be conveyed to the Richmond Area Command. (R6408)

This concluded the business and the meeting terminated at 12.15 pm.

CHAIRPERSON

**TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR**

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

Sale of proposed Lot 734 Lancaster Drive, Goonellabah

Council has negotiated an offer of \$60,865.00 (plus GST) for the purchase of proposed Lot 734, being vacant land on the corner of Lancaster Drive and Oliver Avenue, Goonellabah. This Lot will not be available until August this year, but the price is consistent with previous sales, being \$35.00 per m² plus GST.

(P28320)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE

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

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

Recommendation:

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

Item 1: Airport Landing Fees

Grounds for Closure -

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 10, 2003 AT 6.03 PM.

Present: Mayor, Councillor King; Councillors Baxter, Chant, Crowther, Gallen, Hampton, Irwin, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Client Services, Manager-Finance & Administration, Waste Minimisation Officer (Lesley Trott), Manager-Communications & Community Relations, Manager-Roads & Infrastructure, Administrative Services Manager and Team Leader-Administrative Support.

103/03 **Apologies/** Leave of absence was approved for Councillor Irwin for the period
Leave of June 20 – July 5, 2003.
Absence: (Councillors Hampton/Chant)

104/03 **Minutes:** The Minutes of the Ordinary Meeting held on May 13, 2003, were confirmed.
(Councillors Irwin/Baxter)

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 Barry Garland re Report – Proposed 2003/04 Roadworks Programme

(See Minute No. 110/03)

Mr Garland spoke against the recommendation which he stated was not the position of the Roads Management Committee with specific reference to Skyline Road. He detailed reasons why this road should not be upgraded and the impact it would have on other roads in the area.

(S374)

Mr Peter Lepatourel re Report – Proposed 2003/04 Roadworks Programme

(See Minute No. 110/03)

Mr Lepatourel spoke in support of the sealing of Tutable Creek Road. He claimed the location of the traffic counter did not give a true indication of the amount of traffic using the road, such as local traffic, festival traffic and traffic from The Channon Market. He urged Council to continue the sealing program.

(S374)

MAYORAL MINUTE:

Air Services – Regional Express Airlines

105/03 **RESOLVED** that the minute be received and –

- 1 That Lismore City Council write to the Premier and seek his intervention to facilitate opportunities for Regional Express Airlines to gain fairer and more equitable access to the provision of RPT air services for State Government personnel.
- 2 That this matter be referred to the Local Government & Shires Associations Roads & Infrastructure Committee with a request that they lobby the Premier for support.

(Councillors King/Crowther) (S370)

RESCISSION MOTION:

Aquatic Facility

Formal notice having been given by Councillors Irwin, Swientek and Tomlinson it was MOVED that Council's decision (Min. No. 90/03) at the special meeting of May 6 in regard to replacement of the Memorial Baths be rescinded.

(Councillors Irwin/Swientek)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors King, Chant, Baxter, Hampton, Suffolk and Crowther.
(03-4971: S845)

MOTIONS:

Rous Water – Section 64 Charges

Formal notice having been given by Councillor Hampton it was MOVED that Lismore City Council release to Rous County Council all Section 64 charges it has collected on its behalf.

(Councillors Hampton/Crowther)

AN AMENDMENT WAS MOVED -

- 1 That Lismore City Council release to Rous County Council all Section 64 charges it has collected on its behalf.
- 2 That Lismore City Council no longer collect S64 charges on behalf of Rous County Council for commercial and industrial development until Ballina Shire Council collects such charges.

(Councillors Irwin/Gallen)

On submission to the meeting the AMENDMENT was DEFEATED.

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

106/03 **RESOLVED** that Lismore City Council release to Rous County Council all Section 64 charges it has collected on its behalf.

(Councillors Hampton/Crowther)

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

107/03 **RESOLVED** that Council seek a round table discussion with Rous County Council, Ballina Council and this Council to resolve this issue.

(Swientek/Tomlinson)

Voting Against: Councillors Irwin, Chant, Baxter, Hampton and Crowther.
(03-5437: S306,S744)

Contract – Drop Off Centres

Formal notice having been given by Councillor Swientek it was MOVED that -

- 1 That Council not proceed with locking into a long term contract for the removal of the co-mingled recycling and papers from Council's drop off centres and then transported to Stott's Island in the Tweed.
- 2 That Council explore the feasibility of collecting co-mingled recyclables and stockpiling this resource at a designated area at the tip until such time as they can be recycled in a more economically and environmentally sound method.
- 3 That paper and cardboard collections be utilised in the worm farm and/or the co-generation plant at Broadwater if possible.
- 4 Council write to the Premier advising him of the strong concern at the escalating cost of providing recycling.

