

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on
November 13, 2007 at 6.00pm
and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

November 6, 2007



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary October 9, 2007

Extraordinary October 30, 2007

Disclosure of Interest

Public Access Session

Brother Peter – Notice of Motion - Public Carpark Sign

Father Denis Carroll – Notice of Motion – Dawson / Leycester Streets Roundabout

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Altering Order of Business

(Consideration of altering the order of business to debate matters raised during Public Access).

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Questions Without Notice

Confidential Matters – Committee of the Whole



Strategic Plan Summary

Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic Development	To build Lismore's reputation as a regional city for residents, businesses, education providers, health services and government.	<ul style="list-style-type: none"> ▶ Champion education ▶ Promote health facilities ▶ Support regional agriculture ▶ Promote cultural life ▶ Promote Lismore as a legal centre ▶ Support for sport
	To increase regional economic development, tourism and job-creating investments.	<ul style="list-style-type: none"> ▶ Promote regional development ▶ Develop tourism ▶ Support businesses ▶ Pursue CBD revitalisation ▶ Assist in job creation ▶ Assist in creating new income opportunities
Quality of Life	To make Lismore a safe, healthy and caring community in which to live.	<ul style="list-style-type: none"> ▶ Increase social cohesion ▶ Support villages ▶ Provide community services ▶ Encourage sustainable development ▶ Promote recreation and leisure
Leadership by Innovation	To lead the region by demonstrating innovative practices in governance, customer service, communication, consultation, virtual amalgamation and financial management.	<ul style="list-style-type: none"> ▶ Lead the region ▶ Increase revenue from grants ▶ Improve customer service ▶ Consult the community ▶ Update technology ▶ Provide user pays services ▶ Privatised selected services ▶ Share assets and resources
Natural Environment	To preserve and rehabilitate Lismore's natural environment.	<ul style="list-style-type: none"> ▶ Provide sustainable land use planning ▶ Improve catchment management ▶ Conserve and repair the environment
Infrastructure	To further enhance Lismore's transportation, parking and pedestrian networks.	<ul style="list-style-type: none"> ▶ Improve transport systems ▶ Improve roads, cycleways and footpaths ▶ Assist with public transport ▶ Assist airport operations ▶ Support fleet operations
Water and Waste Cycle	To educate our community and lead the state in water and waste-cycle management.	<ul style="list-style-type: none"> ▶ Manage stormwater drainage systems ▶ Manage water and sewage ▶ Manage the waste stream and reduce waste

Notice of Motion

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

That the Trinity Catholic College sign on our public car park in Dawson Street be removed and replaced with a sign which welcomes people to Lismore

Councillor Ros Irwin

Staff Comment

- The Trinity Catholic College sign was given consent as part of DA2004/1109 and followed discussions between the Group Manager City Works and the Principal of the College undertaken when Council was negotiating the construction of the round about that has since been completed.
- Since that time the lot on which the sign is erected has been transferred to Council for use as a Public Carpark. As the land is now in Public ownership it would be open to Council to remove the sign.
- Removal of the sign would be a breach of good faith and be contrary to the intent of both the consent and the negotiations previously mentioned.
- There is merit in a "WELCOME TO LISMORE" sign however it would be better placed further to the north along the Bangalow Road, not after motorists have passed through a residential area and enter Dawson Street.
- If there remains an issue in regard to the public being confused as to whether or not the subject carpark is "public" or "private" then the solution would lie in better carpark signage, however it should be noted that Council has not received any telephone calls or letters in regard to this carpark for almost one year.

The Notice of Motion is not supported on the grounds that it reneges on an undertaking given in good faith, as part of a genuine negotiation, which delivered an in kind benefit to the community through the Council

Notice of Motion

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

That the public car park on the corner of Dawson and Leycester Streets be identified as the Bob Gates Car Park.

Councillor Ros Irwin

Staff Comment

Council's Policy on naming public places (8.9.1) recommends proposed names should be considered in accordance with several guidelines including a persons relevance to the history of the site and the characteristics of the locality. The policy also states an appropriate level of community consultation should be undertaken.

It would be in breach of Council's policy to support the Notice of Motion as presented. The appropriate initiating motion should be:-

"That Council commence the approved process which will enable the public carpark adjacent to Trinity College and the Police Citizen's Boys Club to be formally named".

Notice of Motion

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

That staff implement the Council's Policy and Process for the installation of public art on the roundabout at the corner of Dawson and Leycester Streets.

Councillor Ros Irwin

Staff Comment

Refer to report in Business Paper.

The report addresses the roundabout work but does not support the intent of this Notice of Motion.

Report

Subject/File No.	Development Application No. 2006/672 – Lismore City Council, Three Chain Road & Caniaba Street, South Lismore
Prepared by	Development Assessment Planner
Reason	Development Application requires Council Consent
Objective	Council determination of the Development Application
Strategic Plan Link	Natural Environment, Economic Development
Management Plan Project	Development Assessment

Background

The subject Designated Development Application, for excavation within the “Airport Floodway” to improve the hydraulic performance of the floodway and an extractive industry was lodged with Council on October 13, 2006.

The proposed excavation project forms part of the Lismore Floodplain Management Plan 2002, which was prepared by Council involving representatives from Council (staff and Councillors), the NSW Department of Natural Resources and members of the Lismore community. The Lismore Floodplain Management Plan was publicly exhibited prior to its adoption by Council.

The flood modelling undertaken as part of the preparation of the Lismore Floodplain Management Plan showed that the airport floodway included constraints on the movement of floodwaters from Leycester Creek down the floodplain to the Wilson River.

The land proposed to be excavated as part of this application is identified as the ‘preferred excavation area’ of the Lismore Floodplain Management Plan and Chapter 8 (Flood Prone Lands) of the Lismore Development Control Plan. In this regard, the Lismore Floodplain Management Plan states that “*the preferred excavation area is that area within the floodplain from which, when fill material is won, the greatest benefit to the flood plain management can be obtained*”.

The proposed excavation project complements and furthers the Lismore Levee Scheme in accordance with strategic outcomes and directions of the Lismore Floodplain Management Plan, the Lismore Local Environmental Plan 2000 and Chapter 8 (Flood Prone Lands) of the Lismore Development Control Plan.

Proposal:

To undertake the excavation of earth on land in the airport floodway between the recently constructed South Lismore flood levee, former municipal landfill site and South Lismore Sewage Treatment Works to:

- Improve the hydraulic capacity of the floodway thereby reducing floodwater in Leycester Creek into North, South and Central Lismore in a major flood event;
- Increase the floodway cross sectional area equivalent to those areas which abut upstream and downstream, of floodway proposed to be excavated; and
- Provide extracted material as fill for use on the Lismore floodplain.

The area of extraction is approximately 58 hectares. The quantity of fill likely to be extracted is 410,000m³. A condition is requested by the applicant to permit extraction on a 'rolling' average basis where the average annual rate of extraction over any four year period will not exceed 49,000m³ insitu material.

The proposed "extractive industry" constitutes Designated Development in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000.

The proposed development constitutes Integrated Development in accordance with the provisions of Section 91 of the Environmental Planning & Assessment Act 1979, on the basis that the following approvals are required for the works:

Approval Authority	Provision / Act	Approval
<p>Department of Primary Industries (Fisheries) Department of Water & Energy</p> <p>(Previously the Department of Natural Resources)</p> <p>Department of Environment and Climate Change</p>	<p>Section 201 Fisheries Management Act 1994 Sections 89, 90, 91 Water Management Act 2000</p> <p>Sections 43(a), 47 & 55 Protection of the Environment Operations Act 1997</p>	<p>Permit to carry out dredging or reclamation work. Water use approval, water management work approval or activity approval under Part 3 of Chapter 3.</p> <p>Environment protection licence to authorise carrying out of scheduled development work at any premises.</p>

Applicant:

Lismore City Council

Location:

The subject development application relates to the following land parcels in South Lismore:

Lot 2 DP 1035591, known as 216 Casino Street;
 Lot 74 DP 755737, known as 135A Three Chain Road;
 Lot 1 DP 182457, known as 135B Three Chain Road;
 Lot 2 DP 596412, known as 97 Caniaba Street;
 Lot 1 DP 596412, known as 197 Caniaba Street;
 Lot 71 DP 755737, known as 171 Caniaba Street; and
 Lot 62 DP 755737, known as 135 Three Chain Road.

Zoning:

Part Zone No. 5 (Special Uses Zone - Sewage Treatment Works) and part Zone No. 1(r) (Riverlands Zone) in accordance with the provisions of Lismore Local Environmental Plan 2000.

Key Issues:

- Noise;
- Traffic;
- Flooding;
- Water and Groundwater Impacts;
- Dust;

- Aboriginal Cultural Heritage; and
- Flora and Fauna.

Assessment of Development Application – Consultant’s Report

As Council owns the lands subject of this application, an external Town Planning Consultant, being Malcolm Scott, was engaged to prepare the Environmental Impact Statement to accompany the Development Application. In the same regard, Council’s Planning and Development Group engaged an external Town Planning Consultant, being Kate Singleton, to carry out the statutory development assessment and prepare a Development Assessment report to Council.