- 5 That Council urge the Premier to reconsider his decision to refer the issue of container deposit legislation to the Federal Government and instead respond to the feasibility study his government commissioned on this issue.
(Councillors Swientek/Baxter)

On submission to the meeting the motion was DEFEATED.

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

A FORESHADOWED MOTION WAS MOVED that -

- 1 Council write to the Premier advising him of the strong concern at the escalating cost of providing recycling.
- 2 Urging him if he is serious about addressing the issue of natural resource management during his term of government to reconsider his decision to refer the issue of container deposit legislation to the Federal Government and instead respond to the feasibility study his government commissioned on this issue.

(Councillors Irwin/Swientek)

108/03

RESOLVED that –

- 1 Council write to the Premier advising him of the strong concern at the escalating cost of providing recycling.
- 2 Urging him if he is serious about addressing the issue of natural resource management during his term of government to reconsider his decision to refer the issue of container deposit legislation to the Federal Government and instead respond to the feasibility study his government commissioned on this issue.

(Councillors Irwin/Swientek)

(03-5226: S763)

CBD Upgrade

Formal notice having been given by Councillor Irwin it was MOVED that the CBD upgrade be included in the 2003-2004 budget.

(Councillors Irwin/Gallen)

AN AMENDMENT WAS MOVED that funds be provided in the 2003/04 budget to allow consideration of the following upgrade works with a report to be brought to Council before proceeding:

- 1 Upgrade of inner CBD lanes and street system. Refer to Council's former plans – circa early 1980's.
- 2 Streetscape upgrade in North Lismore, in Bridge Street from roundabout at bridges to Northern Rivers Hotel intersection in Bridge Street; from Northern Rivers Hotel to railway viaduct in Terania Street.
- 3 Streetscape upgrade in South Lismore in Casino Street from Union Street intersection to Ostrom Street.
- 4 Pavement rehabilitation in Keen Street from Woodlark Street to Conway Street with existing streetscape left in place and with no loss of present parking places.

(Councillors Crowther/Suffolk)

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

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

- 109/03 **RESOLVED** that funds be provided in the 2003/04 budget to allow consideration of the following upgrade works with a report to be brought to Council before proceeding:
- 1 Upgrade of inner CBD lanes and street system. Refer to Council's former plans – circa early 1980's.
 - 2 Streetscape upgrade in North Lismore, in Bridge Street from roundabout at bridges to Northern Rivers Hotel intersection in Bridge Street; from Northern Rivers Hotel to railway viaduct in Terania Street.
 - 3 Streetscape upgrade in South Lismore in Casino Street from Union Street intersection to Ostrom Street.
 - 4 Pavement rehabilitation in Keen Street from Woodlark Street to Conway Street with existing streetscape left in place and with no loss of present parking places.
- (Councillors Crowther/Suffolk)
- Voting Against:** Councillors Irwin, Roberts, Tomlinson, Gallen and Swientek.
(03-5438: S854)

REPORTS:

Proposed 2003/04 Roadworks Programme

A MOTION WAS MOVED that the report be received and –

- 1 That Council approve the proposed Roadworks Programme as recommended in the report.
 - 2 That subject to additional funding becoming available during 2003/04, an extra \$60,000 be allocated to grading of gravel roads as a priority item.
 - 3 That Ostrom Street be included in a future programme.
- (Councillors Crowther/Hampton)

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That Council approve the proposed Roadworks Programme as recommended in the report, subject to Tuntable Creek Road being replaced with Stoney Chute Road.
 - 2 That subject to additional funding becoming available during 2003/04, an extra \$60,000 be allocated to grading of gravel roads as a priority item.
- (Councillors Roberts/Irwin)

On submission to the meeting the AMENDMENT was DEFEATED.