Attached for Council’s consideration is Kate Singleton’s Development Assessment Council Report.

Public Notification:

As advised in the Consultant’s Report, there were a total of four (4) public submissions received in response to the Public Exhibition of the Designated Development Application. Of these four (4) submissions, three (3) were from, or on behalf of, the same property owner.

The issues raised in each of the submissions have been summarised and addressed in the attached Consultant’s Report.

Council Comments

Comments from Council’s relevant Management Programs have all been incorporated into the Consultant’s Report as well as recommended conditions of consent.

Conclusion:

Council’s Planning and Development Section has reviewed the attached Consultant’s Report and endorses the conclusions and recommendation contained therein. These consultant recommendations are incorporated in the following recommendation (PLA3).

The provisions of the Environmental Planning and Assessment Act 1979 have been observed and upheld in the processing of this application.

Recommendation (PLA3)

- A That Council grant consent to Development Application No. 2006/672, for excavation within the ‘Airport’ floodway to improve the hydraulic performance of the floodway and an extractive industry, subject to conditions as detailed below in this report;
- B That Council prepare and submit a development application, within 12 months of the date of this Consent, for the widening of the existing open drain immediately to the west of the South Lismore levee, along the South Lismore Industrial area, to 30 metres, in accordance with the hydraulic assessment prepared by Patterson Britton & Partners Pty Ltd and dated 16 March 2007; **AND**
- C That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

CONDITIONS OF CONSENT

STANDARD

1 In granting this development consent, Council requires:

- All proposed works be carried out in accordance with any amendment or modification outlined in

these conditions

- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the following stamped approved plan(s):

- Plan No. 1 of 9 (Site Plan) prepared by Greg Alderson & Associates Pty Ltd and dated 15 March 2007;
- Plan No. 2 of 9 (Amended March 2007), prepared by Greg Alderson & Associates Pty Ltd and dated March 2007;
- Plan No. 3 of 9, prepared by Greg Alderson & Associates Pty Ltd and dated 27 July 2006;
- Plan No. 4 of 9, prepared by Greg Alderson & Associates Pty Ltd and dated 27 July 2006;
- Plan No. 5 of 9, prepared by Greg Alderson & Associates Pty Ltd and dated 27 July 2006;
- Plan No. 6 of 9, prepared by Greg Alderson & Associates Pty Ltd and dated 27 July 2006;
- Plan No. 7 of 9 Amended March 2007), prepared by Greg Alderson & Associates Pty Ltd and dated March 2007;
- Plan No. 8 of 9, prepared by Greg Alderson & Associates Pty Ltd and dated 27 July 2006; and
- Plan No. 9 of 9 (4 sheets), prepared by Greg Alderson & Associates Pty Ltd and undated.

and supporting documents submitted with the application.

A copy/copies of the approved plan is/are attached to this consent.

Reason: *To correctly describe what has been approved. (EPA Act Sec 79C)*

GENERAL

- 2 The average annual extraction over any four (4) year period is not to exceed 49, 000m³ of insitu material.

Reason: *To ensure compliance with the development approval.*

- 3 This Consent permits extraction only from those areas delineated on the stamped approved plans.

Reason: *To ensure compliance with the development approval.*

- 4 No topsoil shall be sold or otherwise removed from the site without the prior consent of Council.

Reason: *To ensure compliance with the development approval.*

- 5 The site is to be fenced (such fencing is to be maintained) to discourage unauthorised entry to the site and to maintain safety.

Reason: *to discourage unauthorised entry and maintain safety.*

- 6 Prior to the excavation of material associated with this consent the applicant shall ensure that lands identified to receive such excavated fill material have valid operational development consents for land filling works.

Reason: *To clarify the terms of this consent and to preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

CONSOLIDATION

- 7 All separate parcels of land, other than those associated with the Sewage Treatment Works and the former Landfill, shall be consolidated into one (1) allotment under one title and lodged with the Registrar General.

Reason: *To prevent future dealing in separately titled land, the subject of one consolidated site development application.*

ENVIRONMENTAL MANAGEMENT PLAN

- 8 An Environmental Management Plan shall be prepared in accordance with acceptable environmental standards and address, but not be limited to, the following matters:

- soil and water management;
- management of quality and quantity of site discharges;
- hours of operation (particularly when activities are in close proximity to residential areas);
- use of attenuating barriers;
- operation, use and maintenance of plant and machinery;
- noise and vibration (use of attenuating barriers);
- air quality (including dust management);
- environmental monitoring;
- transport / vehicle management;
- hazardous materials;
- site security, signage and community consultation;
- complaint handling and management;
- personnel;
- site rehabilitation; and
- potential acid sulfate soils.

to monitor, control and minimise impacts during excavation of the site. The plan shall take into account the relevant requirements of legislation such as the Protection of the Environment Operations Act (1997) and relevant guidelines such as the NSW EPA Industrial Noise Policy. The plan shall be submitted to and be approved by Council **prior to the commencement of excavation works.**

Reason: *To minimise impacts on the amenity of the surrounding locality and to identify, plan for and clearly state ameliorative strategies to be adopted.*

ENVIRONMENTAL AUDITS

- 9 Annual audits shall be carried out of the proposed excavation works against the approved Environmental Management Plan. The audit shall identify areas of non-compliance and management responses to the same. An annual report of audit findings shall be submitted to Council prior to the 1st September following the commencement of this consent.

Reason: *To ensure compliance with the development approval.*

NOISE MANAGEMENT

- 10 Any noise generated during the construction of the development must comply with the requirements of any 'General Terms of Approval' issued by the Department of Environment and Climate Change.

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

VEHICULAR ACCESS / CARPARKING

- 11 The proposed driveway access shall be located a minimum of 90 metres from the Caniaba Street/Three Chain Road intersection and shall be provided with a bitumen sealed surface for a 30 metre length from Three Chain Road. Access aisles and parking areas shall be provided with a dust free or other approved surface. Such surfaces shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

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

- 12 All loading and unloading of plant, vehicles and equipment shall take place within the property boundaries.

Reason: *To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))*

- 13 All vehicles connected with the premises shall be parked or garaged within the property at all times.

Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))

- 14 Prior to commencement of excavation, vehicular access from the road pavement to the development shall be provided by the construction of a vehicular access, in accordance with the RTA's "Typical Rural Property Access Standard" and Council's Design and Construction Specification.

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

- 15 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 18 - Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

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

- 16 "Truck Entering" warning signage shall be erected at suitable locations along Three Chain Road advising of traffic hazard. Signs shall be displayed either side of the truck access during haulage operations.

Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))

SOIL & WATER MANAGEMENT

- 17 A "Soil Erosion and Sedimentation Control Plan of Management" (SECPM) must be submitted for Council's concurrence **prior to commencement of any works upon the site**. The plan must outline what measures are proposed and the action that will be taken to manage the completion of the development to minimise any erosion or sedimentation from the site in accordance with the requirements of Condition No. 18. The plan must be consistent with the "Managing Urban Stormwater-Soils and Construction" (blue book). It must have a summary sheet and be in plain English to ensure that it is capable of being readily understood and implemented by the site managers and operators and nominated responsible person/s. Responsible person/s must be nominated to Council in writing together with full 24 hour per day contact details for the purposes of the SECPM.

Reason: To ensure the proper management of the site with regard to soil erosion and sedimentation.

- 18 Soil and Water Management control measures shall be put in place and properly maintained to control stormwater runoff from the excavation area so as to ensure discharges satisfy the water qualitative and quantitative objectives of this consent. Control measures shall be in place prior to the commencement of nominated works and shall prevent soil erosion and the transport of sediment from the site into either:

- adjoining land;
- natural drainage courses;
- constructed drainage systems; or
- waterways.

Measures must maximise the diversion of clean waters and minimise the extent and duration of site disturbance. All control measures must be regularly inspected and maintained, to ensure they operate to the design requirements and to meet all relevant environment protection standards. Appropriate signage shall be erected on-site identifying the requirement for the maintenance of these measures. Weather patterns are to be monitored and co-ordinated in with the inspection and maintenance procedures. All disturbed areas shall be stabilised and revegetated. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

Reason: To ensure the proper management of the site with regard to soil erosion and sedimentation.

- 19 Soil materials are not to be carried onto adjoining roadway systems. This is to be achieved via

restricting access to the single stabilised construction entrance point with shake-down grid in Three Chain Road, limiting works in wet weather such as to prevent mud from being tracked onto the road network and providing covering of all earthen materials being transported from the site (i.e. covered truck bins).

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

HOURS OF OPERATION

20 The hours of work for any noise generating construction activity of the proposed works shall be limited to the following time restrictions:

Monday to Friday - 7.00am to 6.00pm

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

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

ENVIRONMENTAL

21 In the event of an incident on the premises that has caused, is causing, or is likely to cause harm to the environment, the owner shall report the event to Council immediately it becomes known to the owner or the owner's agent.

Reason: *To protect the environment (EPA Act Sec 79C(b))*

22 The proposed soil excavation works shall not be undertaken within a 40m exclusion zone of the former South Lismore landfill site. To satisfy this condition the applicant shall undertake a land survey of the site and formally mark the exclusion zone on ground with clearly recognisable markers.

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

23 The former South Lismore landfill site shall be capped to limit the infiltration of waters through the waste pile to control the potential for migration of pollutants from the landfill site. The capping is to be undertaken generally in accordance with Benchmark Technique No.28 of the Department of Environment & Climate Change (EPA) *Environmental Guidelines: Solid Waste Landfills 1996*, and is to be completed within two (2) years of the commencement of excavation.

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

24 All top soil shall be progressively stripped from areas to be excavated and stockpiled separately. Stock piles are to be located away from the excavation areas and be preserved for the continued rehabilitation of the excavated areas.

Reason: *To protect the environment (EP&A Act Sec 79C(b))*

25 A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be wetted when necessary to suppress dust generation.

Reason: *To protect the environment (EPA Act Sec 79C(b))*

VEGETATION MANAGEMENT

26 A detailed Vegetation Management Plan for the rehabilitation of the Swamps Oaks Forest (in duplicate) shall be submitted to Council and approved **prior to the commencement of works** on the site. The Vegetation Management Plan shall be in accordance with Council's Preliminary Flora and Fauna Assessment Guidelines and relevant Development Control Plans. Vegetation Management Plan shall indicate:

- GPS co-ordinates for area to be rehabilitated and area to be cleared.

- a species list of vegetation to be planted.
- A scaled plan (e.g. a cross section) clearly identifying the vegetation that is proposed to be rehabilitated and the vegetation, which is proposed to be cleared.
- Species list ensuring a range of different species from groundcover to trees that reflect the indigenous vegetation communities.
- Location of trees identified for retention in the development application plans
- Location and type of fencing.
- Planting strategy including spacing, time of planting (season), companion planting, erosion control methods.
- Methods used to regenerate (planting tube stock or seeding).
- Type of mulch.

The Vegetation Management Plans must be prepared by a person with adequate qualification.

Reason: *To ensure that adequate provisions are made to restore and protect Endangered Ecological Communities.*

- 27 A detailed Weed Management Plan for Hollingsworth Creek and the areas of swamp oak which are to be retained and fenced (in duplicate) shall be submitted to Council and approved **prior to the commencement of works** on the site. The Weed Management Plan shall be in accordance with Council's Preliminary Flora and Fauna Assessment Guidelines and relevant Development Control Plans. Weed Management Plan shall indicate:

- Weed species list.
- Scaled map/aerial photograph indicating the locations of the weed infestations.
- Detailed description of weed control methods.
- Description and layout of spray buffers required.

The Weed Management Plans must be prepared by a person with adequate qualification.

Reason: *To minimise the impact and spread of noxious weeds.*

- 28 No clearing of native vegetation is to occur outside the approved excavation area.

Reason: *To protect the environment (EP & A Act Sec 79C(b)).*

PUBLIC UTILITIES

- 29 The approved excavation works are to retain and protect the existing Country Energy infrastructure (power poles and lines) which traverse the southern part of the site. Details of how this infrastructure is to be retained and protected are to be submitted to, and approved by, Council and Country Energy **prior to the commencement of excavation works**.

Reason: *To protect the provision of utility services.*

ABORIGINAL SIGNIFICANCE

- 30 The applicant and any person acting on their behalf are to be advised that under the terms of the National Parks and Wildlife Act 1974 it is an offence for any person to knowingly destroy, deface or damage or permit the destruction, defacement or damage to a relic, Aboriginal place or other item of archaeological significance within the excavation area without the prior written consent of the Department of Environment and Climate Change (DECC).

Reason: *To protect Aboriginal and Archaeological significance.*

- 31 Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act 1974 (as amended) during site or excavation works, the applicant and any person acting on their behalf shall immediately notify the DECC, the Local Aboriginal Land Council and Council and shall cease operations within the vicinity thereof until such time as the consent of the DECC is obtained (if required) for the destruction, removal or protection thereof and the developer has complied with the directions of the DECC in that respect. The developer shall provide to Council copies of any direction given by the DECC in respect of Aboriginal relics that are subject to this condition.

Reason: *To protect Aboriginal and Archaeological significance.*

CONTRIBUTIONS

32 Levies have been calculated based on an annual rate of extraction of 49,000m³ of material, equivalent to 68,600 tonnes, annually (For use in calculations a conversion factor of 1.4 from m³ to tonnes and average haulage distance of 2.5 kilometres have been adopted). The proponent shall provide Council, on or before January 31, April 30, July 31 and October 31 in each year, with extraction figures and haulage distance for the previous quarter.

Reason: To correctly describe what has been approved and allow the calculation of S94 levies for material extracted.

33 Annual payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 2004 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified. Such levies shall be calculated utilising extraction returns as required by **Condition 32 above**. The rates and amounts applying at the date of this notice for an annual rate of extraction of 49,000m³ of material, equivalent to 68,600 tonnes and average haulage distance of 2.5 kilometres, total **\$9,160** annually, have been calculated as set out below for your information.

Levies set out below shall be increased in accordance with the percentage increase as notified by the Consumer Price Index (Sydney) annually. Levies shall be paid within 30 days of the Council issuing an assessment for the preceding year.

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

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

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

The levy shall be calculated in accordance with Councils adopted section 94 plan as at this date and be based on the following information:

- Road construction cost of \$369,000 per kilometre (indexed for CPI annually from December 2003)
- Average haulage distance of 2.5 kilometres.
- The first 5,000m³ (7000 tonnes) per annum shall be exempt from levies

Levy calculation for yearly extraction will be:

$$(\$369,000/6.74 \times 10^6) \times 2.5 \text{ km} \times (\text{Annual tonnage extracted} - 7000) \times 1.025 \times \text{CPI}$$

$$= (\$369,000/6.74 \times 10^6) \times 2.5 \text{ km} \times (68,600 - 7,000) \times 1.025 \times 1.06$$

$$= \$9,160$$

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated March 2004 as required by the increased population or activity. (EPA Act Sec 94)

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL**General terms of approval under the Fisheries Management Act 1994**

1 The works be carried out, and/or authorized by a relevant public authority (other than a local government authority) consistent with s201(2)(b) of the *Fisheries Management Act 1994*.

ADVISORY NOTES

NOTE 1: The applicant is required to contact Patrick Dwyer, Fisheries Conservation Manager (North) telephone 02 6626 1397 in relation to compliance with the above General Terms of Approval.

General Terms of Approval under the Protection of the Environment Operations Act 1997

Administrative conditions

Note: Mandatory conditions for all general terms of approval

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA06/672 submitted to Lismore City Council on 25 October 2006;
- and environmental impact statement ‘Excavation within the “Airport Floodway” to Improve the Hydraulic Performance of the Floodway and an Extractive Industry dated September 2006 relating to the development; and
- all additional documents supplied to the DECC in relation to the development, including the Revised Noise Impact Assessment for the Proposed Floodplain Improvements on the Lismore Floodplain dated 15 March 2007 and the Noise Impact Statement for the Lismore Floodplain Site dated August 2007.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L3. Concentration limits

N/A

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L6. Noise limits

L6.1 Noise from the premises must, to the extent practicable and reasonable, not exceed the sound pressure level (noise) goals presented in the Table below. Note the goals represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table.

Noise Goals (dB(A))

Location	Day
	L _{Aeq(15 minute)} , dB(A)

150-210 Casino Street	56
93 Caniaba Road	46
83 Caniaba Road	45
71-79 Caniaba Road	45
Ruane Road	43
122 Three Chain Road	48
YoungBerry's Three Chain Road	51
3-27 Maloney Street	43
Newbridge Street	43

L6.2 For the purpose of Condition 6.1:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,

L6.3 Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level goals in Condition **L6.1**.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DECC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

L6.4 The noise emission limits identified in Condition **L6.1** apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level.

Hours of Operation

L6.5 All operations at the premises must be conducted between 7am and 6pm Monday to Friday, unless inaudible at any residential premises.

L6.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L6.7 The hours of operation specified in conditions L6.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating Conditions

02. Dust

02.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

02.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

03. Stormwater/sediment control

03.1 A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction and operation activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing). This plan must provide details of the proposed measures and demonstrate their appropriateness for treating the type of runoff expected from this development and how they will achieve acceptable water quality outcomes.

04. Pollution of Waters

04.1 The licensee must take all practical measures to avoid or minimise total suspended solids (TSS), oil and grease and other pollutants contained in wet weather discharges.

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Water and Land			
Pollutant	Units of measure	Frequency	Sampling Method
(Data provided as example only)			
TSS	mg/L	Daily during discharge	Grab sample
Oil & grease	mg/L	Daily during discharge	Grab sample
pH	pH	Daily during discharge	meter

M3. Requirement to monitor volume or mass

N/A

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges),

provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

POLLUTION REDUCTION PROGRAMS

PRP1 Noise Management Plan

The proponent must prepare and implement a Noise Management Plan to the satisfaction of the EPA that covers all operational activities on the premises. The plan must include but need not be limited to:

- a) A primary objective to seek to achieve the noise goals in Table L6.1 at all times,
- b) Where the goals in L6.1 exceed the Project Specific Noise Levels (PSNL), reducing noise emissions over time to satisfy the PSNL,
- c) A system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) to minimise noise impacts over the life of the proposal,
- d) Effective implementation of practicable and reasonable mitigation measures required to seek to achieve the goals in L6.1 at all times and to, where possible, reduce noise levels to the PSNL where the limits exceed the PSNL,
- e) Measures to monitor noise performance and respond to complaints,
- f) Measures for community consultation not inconsistent with commitments given in the EA documentation including site contact details,
- g) Noise monitoring, and reporting procedures;

NOTE: PSNLs identified in the draft Noise Impacts Assessment prepared by Noise & Sound Services (NSS) undated, Report No. 21078.