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

AN AMENDMENT WAS MOVED that the report be received and -

- 1 That Council approve the proposed Roadworks Programme as recommended in the report, subject to the full \$200,000 for road sealing being allocated to Tuntable Creek Road.
 - 2 That subject to additional funding becoming available during 2003/04, an extra \$60,000 be allocated to grading of gravel roads as a priority item.
 - 3 That Ostrom Street be included in a future programme.
- (Councillors Hampton/Chant)

On submission to the meeting the AMENDMENT was DEFEATED.

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

A FORESHADOWED AMENDMENT WAS MOVED that the report be received and –

- 1 That Council approve the proposed Roadworks Programme as recommended in the report, subject to the full \$200,000 for road sealing being allocated to Terania Creek Road.

2 That subject to additional funding becoming available during 2003/04, an extra \$60,000 be allocated to grading of gravel roads as a priority item.

3 That Ostrom Street be included in a future programme.

(Councillor Roberts)

The foreshadowed amendment LAPSED for want of a seconder.

110/03 **RESOLVED** that the report be received and –

1 That Council approve the proposed Roadworks Programme as recommended in the report.

2 That subject to additional funding becoming available during 2003/04, an extra \$60,000 be allocated to grading of gravel roads as a priority item.

3 That Ostrom Street be included in a future programme.

(Councillors Crowther/Hampton)

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

(S374)

Voluntary Boundary Adjustment – North Woodburn

111/03 **RESOLVED** that the report be received and –

1 Council endorse the Mayor's participation in scoping discussions with Richmond Valley Council and all local stakeholder groups to further examine the case for a voluntary adjustment of the common Council boundary whereby properties in North Woodburn might be transferred to Richmond Valley Council.

2 Council meet with neighbouring councils to discuss resource sharing, possible boundary alteration and potential amalgamations.

(Councillors Swientek/Baxter)

Voting Against: Councillor Crowther.

(03-3283: S34)

Lismore Unlimited Opportunities – Special Business Rate Variation Levy

112/03 **RESOLVED** that the report be received and -

1 The Evaluation Report for the expenditure of the Special Business Rate Variation Levy Funds for the year ended June 30, 2002 be received and noted.

2 That Lismore Unlimited be congratulated on the report they have provided and the work that has gone into it.

(Councillors Roberts/Chant) (S740)

On Site Sewage Management

113/03 **RESOLVED** that the report be received and -

1 That Council adopt the revised On-Site Sewage Management Strategy.

2 That all consultants be advised officially by Council of the adoption of the Strategy to be effective as of July 1, 2003.

3 That Council formally thank all those consultants who participated in the advisory committee and show their appreciation for the considerable effort Environmental Health staff put into getting the strategy right.

4 That special appreciation be shown to Tony McCardell for developing the computer model.

(Councillors Roberts/Irwin) (S245)

Clunes Wastewater Study

114/03 **RESOLVED** that the report be received and Council –

1 Endorse the actions of the Committee as detailed in Attachment A.

2 Endorse the Committee's preferred range of Options for on-site treatment.

3 Endorse the Committee's preferred range of Options for Collection and Transport Systems, Treatment Systems, Reuse and Release.

- 4 Authorise the Committee to proceed with the preparation of the EIS.
- 5 The Committee be commended for its hard work and dedication in reaching this significant milestone.
(Councillors Tomlinson/Gallen) (S288)

Sale of Council Property – 71 Union Street, South Lismore

- 115/03 **RESOLVED** that the report be received and -
- 1 Council accept the offer to purchase the property for the sale price of \$125,000.
 - 2 The General Manager be authorised to execute and apply the Common Seal of the Council to the contract for sale and/or any other instrument necessary for the transfer of the property.
(Councillors Gallen/Irwin) (P9667)

Alcohol Free Zones

- 116/03 **RESOLVED** that the report be received and -
- 1 That the Alcohol Free Zones, as illustrated on the maps marked as Appendix 1 and Appendix 2 to this report, be re-introduced for a period of three (3) years from June 13, 2003
 - 2 Council advertise an expanded Lismore CBD alcohol free zone to take in Keen and Little Keen Street up to Orion Street, Orion Street from Keen Street to Molesworth Street and Molesworth Street from Orion Street to Zadoc Street, including the riverbank.
(Councillors Gallen/King) (S226)