PRP2 Community Engagement Plan

Prior to the commencement of activities at this site, the proponent is to design and implement a Community Engagement Plan to the satisfaction of the EPA. The Plan should be based on Appendix B of draft Noise Impacts Assessment prepared by Noise & Sound Services (NSS) undated, Report No. 21078.

PRP3 Traffic Noise Management Plan

Prior to the commencement of activities at this site a Traffic Noise Management Strategy (TNMS) is to be developed by the proponent to ensure best practice noise management strategies for vehicle movements associated with the facility that includes but is not necessarily limited to the following;

- measures to ensure that the non-residential traffic route identified in the EA is used,
- driver training to ensure that noisy practices such as the use of compression engine brakes are not used when approaching or leaving the premises,
- best noise practice in the selection and maintenance of vehicle fleets,
- communication and management strategies for council owned and operated vehicles to ensure the provision of the TNMS are implemented,
- a system of audited management practices that assesses the implementation and improvement of the TNMS.

PRP4 Groundwater Management Plan

Prior to the commencement of works the licensee must develop a Groundwater Management Plan which includes but is not limited to:

- contouring of water level results from all bores
- assessing the likelihood of intersecting groundwater prior to the excavation of each cell
- a monitoring program to be implemented in the event that groundwater is intersected. The monitoring program should be adequate to identify if groundwater is contaminated
- a process for determining and assessing the impacts of the operation on groundwater and groundwater dependant ecosystems and the impacts of any mobilization of any contaminants through an increased groundwater gradient
- the requirement to report to EPA if contaminated groundwater is intersected

Attachment – Mandatory Conditions for all EPA licences

Administrative Conditions**Other activities**

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

n/a

Operating Conditions**Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner.

- This includes:
 1. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 2. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 3. must be maintained in a proper and efficient condition; and
 4. must be operated in a proper and efficient manner.

Monitoring and Recording Conditions**Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

- The record must include details of the following:
 5. the date and time of the complaint;
 6. the method by which the complaint was made;
 7. any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 8. the nature of the complaint;
 9. the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 10. if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions**Annual Return documents****What documents must an Annual Return contain?**

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 11. a Statement of Compliance; and
 12. a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the

end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee,
 13. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 14. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
 15. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 16. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

- The notification must specify:
 17. the assessable pollutants for which the actual load could not be calculated; and
 18. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
 - (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm

occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- The request may require a report which includes any or all of the following information:
 19. the cause, time and duration of the event;
 20. the type, volume and concentration of every pollutant discharged as a result of the event;
 21. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
 22. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 23. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 24. (details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 25. (any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General Conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Report

Subject	Draft Amendment No 38 to Lismore Local Environmental Plan – 237 Gungas Road, Nimbin
File No	S955
Prepared by	Strategic Planner
Reason	Receipt of rezoning submission
Objective	To seek Council's endorsement for preparation of a draft amending LEP
Strategic Plan Link	Economic development
Management Plan	Implement adopted Council Land Use Strategies
Activity	

Overview of Report

Council is in receipt of a rezoning submission to enable the lodgement of a Development Application to create 32 rural residential lots. Upgrading of Gungas Road will be required to provide acceptable access to the development. Details of the proponent's obligations to upgrade Gungas Road will be incorporated into a Planning Agreement. It is recommended that Council proceed to prepare a draft LEP amendment to enable the proposal to proceed to the exhibition stage.

Background

Council is in receipt of a rezoning submission for Lot 2 DP 1080400 Gungas Road, Nimbin. The land is identified in Council's Rural Housing Strategy as having potential for rural residential settlement and is located approximately 2.5kms northeast of Nimbin.

Statutory Requirements

State Environmental Planning Policies

SEPP 55 (Remediation of Land) requires the consideration of contamination and remediation in relation to rezoning proposal. A Preliminary Contaminated Land Assessment was prepared for the site in accordance with SEPP 55 requirements and submitted in association with the rezoning submission.

The site was previously used as a banana farm and also contains a dip site. A Preliminary Contaminated Land Assessment for the dip site prepared by the consultants recommends that certain remediation methods be undertaken.

With regard to the site's previous use as a banana farm, the consultant's report indicates that no remediation is necessary as levels of contamination are significantly below the limits specified in the NSW EPA Guidelines (1998).

North Coast Regional Environmental Plan (NCREP)

Clause 20 of the NCREP provides that Council is only able to prepare a draft local environmental plan permitting rural residential development where:

- (a) it has prepared a rural land release strategy for the whole of its area, and
- (b) the Director has approved of the strategy, and

(c) the draft plan is generally consistent with that strategy.

The Lismore Rural Housing Strategy 2002 is the relevant adopted and approved rural land release strategy and the proposal is consistent with that strategy.

Clause 14 – (Plan Preparation, Wetlands or Fisheries Habitat) applies to land containing rivers, streams, wetlands or fisheries habitats. The objectives of this plan in relation to fisheries and catchment management are to preserve and enhance fishery habitats and associated catchments, and to promote the sustainable use of natural resources.

The conceptual layout of the development nominates building and effluent disposal envelopes, demonstrating sufficient setbacks from all creeks within the site. Rehabilitation of the riparian zones is proposed in accordance with the Rehabilitation Plan submitted in association with the rezoning submission.

S117 Directions

1.2 Rural Zones

This direction restricts rezoning of rural land for residential purposes. Inconsistency with this direction is justified by the fact that the proposal is justified by the Lismore Rural Housing Strategy.

4.4 Planning for Bushfire Protection

The site supports vegetation classified as Category 2 on Council's Bushfire Map. A bushfire report has been provided with the rezoning submission and demonstrates compliance with *Planning for Bushfire Protection 2001*.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

There is no State or regionally significant farmland within or adjoining the site.

Threatened Species Conservation Act, 1995

The Threatened Species Conservation Act outlines requirements for the protection of threatened species, communities and critical habitat in New South Wales.

Three species listed as 'endangered' under the *Threatened Species Conservation Act, 1995* were found within the subject area. The subdivision layout has been designed to ensure that there is no disturbance to the endangered species and a Management Plan has been prepared to address protection and conservation of the identified species.

Development Control Plans (DCP) and Council Policies

Chapter 11 - Buffers

The subject site has several constraints which require buffers to comply with DCP Part A Chapter 11, such as a dip site, a watercourse and grazing. The subdivision has been designed to ensure consistency with the provisions in DCP Part A Chapter 11.

Chapter 6 – Rural Subdivision

The proposal has been designed to ensure consistency with the provisions in the DCP relating to rural subdivision.

On-Site Sewerage and Wastewater Management Strategy (2003)

Council's Onsite Sewage and Wastewater Management Strategy requires that onsite wastewater systems be low-tech gravity fed. An assessment by the consultant revealed all nominated effluent envelopes have sufficient soil depth. All nominated sites will be able to accommodate gravity fed systems.

Council's Environmental Health and Building Services section is satisfied that the relevant issues have been addressed for on-site effluent disposal.

Preliminary Flora and Fauna Assessment and Environmental Management Plan Guidelines (2006)

The Flora and Fauna Assessment undertaken for the site identified three threatened species and several small patches of remnant vegetation scattered over the subject land.

The Management Plan addresses weed control, fencing and buffers, focusing on riparian zones. The Management Plan addresses the requirements of the Rural Housing Strategy and the *Threatened Species Conservation Act, 1995*.

Planning Agreement

A Planning Agreement is proposed to ensure upgrading of Gungas Road is funded by the developer to the required standard. The Planning Agreement will also ensure that a future subdivision application is generally in accordance with the plans submitted with the rezoning submission and that proposed environmental rehabilitation works are carried out in accordance with the submitted plans. It is proposed that the road upgrading be carried out in three stages which will be linked to future staging of the subdivision.