Sporting Field Hire Policy No. 8.8.1

- 117/03 **RESOLVED** that the report be received and the amended Policy 8.8.1 – Hire of Council Sports Grounds (Urban and Rural) be adopted, subject to –
- 1 Clause 12a) - delete *“for domestic competition”* and add *“clubs and associations may use their one day allocation as they see fit”*.
 - 2 Delete Clause 16 and add *“If the regular hirer requires grounds outside their one day allocation, they shall be charged at a rate equal to the pro rata seasonal hire”*.
 - 3 Clause 12b) – amend the wording to read, *“No hirers are permitted”*
(Councillors Baxter/Hampton)
- Voting Against:** Councillors Irwin, Roberts, Swientek, Gallen and Tomlinson.
(S157)

Annual Remuneration Fee – Mayor and Councillors

- 118/03 **RESOLVED** that the report be received and that in accordance with Sections 248 and 249 of the Local Government Act 1993, Council fix the 2003/2004 annual fee for councillors at \$12,550 and for the mayor at \$27,395.
(Councillors Gallen/Hampton)
- Voting Against:** Councillors Irwin, Roberts and Chant.
(S38)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 21/5/03

- 119/03 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted.
(Councillors Gallen/Irwin) (S352)

DOCUMENTS FOR SIGNING AND SEALING:

120/03 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Lease – Council to Lismore Neighbourhood Centre Inc.

Lease of property at 70 Carrington Street, Lots 1/123208, 1/123244 and 1/1033659 for a period of 5 years from May 6, 2003 to May 5, 2008.
(03-4873: P1270)

Service Agreements – Salary Subsidy for Community Worker and Annual Funding for Koala Long Day Care Centre

Community Worker - \$11,098 – 12 months from 1/7/03 to 30/6/04
Koala Long Day Care Centre - \$31,939
(03-5188: S728)
(Councillors Irwin/Crowther)

CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:

121/03 **RESOLVED** that Council now exclude the press, public and staff and meet in Committee of the Whole to consider the following matter:-

General Manager's Performance Review – August 2002 to January 2003
(Councillors Gallen/Chant) (E/OSU-100)

RESUMPTION OF OPEN COUNCIL:

When the Council had resumed its former sitting, the Mayor 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 a personnel matter

AND IT NOW RECOMMENDED

Item 1:

That Council endorse and approve the decisions made by the Committee.

122/03 **RESOLVED** that the Mayor's report of Council meeting in Committee of the Whole be received and adopted.
(Councillors Irwin/Crowther)

This concluded the business and the meeting terminated at 9.52 pm.

CONFIRMED this 8TH day of JULY 2003 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 17, 2003 AT 6.03 PM.

Present: Mayor, Councillor King; Councillors Baxter, Chant, Crowther, Hampton, Irwin, Roberts, Suffolk, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Finance & Administration, Management Accountant, Manager-Communications & Community Relations, Administrative Services Manager and Team Leader- Administrative Support.

123/03 **Apologies/** An apology for non-attendance on behalf of Councillor Gallen was
Leave of received and accepted and leave of absence granted.
Absence: (Councillors Irwin/Hampton)

PUBLIC ACCESS SESSION:

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

Mr Mal Rothwell, Spokesman for Nimbin Business Community re Management Plan

(See Minute Nos. 125-135/03)

Mr Rothwell refuted claims of widespread support for the Nimbin business rate levy and criticised the process that has led to the proposal before Council. He urged that Council not proceed with the levy.

(S854)

Mr Peter Wise, Nimbin Pizza re Management Plan

(See Minute Nos. 125-135/03)

Mr Wise spoke in support of the levy claiming that it would create long term economic and tourism benefits for the business community and the general community as a whole.

(S854)

Ms Joy Matthews on behalf of North East Waste Forum re Management Plan

(See Minute Nos. 125-135/03)

Ms Matthews explained the function and benefits of NEWF and stressed the importance of regional co-operation. She urged Council to reconsider its membership.

(S854)

Mr Lindsay Matterson on behalf of SES re Management Plan

(See Minute Nos. 125-135/03)

Mr Matterson spoke to his submission for an additional \$10,000 in funding. He claimed that without such funding he would have to cut back on training, cap membership or mothball flood boats.