The terms of the proposed Planning Agreement are:

- Any future development application for subdivision to be generally in accordance with the plans that form part of the rezoning submission.
- Prior to the release of the subdivision certificate for each of the following lots; lots 7, 9, 11, 12, 13, 15, 20, 21, 22 & 30, the lot shall have constructed a driveway, in accordance with Councils Vehicular Access Policy, from the road pavement to the proposed dwelling envelope.
- The development shall be undertaken in 3 stages. Stages are to progress in numerical order.
- Prior to release of an allotment within proposed Stage 1 (Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 31 and 32) of the development the following works to Gungas Road shall be completed.
 - Gungas Road shall be constructed to a 6 metre sealed road on an 8 metre formation, with a suitable pavement to meet the requirements of Councils Development Design and Construction Specification, from Sheathers bridge to a point 10 metres north of the southern intersection of proposed road No. 1 with Gungas Road.
 - The upgrading or replacement of the two existing causeway/bridges located upon Gungas Road between Tuntable Falls Road and Sheathers Bridge. Replacement/upgraded structures are to meet all requirements of Councils Development Design and Construction Specification and be of a width suitable for two way traffic.
- Prior to release of an allotment within proposed Stage 2 (Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 29 and 30) of the development the following works to Gungas Road shall be completed.
 - Gungas Road shall be constructed to a 6 metre sealed road on an 8 metre formation with a suitable pavement to meet the requirements of Councils Development Design and Construction Specification from the end of the works required prior to release of lots within stage 1 to a point 10 metres north of the northern intersection of proposed road No. 1 with Gungas Road.
 - The widening of Gungas Road from Tuntable Falls Road to Sheathers Bridge to provide a 6

metre width sealed road on an 8 metre width gravel formation.

- Prior to release of an allotment within proposed Stage 3 (Lots 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28) of the development the following works to Gungas Road shall be completed.
 - Gungas Road shall be constructed to a 6 metre sealed road on an 8 metre formation with a suitable pavement to meet the requirements of Councils Development Design and Construction Specification from the end of the works required prior to release of lots within stage 2 to the northern boundary of the property.
 - A 6m wide 2 coat bitumen seal for the full length of the road from Tutable Falls Road to Sheathers Bridge . Works shall include reseal preparation incorporating heavy patching of existing pavement and crack sealing at locations as identified by Councils Rural Works Engineer and shoulder grading.
- A requirement that the rehabilitation works for the dip site will take place during internal road construction and are to be carried out in accordance with the approved plans, including a bond of 130% of the total cost for the proposed works which is to be released upon satisfactory completion of the rehabilitation works.
- A requirement that the following roadworks to be carried out in accordance with the following schedule:
 - **Stage 1** - Widen culverts on Gungas Road (between Tutable Falls Road and Sheathers Bridge) Construct frontage to 10m past new road or full frontage of the lots on east of Gungas Road.
 - **Stage 2** - Widen Gungas Road to 6m seal on 8m base (between Tutable Falls Road and Sheathers Bridge).
 - **Stage 3** - Reseal Gungas Road and heavy patching (between Tutable Falls Road and Sheathers Bridge). Construct frontage to northern point of property.
- Section 94 contributions collected for Gungas Road that have not been spent and which could, in accordance with the section 94 plan and relevant legislation, be spent on Gungas Road shall be allocated to the stage 3 roadworks.

The Planning Agreement must be exhibited concurrently with the draft LEP amendment.

Comments

Financial Services

As all required road upgrading works are to be funded by the developer through the proposed Planning Agreement there are no financial implications for Council.

Other staff comments

Council's Environmental Health and Building Services, Development Engineer and Lismore Water and Sewer have had input into the assessment of the proposal.

Public consultation

Opportunity for public consultation is provided during the public exhibition period for the draft LEP Amendments. The statutory minimum exhibition period in twenty eight (28) days.

Conclusion

The proposal complies with the requirements of the Lismore Rural Housing Strategy, NCREP, S117 Directions and relevant Council plans and policies. The upgrading of Gungas Road is to be carried out in stages but will be fully funded by the proponent. It is therefore recommended that Council prepare draft LEP Amendment No 38 to enable the rural residential subdivision of Lot 2 DP 1080400 Gungas Road, Nimbin in accordance with the subdivision layout submitted with the rezoning submission.

Recommendation (PLA5)

That Council resolve to:

- 1 Prepare a draft amendment to Lismore Local Environmental Plan 2000 pursuant to Section 54 of the EP&A Act 1979 to include Lot 2 DP 1080400, Gungas Road, Nimbin in Schedule 4 to allow subdivision to create 32 rural residential lots.
- 2 Notify the Director General of Planning of Council's decision in accordance with Clause 9 of the EP & A Regulation 2000.
- 3 Consult with relevant government and other agencies pursuant to section 62 of the EP&A Act.
- 4 Advertise the draft LEP amendment and Planning Agreement for a period of twenty eight days following finalisation of the Planning Agreement and upon receipt of an authorisation to exercise its delegations from the Department of Planning.

Report

Subject	Draft Amendment No. 36 to Lismore Local Environmental Plan – Pineapple Road
File No	S950
Prepared by	Strategic Planner
Reason	To advise Council of rezoning proposal
Objective	Council's endorsement to commence the LEP amendment process
Strategic Plan Link	Economic Development
Management Plan Project	Implement adopted Council land use strategies

Overview of Report

Council is in receipt of a rezoning submission for rural residential development over two lots in Pineapple Road. There are several issues relating to the upgrading of Pineapple Road, both to provide access to the development and to bring the road to an urban strategic road standard, which need to be incorporated into a Planning Agreement. Until this is resolved the draft LEP Amendment cannot proceed to the exhibition stage.

Background

Council is in receipt of a rezoning submission for Lot 2 DP 1064627 and Lot 8 DP 253464, Pineapple Road, Goonellabah. The submission seeks an amendment to the Lismore LEP to allow rural residential subdivision of the land. The proposal involves the subdivision of Lot 2 DP 1064627 to create 26 rural residential lots and two larger lots 25ha and 34.5ha and the subdivision of Lot 8 DP 253464 to create 10 rural residential lots and a residue lot of 31.6ha. The proposed lot layout is shown on the plan attached to this report.

Statutory Requirements

State Environmental Planning Policies

SEPP 55 (Remediation of Land) requires the consideration of contamination and remediation in relation to rezoning proposal. A Preliminary Contaminated Land Assessment was prepared for the site in accordance with SEPP 55 requirements and submitted with the rezoning submission. No further investigations were required at this stage as no potentially contaminating activities were identified as occurring on the site.

North Coast Regional Environmental Plan (NCREP)

Clause 20 of the NCREP provides that Council is only able to prepare a draft local environmental plan permitting rural residential development where:

- it has prepared a rural land release strategy for the whole of its area, and
- the Director has approved of the strategy, and
- the draft plan is generally consistent with that strategy.

The Lismore Rural Housing Strategy 2002 is the relevant adopted and approved rural land release strategy and the proposal is consistent with that strategy.

Clause 14 applies to land containing rivers, streams, wetlands or fisheries habitats. The objectives of this clause in relation to fisheries and catchment management are to preserve and enhance fishery habitats and associated catchments, and to promote the sustainable use of natural resources.

The subdivision layout nominates building and effluent disposal envelopes, demonstrating sufficient setbacks from all creeks within the site. Rehabilitation of the riparian zones is proposed in accordance with the Rehabilitation Plan submitted in association with the rezoning submission.

S117 Directions

1.2 Rural Zones

This direction restricts rezoning of rural land for residential purposes. Inconsistency with this direction is justified by the fact that the proposal is justified by the Lismore Rural Housing Strategy.

4.4 Planning for Bushfire Protection

Small areas of Lots 2 & 8 support Category 2 bushfire vegetation. The nominated dwelling sites are located outside the affected area.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

The land is not affected by State or regionally significant farmland.

Threatened Species Conservation Act, 1995

The Threatened Species Conservation Act outlines requirements for the protection of threatened species, communities and critical habitat in New South Wales.

One species listed as 'endangered' under the *Threatened Species Conservation Act, 1995* was recorded within the subject area. The proposed layout is conducive to the protection of this species and a Management Plan has been prepared to protect and conserve this species on the subject land.

Lismore Development Control Plan and Council Policies

Chapter 11 - Buffers

The subject site has several constraints which require buffers to comply with Chpt. 11 of Part A of the DCP, such as a dip site, watercourse and grazing. The proposal has been designed to ensure consistency with the provisions of the DCP.

Chapter 6 – Rural subdivision

The proposal has been designed to ensure consistency with the provisions in the DCP.

On-Site Sewerage and Wastewater Management Strategy (2003)

Council's Onsite Sewage and Wastewater Management Strategy requires that on-site wastewater systems be low-tech gravity fed. Although the site is constrained in places by poor subsurface conditions, there are sufficient areas able to accommodate on-site wastewater disposal systems consistent with the strategy requirements.

Wastewater disposal issues will be further investigated at subdivision stage where a more detailed site analysis will be required and options for treatment determined on an individual lot scale.

Preliminary Flora and Fauna Assessment and Environmental Management Plan Guidelines (2006)

The Flora and Fauna Assessment undertaken for the site identified one threatened species and several small patches of remnant vegetation scattered over the subject land.

The Management Plan addresses weed control, fencing and buffers, focusing on riparian zones. The Management Plan addresses the requirements of the Rural Housing Strategy and the *Threatened Species Conservation Act, 1995*.

Planning Agreement

A planning Agreement is proposed to address certain road upgrading requirements as well as to ensure that any future subdivision application is generally in accordance with the plans submitted with the rezoning submission and that proposed riparian rehabilitation works are carried out in accordance with the submitted plans.