(S854)

REPORTS:

Recycling Service Review

- 124/03 **RESOLVED** that Council defer consideration of this matter to the ordinary meeting of Council on July 8, 2003.
(Councillors Swientek/Hampton) (S763)

2003/2004 Management Plan

- 125/03 **RESOLVED** that Council recognise the additional \$400,000 for both revenue and expense from the Federal Government's Blackspot Programme.
(Councillors Irwin/Hampton)
- 126/03 **RESOLVED** Council not provide for a differential business rate for Nimbin totalling \$10,000.
(Councillors Crowther/Tomlinson)
The voting being tied the Mayor declared the amendment APPROVED on his casting vote.
Voting Against: Councillors Irwin, Roberts, Swientek, Hampton and Chant.
- 127/03 **RESOLVED** that Council increase the contribution to the Lismore SES by \$10,000 to \$27,000 and fund from a reduction in the building maintenance allocation.
(Councillors Baxter/Hampton)
Voting Against: Councillor Irwin.
- 128/03 **RESOLVED** Council include an additional \$1,000,000 in borrowings for roadworks projects. The scope of works to be determined by Council after considering a report on the subject. The interest accrual for 2003/04 of \$12,000 for this loan be funded by a further reduction in the building maintenance allocation.
(Councillors Crowther/King)
Voting Against: Councillor Swientek.
- 129/03 **RESOLVED** that in addition to the \$700,000 allocated to Skyline Road from the roads capital budget for 2003/04, the budget be increased to \$1,520,000 with funding including \$220,000 carried over from reserves from 2002/03 and \$600,000 from developer levies collected.
(Councillors Crowther/Hampton)
Voting Against: Councillors Irwin, Roberts, Tomlinson and Swientek.
- 130/03 **RESOLVED** that, in addition to the \$100,000 allocated to Caniaba Road from the roads capital budget for 2003/04, the budget be increased to \$150,000 with \$50,000 funded from developer levies.
(Councillors Crowther/Chant)
- 131/03 **RESOLVED** that for the purposes of confirmation to lending institutions in Lismore City Council's minutes, the 2003/04 budget contains the planned borrowing of \$7,370,000.
(Councillors Crowther/Hampton)

RESCISSION MOTION:

A Notice of Rescission Motion signed by Councillors Irwin, Hampton and Swientek with respect to the resolution Differential Business Rate for Nimbin (Min. No. 126/03) was submitted to the meeting.

MATTER OF URGENCY

Differential Business Rate for Nimbin

132/03 **RESOLVED** that the Rescission Motion be admitted to the business paper as a matter of urgency.

(Councillors Swientek/Roberts)

Voting Against: Councillors Baxter and Crowther.

133/03 **RESOLVED** that Council's budget decision in regard to a differential rate for Nimbin be rescinded.

(Councillors Irwin/Swientek)

Voting Against: Councillors Suffolk, Baxter and Crowther.

134/03 **RESOLVED -**

1 That Council provide for a differential business rate for Nimbin totalling \$10,000, funded from general rating revenue and reduce the residential – urban/village rate by a compensating amount. The funds generated by the business rate be held until such time that a 'plan of action' is submitted and approved by Council. The reduction in the budget balance to be funded by a reduction in the building maintenance allocation of \$10,000.

2 That the rate be trialled for a 12 month period.

3 That business opinion be gauged at the end of the 12 month trial period.

4 That during the 12 month trial period the Council identify the mechanism for bringing on board businesses outside of but close to the village boundaries.

(Councillors Roberts/Irwin)

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

A MOTION WAS MOVED that an amount of \$2,000 be included for Council to join the Cities for Climate Protection Programme, to be funded by a reduction in the building maintenance allocation of \$2,000.

(Councillors Irwin/Tomlinson)

On submission to the meeting the motion was DEFEATED.

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

135/03 **RESOLVED** that the report be received and Council adopt the advertised draft Management Plan including the Budget and Fees & Charges, subject to the adopted changes.

(Councillors Irwin/Chant) (S854)

2003/04 Rates and Charges

136/03 **RESOLVED** that the report be received and the following motions be adopted:

(A) SUBJECT: GENERAL FUND RATES

Whereas Council has advertised its Draft Management Plan for 2003/2004, in accordance with Section 405 of the Local Government Act, 1993, and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that a **Business Rate** to be known as the "**Business Inner CBD**" Rate, of **four point four two nine six (4.4296) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and eleven dollars sixty cents (\$411.60)** per assessment, be now made for the rating year July 1, 2003 to June 30, 2004, on all rateable land within the centre of activity known as the 'Inner CBD' within the

area shown in Schedule 'C' and which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.