Pineapple Road is identified as an urban strategic road in the Lismore DCP and Section 94 Contributions Plan providing a future link between Ballina Road and Bangalow Road. The upgrading of Pineapple Road to provide adequate road access to the proposed subdivision needs to have regard to the fact that the preferred route for the urban strategic road is not entirely coincident with the existing Pineapple Road formation and reserve. Consequently arrangements need to be made between the proponents and Council to ensure that any road upgrading proposed as part of the development or rezoning application is consistent with future plans for reconstructing Pineapple Road to the urban strategic road standard.

The appropriate mechanism for achieving this is through a Planning Agreement made under section 93F of the EP&A Act. Planning Agreements are voluntary agreements made between a proponent and Council to achieve certain agreed outcomes at either the rezoning or DA stage. To ensure that road upgrading works required to service the proposed subdivision are consistent with Council's requirements for a future urban strategic road, the proposed terms of the Planning Agreement should include:

- 1 The developer to pay a contribution of \$255,000 to Council as a contribution towards the upgrading of the section of road from the end of the existing upgraded section of Pineapple Road to the southern most frontage of the land to be rezoned.
- 2 The section of Pineapple Road fronting the proposed development will be constructed by the developer prior to the release of the first Subdivision Certificate. The road shall be constructed as a 7 metre wide seal on a 13 metre wide formation. Council is to pay a contribution of \$94,000 towards this work. The contribution has been based on the difference in cost from a 7m seal on a 9m gravel formation to a 7m seal on 13m gravel formation.
- 3 Council shall pay to the developer the rural land value (\$5770) of the additional land to widen the road reserve from 20m to what is required to accommodate the arterial road.
- 4 The developer shall dedicate to Council a public road reserve as indicated on the attached plan. As compensation for the purchase of this land Council shall pay to the developer, upon dedication of the land, compensation based on the rural land value only for the land to be dedicated. The land dedication shall be incorporated within the first subdivision certificate for the rezoned land and the bulk earthworks shall be undertaken either by or at Council's expense prior to release of the lots.

The amounts identified in points 1 to 3 above are as of January 2006 and are subject to CPI increases. Because the road upgrading issues are critical to this rezoning, the draft LEP amendment is unable to proceed until the terms of the Planning Agreement have been resolved and agreed to by all parties. Unfortunately it has not been possible to reach agreement with the owners of Lot 2 DP 1064627 on the amount of compensation payable by Council for dedication of land for the road reserve.

The road reserve referred to in point 4 extends from the end of the constructed section of Pineapple Road to the western boundary of Lot 2 DP 1064627 as shown on the attached plan. This section will not be constructed for some time until the proposed link between Ballina Road and Bangalow Road is required.

In 1996 Council staff made an offer of compensation to the landowners for the proposed acquisition of the road reserve by Council. The offer included compensation for the relocation of an existing dwelling to a new site on the property away from the strategic road route. Although the dwelling was relocated some thirteen years ago, the agreement at the time was that compensation for the relocation was to be payable upon dedication of the road reserve to Council.

The 1996 offer was made prior to the inclusion of the land in the Rural Housing Strategy (2002) and was based on the rural land value of the additional length of road reserve to be dedicated and the cost of the house relocation indexed to current rates.

Council's current practice with rezoning proposals is to require any road dedications to be at no cost to Council. However given what has transpired previously, it is considered that Council has a moral obligation to honour its 1996 offer.

Council's 1996 offer (indexed to 2007 values) is:

Acquisition of approx 8ha for road reserve (at rural value)	\$100,000
House relocation costs (indexed to 2007)	\$60,000
Total	\$160,000

The matter has reached an impasse because the owners of Lot 2 are seeking significantly more compensation than Council's offer. Their argument is based on a claimed potential loss of two rural residential lots because of the area taken up by the road reserve and a decrease in value of their proposed lots because of the proximity of an urban strategic road.

These arguments are not accepted. The owners have not demonstrated that the proposed road reserve will result in a loss of rural residential lots, in fact the road reserve results in the creation of an additional large lot through severance of the residue parcel.

In terms of adverse impacts of the road on future lots in the subdivision, it needs to be noted that the Lismore Rural Housing Strategy came into effect February 2002. Prior to that date rural residential subdivision of the land was not possible. However the proposed extension of Pineapple Road as an urban strategic road has been identified in Council's Section 94 Contributions Plans for more than ten years. Rezoning to allow rural residential subdivision in the Pineapple Road area could not occur in isolation to the proposed urban strategic road. Consequently the argument that the urban strategic road will have adverse effects on future lots for which Council should pay compensation is not accepted.

Comments

Financial Services

If a planning agreement based on the above information is agreed, Council will receive \$255,000 towards the construction costs of Pineapple Road at a later date, however Council will be required to contribute \$94,000 towards the construction of Pineapple Road and \$160,000 towards land acquisition and house relocation costs.

As only a maximum of 17% (\$16,000) of the \$94,000 contribution towards Pineapple Road can be funded from the current Urban Strategic Roads Section 94 Plan, Council will need to fund approximately \$238,000 revenue sources. This amount will need to be factored into future road budgets.

Other staff comments

Council's Environmental Health and Building Section, Development Engineer and Assistant Engineer Contracts have had input into the assessment of the rezoning proposal.

Public consultation

Opportunity for public consultation is provided during the public exhibition period for draft LEP Amendments. The statutory minimum exhibition period in twenty eight (28) days.

Conclusion

The proposal complies with the requirements of the Lismore Rural Housing Strategy, NCREP, S117 Directions and relevant Council plans and policies. It is considered that the rezoning can therefore progress to the section 54 stage, however the draft LEP amendment will not be able to proceed to the exhibition stage until the Planning Agreement has been finalised as the Planning Agreement must be exhibited concurrently with the draft LEP amendment. For the Planning Agreement to be finalised there must be mutual agreement between Council and the landowners for the upgrading of Pineapple Road including dedication of the road reserve.

Council is not bound to accept the compensation claim of the landowner and it is recommended that Council not enter into the Planning Agreement unless the amount of compensation to be paid by Council for the dedication of the road reserve and for the relocation of the dwelling does not exceed \$160,000 (2007 values).

Recommendation (PLA14)

That Council resolve to:

- 1 Prepare a draft amendment to Lismore Local Environmental Plan 2000 Pursuant to Section 54 of the EP&A Act 1979 to include the subject land in Schedule 4 to allow 38 lots and 2 residual lots,
- 2 Notify the Director General of Planning of Council's decision in accordance with Clause 9 of the EP & A Regulation 2000,
- 3 Consult with relevant government and other agencies pursuant to section 62 of the EP&A Act,
- 4 Advise the owners of Lot 2 DP 1064627 that the draft LEP amendment will not be exhibited unless a Planning Agreement acceptable to both parties for the upgrading of Pineapple Road and dedication of the public road reserve has been prepared and that Council will not enter into such agreement unless the compensation for the dedication of the road reserve and relocation of the dwelling does not exceed \$160,000 (at current value), and
- 5 Advertise the draft LEP amendment and Planning Agreement for a period of twenty eight days following finalisation of the Planning Agreement and upon receipt of an authorisation to exercise its delegations from the Department of Planning.

Report

Subject	Lismore Showgrounds
File No	P331
Prepared by	General Manager
Reason	To establish Council's preferred position regarding the future management of Lismore Showgrounds
Objective	To develop a new management model which will ensure the Lismore Showgrounds remain available for optimum community use in the future
Strategic Plan Link	Economic Development, Quality of Life, Infrastructure, Leadership by Innovation
Management Plan Project	Finance, Roads and Parks

Overview of Report

The North Coast National Agricultural and Industry Society has been the designated Trustees of the Lismore Showgrounds complex since 1989. In recent years the Trust has experienced financial stress and its budget has relied heavily on the revenue from the successful North Coast National Show. Under the current volunteer management structure, the risks and responsibilities fall heavily on too few people. The proposed change would see the Council, on behalf of the community, accepting the role of Trustee and the A&I Society reverting to a role of organising and conducting the North Coast National – their core business.

Background

The Lismore Showground was established on its current site in 1905, and since that time has been host to the annual Agricultural Show as well as a diverse range of community, commercial, agricultural and entertainment activities.

The Showground complex has an area of 26.5 hectares, with part of the site being flood liable. The land tenure is a mix of Crown lands (9.7 hectares) and freehold (16.8 hectares A&I Society), and requires some attention to remove title conflicts such as buildings apparently built across some of these boundaries. This has not been a critical problem but it is an unfortunate product of some ad hoc decision making over past years. The attached aerial photograph (refer Attachment #3), depicts the Crown land (shaded) and the freehold A&I Society land (natural). Most of the buildings within the site are now more than 75 years old and their up-keep is becoming more and more difficult, maintenance costs are increasing annually and the inherent risks of providing public facilities is growing significantly.

Both the Showground (a community facility) and the North Coast National Show (a special event) are managed by the North Coast National Agricultural & Industry Society. This is a voluntary committee of members drawn from the local community whose primary focus is the ongoing provision of a venue suitable to conduct the annual Show in October. This dual function role was established in 1989 following an 80 year period during which a Trust appointed by the Minister for Lands managed the Crown Lands and a separate Show Society ran the annual Show. This former structure was dissolved because of an apparent lack of resources and thereby maintenance by the Trust. In subsequent years the operations of the showgrounds and the Show were combined but the Show Society found it was compelled to expend its own funds on the Showgrounds facilities to enable insurance cover to be purchased. Revenue generated from all activities at the Showground is somewhat static but it is insufficient to make any meaningful headway against the growing infrastructure liabilities of the complex.