- (ii) It is hereby resolved that a **Business Rate** to be known as the "**Business Urban**" Rate, of **two point four nine three five (2.4935) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and eleven dollars sixty cents (\$411.60)** per assessment, be now made for the rating year July 1, 2003 to June 30, 2004, on all rateable land within the centre of activity outside the Inner CBD but within the urban area of Lismore as shown in Schedule 'D', which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iii) It is hereby resolved that a **Business Rate** to be known as the "**Business Other**" Rate, of **two point two eight nine four (2.2894) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and eleven dollars and sixty cents (\$411.60)** per assessment, be now made for the rating year July 1, 2003 to June 30, 2004, on all rateable land in the City of Lismore but not within the areas defined in Schedules 'C' and 'D' attached and the Village of Nimbin , as defined, which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (iv) It is hereby resolved that a **Business Rate** to be known as the "**Nimbin Business**" Rate, of **two point eight zero five five (2.8055) cents in the dollar** per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and eleven dollars sixty cents (\$411.60)** per assessment, be now made for the rating year July 1, 2003 to June 30, 2004, on all rateable land within the Village of Nimbin and which meets the definition of Business as defined in Section 518 of the Local Government Act, 1993.
- (v) It is hereby resolved that a **Farmland Rate**, to be known as the "**Farmland Rate**" of **point nine four five six (.9456) a cent in the dollar**, on the Land Value as at Base Date July 1, 2001, subject to a minimum amount of **four hundred and eleven dollars sixty cents (\$411.60)** per assessment, be now made for the rating year July 1, 2003 to June 30, 2004, on all rateable land in the City of Lismore area, which meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993.
- (vi) It is hereby resolved that a **Residential Rate** to be known as the "**Residential Rate**" of **one point nine one eight four (1.9184) cents in the dollar**, on the Land Value as at Base Date July 1, 2001, subject to a minimum amount of **four hundred and eleven dollars sixty cents (\$411.60)** per assessment, be now made for the rating year July 1, 2003 to June 30, 2004, on all rateable land within the centres of population defined in Schedule 'A' attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.
- (vii) It is hereby resolved that a Residential Rate sub-category to be known as "**Residential Billen**" of **one point nine one eight four (1.9184) cents in the dollar**, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **two hundred and eighty nine dollars sixty cents (\$289.60)** per assessment, be now made for the rating year July 1, 2003 to June 30, 2004 on all rateable land within the centre of population defined in Schedule 'B' attached and meeting the definition of residential land, as set out in Section 516 of the Local Government Act, 1993.

- (viii) It is hereby resolved that a Residential Rate sub-category to be known as the “**Residential Rural**” rate of **one point three eight six zero (1.3860) cents in the dollar**, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **four hundred and eleven dollars sixty cents (\$411.60)** per assessment be now made for the rating year July 1, 2003 to June 30, 2004 on all land which meets the definition of Residential as defined in Section 516 of the Local Government Act, 1993, except for the land described in Schedules ‘A’ and ‘B’ attached to this report.
- (ix) It is hereby resolved that a Special Rate to be known as the “**Flood Levee**” rate of **point one zero six seven (.1067) of a cent in the Dollar**, per assessment, on the Land Value as at Base Date July 1, 2001 subject to a minimum amount of **two dollars** be now made for the rating year July 1, 2003 to June 30, 2004 on all land within the area defined in Schedule ‘I’ attached to this report which in Council’s opinion will receive a special benefit from the construction of the Flood Levee from a one in ten year flood event.

(B) SEWERAGE AND TRADE WASTE CHARGES

Whereas Council has advertised its Draft Management Plan for 2003/2004 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993.

Lismore and Perradenya Sewerage Scheme

- (i) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **three hundred dollars and sixty seven dollars (\$367.00)**, per assessment.

This charge applies to properties connected to the Lismore Sewerage Scheme and is to be known as the “**Lismore Sewer**” charge for the period July 1, 2003 to June 30, 2004

- (ii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule “E”, where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Lismore Sewerage Scheme to be known as the “**Lismore Sewer Multiple**” charge for the period July 1, 2003 to June 30, 2004, excluding residential Strata Units.
- (iii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and twenty dollars (\$220.00)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Main and capable of discharging into that main but not connected thereto to be known as the “**Lismore Sewer Unconnected**” charge for the period July 1, 2003 to June 30, 2004.

Lismore Trade Waste Charges

- (iv) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule "F", where the charge is indicated by the number of equivalent tenants allocated to an assessment in accordance with the methodology set out in Council's Sewer Usage Charging Strategy to be known as the "Lismore Non-Residential Sewer" charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2003 to June 30, 2004.
- (v) It is hereby resolved that, in accordance with Sections 502 and 539 of the Local Government Act, 1993, a charge be now made, for properties declared by Lismore City Council to be Established Strength Users in accordance with Lismore City Council's Trade Waste Policy, Section 3.2, to be calculated in accordance with Lismore City Council's Sewerage Usage Charging Strategy, Section 2.5, as follows:
- A charge of **eighty four cents (84 cents)** per kilolitre of discharge; plus
A charge of **one dollar and twenty seven cents (\$1.27)** per kilogram of Biochemical Oxygen Demand; plus
A charge of **eighty cents (80cents)** per kilogram of Suspended Solids; plus
A charge of **two dollars twenty (\$2.20)** per kilogram of Oils and, or Grease to be known as the "**Established Strength**" charge for the period July 1, 2003 to June 30, 2004.

Nimbin Sewerage Scheme

- (vi) It is hereby resolved that in accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the provision of Sewerage Services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **four hundred and forty two dollars (\$442.00)** per assessment.

This charge applies to properties connected to the Nimbin Sewerage Scheme and is to be known as the "**Nimbin Sewerage**" charge for the period July 1, 2003 to June 30, 2004.

- (vii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge, as per the attached Schedule "G", where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of Sewerage Services to a parcel of land connected to the Nimbin Sewerage Scheme to be known as the "**Nimbin Sewerage Multiple**" charge for the period July 1, 2003 to June 30, 2004, excluding Residential Strata Units.

- (viii) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and sixty five dollars (\$265.00)** per assessment for all rateable parcels of land within 75 metres of a Nimbin Sewer Main and capable of discharging into that main but not connected thereto to be known as the “**Nimbin Sewerage Unconnected**” charge for the period July 1, 2003 to June 30, 2004.

Nimbin Trade Waste Charges

- (ix) It is hereby resolved that in accordance with Sections 501, 539 and 541 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Nimbin Sewer Scheme, as per the attached Schedule “H”, where the charge is indicated by the number of equivalent tenants allocated to an assessment, in accordance with the methodology set out in Council’s Trade Waste Approvals Policy to be known as the “**Nimbin Non Residential Sewer**” charge for the period July 1, 2003 to June 30, 2004.

Lismore & Nimbin Sewerage Schemes

- i) It is hereby resolved in accordance with Section 501 of the Local Government Act, 1993, that an annual charge of sixty three dollars (\$63.00) be now made for the annual inspection of properties connected to either the Lismore or Nimbin Sewer Schemes with grease arrestors or corrugated plate interceptors, to be known as the ‘ Sewer Inspection’ charge for the period July 1 2003 to June 30 2004.

(C) SUBJECT: WATER CHARGES

Water

Whereas Council has advertised its Draft Management Plan for 2003/2004 in accordance with Section 405 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that in accordance with Section 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the provision of water and water service availability, based on the size of the water service connected to a property.

For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **Eighty six Dollars (\$86)** per fire fighting service; for the year July 1, 2003 to June 30, 2004 to be known as the “**Fixed Service Charge**” is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 86
25mm	\$ 145
32mm	\$ 240
40mm	\$ 371
50mm	\$ 579
65mm	\$ 971
80mm	\$ 1,477
100mm	\$ 2,308

150mm

\$ 5,190

- (ii) In accordance with Sections 501, 503, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's Water Supply but capable of connection thereto and within 225 metres of a Lismore City Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2003 to June 30, 2004, to be known as the "**Water Availability**" charge, of **Eighty six dollars \$86.00** per assessment is hereby made.
- (iii) In accordance with Section 502 and 503 of the Local Government Act, 1993 for water recorded by the water meter on a property a charge of **eighty six cents (86 cents)** per kilolitre for the year July 1, 2003 to June 30, 2004 to be known as the "**Consumption**" charge is hereby made.