The most reliable cash flow generator, the North Coast National Show, has been impacted itself by rising costs and this has seriously eroded the financial resources of the Show Society. In 2006 the Show Society, as Trustee, made a number of decisions to stem the cash flow decline and joined with the Council to negotiate a way forward which would ensure the Showgrounds would continue to be available for community use.

Over the past 18 months the Trustees have promoted greater use of the Showgrounds, reviewed their hiring charges and commercial leases to better reflect costs, reduced the costs for grounds maintenance, undertaken essential building maintenance works, primarily associated with safety issues, and actively sought to place the enterprise on a sustainable footing. Despite these endeavours the recent financial projections indicate that under current arrangements whilst the Show Society's North Coast National is viable and indeed generates sufficient revenue to ensure its own future, the operations of the Showground for all other purposes could be undertaken on a break even basis but are most unlikely to generate the level of revenue need to finance any upgrade of public facilities such as the toilet amenities, private function and catering facilities, equestrian facilities, electrical infrastructure, camping facilities, drainage, security fencing and turnstiles.

It would be naïve to presume that there is a simple solution which will quickly turn the situation around however the work of the Trustees over the past 18 months shows that by taking a fresh look it has been possible to arrest a terminal decline.

Encouraged by the results of decisive action, but conscious of its role as external interested party, in December 2006 Council made a number of determinations which required the Trustees to demonstrate further measures which would improve the ongoing financial viability of the Showgrounds under their management. The Council resolved thus:

- 1. Extend the service agreement between Council and North Coast National Agricultural and Industrial Society for Council to assist the Society to carry out its operational and management responsibilities for the Lismore Showgrounds to March 31, 2007.*
- 2. Provide a letter of comfort to the Lismore Showgrounds Trust's banker to the value of \$30,000 up to April 30, 2007 for the operation and management of the Lismore Showgrounds.*
- 3. Request the Lismore Showgrounds Trust and North Coast National Agricultural and Industrial Society to immediately commence their exploration to maximise the resources available including sale of land owned by the NCNA&IS for reinvestment back into the Lismore Showgrounds and report back on the progress to Council by March 2007*
- 4. Request the Lismore Showgrounds Trust and North Coast National Agricultural and Industrial Society to pursue the alternative of using land owned by the Society as security for the Trust's bank account from May 2007.*

Progress in this matter was reported to the Council in April 2007 at which time it was established that there was no evidence that the Trustees had compiled a business plan or a management strategy to target part three and four. The Council report recorded that "this situation is not satisfactory but Council is not in a position to alter the status quo without itself allocating tangible resources".

The Council then resolved to "encourage the A & I Society to pursue all possible avenues to maximise viability to maintain community ownership and access of the Lismore Showgrounds".

Since that time there have been a number of Trustee and management meetings, the product of which is this report. This report should therefore be read as a forward plan offering the opportunity for retaining the advantages of Lismore's Showgrounds into the future. This is not a guarantee that all problems will be solved but it offers the best identifiable prospect for achieving the objective enunciated in Council's April resolution.

The Council as an organisation has a permanent presence and the role of local government is increasingly becoming the provider of last resort. For many reasons, public facilities resourced by community groups struggle to maintain viability. This is even more pronounced when the facility support base is voluntary. It is a truism that local government exists for but one purpose – to provide services to its local community which may not otherwise be available. This tenet is amply demonstrated during the annual budget deliberations when Council receives many, many requests for direct financial assistance and/or services which are not available from any other source.

The Showgrounds facility is a community asset which since 1905 has been managed by community groups and which has received relatively minor financial and in-kind support from the Council. A critical analysis reveals that the historical model has just about run its course and a realistic appraisal of the outlook suggests that if the Showground precinct is to keep pace with contemporary future needs and expectations it needs a solid resource base to develop its forward plan.

With that in mind, there is justification to involve the Council to ensure that the Showground is not isolated in terms of access to resources. In addition, the case is proven that the North Coast National is viable in its own right and that the Showgrounds is the only suitable venue for its annual event. This being so, a model takes shape with a new board of Trustees charged with managing the Showgrounds precinct as a whole, and with the Show Society becoming the “anchor tenant”.

The recommended proposal is that the Council, with the support of the North Coast National A&I Society Inc., apply to the Department Lands to be appointed to the role of Trust Manager for the Lismore Showgrounds.

A letter (Attachment #1) has been received from the Society which is supportive of this direction.

Issues Raised by the A&I Society

There has been extensive discussion with the current Trustees over the last three years as it became increasingly obvious that retaining the status quo as a management model is not sustainable. This judgement is based on the evidence that the A&I Society’s cash resources have been completely exhausted on short term measures, merely to ensure the Showgrounds continue to function.

Unsurprisingly, the current Trustees have responded (bold type) to this concept identifying the key areas of concern, outlining their preferred positions and posing some scenarios about how this will affect their current role and, by extension, impact on their level of influence at the Showgrounds when it comes to conducting the annual North Coast National Show.

Lismore City Council to lease the entire Showground, not just the section owned by the Crown.

Agreed -

This is the preferred management model and means that leases on all lands would need to be assigned to the Council as Trustees and/or renegotiated so that the whole of the site, both Crown and freehold is managed as a whole.

2. All monies coming from the use of the grounds to be returned into the maintenance and upkeep of the Showgrounds.

Agreed -

The current level of hiring revenues is inadequate to meet all Showgrounds’ responsibilities therefore all revenues will be directed to the Showgrounds’ facilities to fund the essential ongoing work. The Council has drafted a preliminary break even (Attachment #2) operational budget which relies on all revenues being maintained as a minimum.

3. **At least three members of the A&I Society should remain as Trustees with the selected members of Lismore City Council.**

Not agreed -

If the Council as an organisation becomes the Trustee, it would be appropriate to form a Reference Group comprising regular users and stakeholder groups to interact with Council's management at an operational level. The representation arrangements could be similar to Council's other Community Advisory Groups and the A&I Society would be a welcome and preferred participant.

4. **The A&I Society to remain in control of the of the Secretary's office, coolroom and provision for the running of the Farmers Market in its current location every Saturday morning.**

Agreed -

This request can be accommodated under normal leasing arrangements. If the Society wishes to run an event, big or small, they will make a forward booking and pay the appropriate rent for facilities required.

5. **Lismore City Council provide an asset plan for the reinvestment into development of the showgrounds.**

Agreed -

As Trustees, Council will be duty bound to develop a plan of management as it does for all community lands under its jurisdiction.

6. **Confirmation from Lismore City Council they will be implementing the current Business Plan for the showgrounds or to provide details of the new Business Plan.**

Not agreed -

There is insufficient justification to adopt the Business Plan compiled on behalf of the Trustees in 2005. Whilst the Plan suggested a number of actions and opportunities, further evaluation will be needed to determine what actions the Council would definitely take as long term manager.

7. **Lismore City Council to ensure facilities on grounds meet necessary standards (eg, OH&S), for public use of grounds and initiate maintenance or upgrades to enable use of all facilities at all times.**

Agreed -

Council accepts the obligation inherent in the responsibilities of Trustee that all safety standards must be met and adhered to. An audit of all buildings controlled by the Trustees has been undertaken and this has not revealed an insurmountable maintenance problem. The works required can be categorised into an action list of immediate and urgent, and important not urgent, the latter to be addressed as funds become available.

8. **Lismore City Council to actively seek funding through grant applications, etc... to maintain grounds and replace facilities where required.**

Agreed -

Council does have the resources to seek external funds for improvement works and will pursue this course following preparation and adoption of a Master Plan.

9. **Lismore City Council to provide details of proposed marketing for future use of grounds.**
 For development -
No work has been done on this aspect even though it will be required. That information will be publicly available in due course should Council become Trustee.
10. **The A&I Society to be able to utilise grounds annually for the Lismore Show held in October together with other events as fundraisers for the A&I including: The BIG Show, Rodeos, Camp drafts, Trade Fairs, etc.**
 Agreed -
Given the historical significance of the North Coast National, the A&I Society will receive a priority booking for its premier event each year on the understanding that an appropriate rental will be payable for the facilities required. All other usage will be subject to hiring arrangements on a commercial basis.
11. **Bookings to remain at the Secretary's office at the Lismore Showgrounds through the A&I Society.**
 For negotiation -
Council could handle Showground bookings either onsite or via its office based booking system. The important thing is to enable guided inspections by potential hirers. Council is willing to negotiate any workable arrangements.

Tenancy and Access

A&I Society Agreement

Indicative future tenancy and financial arrangements have been discussed with the A&I Society on the basis that the Council is appointed as Trustee of the Crown Lands at the Showgrounds and that Council has operational control of all necessary lands in the Showground Precinct. The following elements are identified as important ingredients to enable the A&I Society to understand the likely financial impacts of the proposed change to Trustee arrangements.