(D) SUBJECT: DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES

Whereas Council has advertised its Draft Management Plan for 2003/2004 in accordance with Section 406 of the Local Government Act, 1993 and has considered submissions to its Draft Management Plan in accordance with Section 406 of the Local Government Act, 1993:

- (i) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Oliver Avenue Office, not utilising the domestic waste management service provided by Council to be known as the "**waste availability**" charge, of **Five dollars (\$5.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 2003 to June 30, 2004.
- (ii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the "**Environment Protection** " charge, of **thirty seven dollars and ninety cents (\$37.90)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, which are levied the Nimbin Transfer Station Charge, for the period July 1, 2003 to June 30, 2004, that do not pay for a waste collection service or a non domestic waste collection service.
- (iii) It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Oliver Avenue Office, for the provision of the Nimbin Transfer Station Facility of **forty seven dollars (\$47.00)** per assessment, for properties with multiple units of resident occupancy a charge of **forty one dollars (\$47.00)** per unit of residential occupancy located on each assessment, to be known as the "**Transfer Station**" charge. Properties exempted from this charge within the Nimbin Section 94 Plan Area are those properties paying a Waste Collection Service or Non-Domestic Waste Collection – Rural, Charge for the period July 1, 2003 to June 30, 2004.

- (iv) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Lismore CBD, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **one hundred and fourteen dollars (\$114.00)** per bin collected per annum, to be known as the "**CBD Non-Domestic Waste**" charge for the period July 1, 2003 to June 30, 2004.
- (v) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties located outside the Urban area of Lismore, maps of which are available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and Council collects an approved 240 litre mobile waste bin from that property, of **one hundred and six dollars (\$106.00)** per bin collected per annum, to be known as the "**Rural Non-Domestic Waste**" charge for the period July 1, 2003 to June 30, 2004.
- (vi) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of a 140 litre approved wastemaster bin. In addition, on a fortnightly basis Council will remove a 240 litre approved wastemaster bin. This charge is to be known as the "**Integrated Waste**" collection service for the period July 1, 2003 to June 30, 2004 and will be charged at **one hundred and twenty five dollars fifty cents (\$125.50)** per annum. Additional services will be charged at **one hundred and twenty five fifty cents dollars (\$125.50) per annum**. Services commenced during the charging period will be charged for on a proportional basis.
- (vii) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act, 1993, for the removal of one approved 240 litre wastemaster bin each week, from domestic premises, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office, of **one hundred and ten dollars (\$110.00)**, to be known as the "**Waste Collection Service**" charge, additional services will be charged at **one hundred and ten dollars (\$110.00)**, for the period July 1 2003 to June 30 2004. Services commenced during the charging period will be charged for on a proportional basis.
- (viii) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects an approved 240 litre mobile waste bin on a fortnightly basis and a 140 litre approved wastemaster bin on a weekly basis from that property, of **one hundred and six dollars (\$106.00)** per bin collected per annum, to be known as the "**Non Domestic integrated waste**" charge for the period July 1, 2003 to June 30, 2004. For services commenced during the year a proportional charge will be made.

(E) INTEREST CHARGES

Council is able, under Section 566 of the Local Government Act, to charge interest on outstanding Rates and Charges. The Minister for Local Government has advised, Circular 02/115, that the maximum allowable amount of interest for 2003/2004 is 9%. This Council has generally adopted the maximum interest Rate as the amount to be charged.

- (i) It is hereby resolved that the 2003/2004 interest Rate on outstanding Rates and Charges will be 9%.

(Councillors Crowther/Baxter)

Voting Against: Councillor Swientek.

MATTER OF URGENCY:

Documents for Signing and Sealing:

137/03 **RESOLVED** that the this matter be admitted to the business paper as a matter of urgency.
(Councillors Irwin/Crowther)

138/03 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Mortgage Deeds – 2002/03 Borrowings Programme – Commonwealth Bank of Australia

Council will borrow \$1,105,000 for the renovation of the library and \$450,000 for the Molesworth Street upgrade. The loans have been offered to us on a 15 year – 5.27% and 8 year – 5.17% basis. Annual repayments are approximately \$104,300 and \$65,500 respectively.

(Councillors Crowther/Irwin)

Voting Against: Councillor Swientek.

This concluded the business and the meeting terminated at 8.02 pm.

CONFIRMED this 8TH day of JULY, 2003 at which meeting the signature herein was subscribed.

MAYOR