1. Show Society to be offered an agreement/lease for conducting the North Coast National Exhibition over an agreed period in October for 10 years with options for two five year extensions.
2. Annual fee - \$25,000 to be indexed annually plus outgoings of electricity and water.
3. Show Society Office - \$4,000pa on a 10+5+5 lease (plus outgoings)
4. Rent of the pavilion for meetings - \$50 per meeting.
5. Coolroom - \$1,000pa for the site. Maintenance, operation and replacement of the mechanical elements is a Show Society responsibility.
6. Farmers Market - \$100 per booking.
7. House #1 (nearest the rear entrance) – as owner, Show Society to retain rights to lease out and be responsible for all outgoings (rates, water etc...)
8. House #2 (above the go-kart track) – Show Society to retain rights to lease out, be responsible for all ownership costs but Trustees pay rates due to the multi-purpose use of the balance of the freehold land.

Issues for Council

The purpose of this report is to conclude with an “in principle” position and so some work has been done to identify the implications should the Council become the Trustee.

Budget

Positive

Historical results show that on reasonable 12 month estimates there is hiring, rental income of \$124,000. The predictable recurrent expenditure excluding grounds and building maintenance in \$53,000. This provides a surplus of income over expenditure of \$71,000 to which could be added Council's annual

contribution to the A&I Society (as Trustees) of \$20,000. Thus there is \$91,000 available for grounds and building maintenance before looking for other and external sources of funds. This is sufficient to do better than merely maintain the status quo. One significant cash flow benefit is the Council's ability to negotiate improved terms for insurance based partly on Council's demonstrated risk management systems.

Grounds Maintenance

Positive

Grounds maintenance is a recurrent cost and an important one. The current groundsman is interested in taking on this role as a contractor for the Council and this is a workable and cost effective solution.

Existing Leases

Acceptable

The major Lessees and repeat hirers at the Showgrounds are –

- North Coast National Show
- Speedway
- Go Karts
- Gem Club
- Tropical Fruits

None of the documented arrangements contain provisions likely to conflict with the needs of Trustees into the future. There are some unresolved issues in some leases but these are capable of negotiation.

Infrastructure Condition

Acceptable

The audit undertaken by Council's Building Services coupled with a specific check of the electrical installations has revealed no unheralded legacy which falls to the Trustee to deal with immediately. The repairs and upgrades recommended are manageable over a reasonable timespan and the identified works of a building nature can be handled within the projected budget. Some essential and urgent electrical systems upgrade was carried out by the A&I Society in 2006.

Land Titles

Unsatisfactory

There are multiple land title conflicts between the Crown land and the A&I Society's freehold parcels. These have been in place for many years and so are not critical to success however they should be corrected and there has been some preliminary discussion between the parties. They are complicated and will require the attention of specialist resources to resolve. Council staff have the ability to facilitate these matters but it will take some time.

Department of Lands

Unknown

The Department of Lands has been involved in the review of the Lismore Showgrounds activities over some years but the proposition of Council becoming Trustee has not been canvassed. It is common for Councils across the State to be Trustees of the local Showgrounds; however no presumptions have been made in this regard.

Trust Membership

Unknown

Discussions with the Department of Lands will elicit better information about membership structure but it would seem reasonable to appoint an organisation (Council) as the Trustee and to subsequently create a workable mechanism to ensure community stakeholders have a suitable interface with those managing the facilities on a day-to-day basis.

Advantages / Disadvantages

The proposal under consideration puts forward a model whereby Lismore City Council steps into the shoes of the A&I Society as Trustees of the Lismore Showgrounds precinct in its entirety and the A&I Society reverts to an organisation which is focussed on conducting the North Coast National Show as a stand alone event and which on recent performance is a robust, viable enterprise.

The compelling reason for changing the status quo can be found in the financial affairs of the

Showground Trust. The Trust has no financial reserves; at the end of 2005 it was unable to meet all of its known financial commitments and sought the backing of the Council to enable the Showgrounds to continue to function. During 2006 with a renewed effort to maximise ground rentals and minimise costs, the Trust reported a neutral financial result. The projections for 2007 indicate a similar result is in prospect. The matter of real concern is the Trust's inability to secure the level of funds needed to make an impact on the depreciating infrastructure. The latent risk associated with this situation is a risk borne by a small number of volunteers on behalf of the wider community. This is neither reasonable nor equitable and must be addressed. Transferring that risk into public hands is one solution and a fair solution.

The nature of the facilities at the Showgrounds is no doubt a product of the Lismore area's heritage and culture. It is no accident that the North Coast National is the premier agricultural themed exhibition in the region and it is strongly supported by locals and surrounding areas. Having observed thus, it would be unlikely that such a facility would be constructed in a similar guise today and so the Council has the opportunity to take a more proactive role in managing this very valuable community asset and direct some energy toward reshaping its uses for future generations. Growth in Lismore is inevitable, the Lismore Showgrounds is a resource suited to many forms of community activity. Its positives include -

- Undeveloped open space
- Large crowd capacity
- Good crowd handling facilities
- Parking
- Lighting
- Power
- Multiple catering facilities
- Weather protection
- Good road access.

It is important to know however that the professional infrastructure evaluation did not identify any fatal flaws and on that measure and because the risks are spread among so many separate buildings and/or potential hazards, the risk factor of a catastrophic cost incurring incident is acceptable. The valued buildings are all insurable and it has been established that Council can meet that risk economically. Should the Council become Trustee, the availability of volunteers to maintain the fabric of the Showgrounds will decline. The role of the volunteers may be a masked benefit of the status quo but it is unlikely to be sustained. With that in mind, a serious disadvantage is that of the unknown implications if the parties do nothing. That does not present as a responsible option. It must be a preferred option to focus on the benefits still in place and aim for a rejuvenation of this unique community asset through the prism of a sustainable forward plan.

Comments

Financial Services

The operational impacts for Council are cost neutral however, the infrastructure liabilities are significant albeit not quantified. Council as Trustee would be obliged to prepare a Management Plan which addresses this issue.

Other staff comments

ED-DG

The show ground is a unique facility that would be impossible to replace. It adds to the facilities that are available in Lismore that can be promoted by the Events Office. Notwithstanding the preceding comment there are numerous occasions that the location and venue are appropriate for an event, but the promoters express the view that the grounds do not reflect the quality of the event being proposed. In short the grounds are in need of revitalisation and new management. The model of management proposed in this report will ensure the continuance for the grounds and is strongly supported by the Events Office specifically and the Directorate generally.

ED-IS

The audit of the buildings and recent electrical upgrade work indicates there are no urgent repairs required for showground infrastructure. This will provide Council with some breathing space to develop a long term asset management plan for the showground. This will quantify the ongoing financial commitment required to provide ongoing infrastructure in a sustainable manner.

The draft budget indicates there are sufficient funds to maintain the grounds and undertake some building maintenance in the short term.

Certainly the skills and knowledge to manage repairs and maintenance of showground infrastructure exist within Council. These services cannot be extended to cover the showground at no cost however they can be provided in a cost effective manner.

The above expertise, Council's ability to secure future grants and savings on insurance premiums are some of the advantages the recommendation has over the status quo.

Public consultation

No specific action has been taken to canvass public opinions about this proposal although in December 2006 there was some media exposure to the broad concept of the Council succeeding the A&I Society as Trustee.

Conclusion

The options available are for Council to do nothing, work jointly with the Trustees on a forward plan or promote a new management model.

- i. DO NOTHING would not be a responsible approach, particularly when the Council, through its involvement over the last two years, has a clear understanding of the scale of challenges facing the Trustees. The prospects for a voluntary group meeting these challenges effectively is quite unlikely and could reasonably be classified as improbable.
- ii. A JOINT SOLUTION has been the nature of the relationship between the Trustees and Council during 2006 and earlier this year. This has brought some change through eliminating management and operational practices which were unnecessarily expensive and which, once introduced has resulted in the overall budget improving from an entrenched deficit to a break even outlook. It does not proffer confidence in a complete turnaround and the decisionmaking has highlighted some conflicts in separating the competing needs of the A&I Society in relation to the North Coast National Show and those of the Trustees of Showground on behalf of the broader community. Under this arrangement all of the risks and responsibilities remain with the Trustees and they are inadequately resourced to address the issues of consequence. Council could assist by allocating more money and remit it to the Trustees annually however the areas of concern whilst requiring funding, are more complex than that. If Council is investing its community funds, Council must have effective strategic input and the current structure does not foster such an outcome. This joint approach is not favoured.
- iii. COUNCIL AS TRUSTEES presents as the most likely long-term viable option for the reasons that:
 - Council has ongoing responsibility for local community facilities generally
 - Council has resources which are relevant to promoting and managing a public recreation facility it has the expertise to develop effective management plans
 - Council has recent experience in most operational aspects of the Showgrounds
 - Council has risk management systems and procedure appropriate to a major public infrastructure it can reduce some costs payable by the Trustees due to superior purchasing arrangements
 - Council has the capability of pursuing improvement grants with leverage off the existing budgets

These attributes point to a management model whereby the Council acts as Trustee for the Showgrounds. This solution is reinforced by the long-term trend of operational costs rising beyond the rate of increase in hiring revenues, a growing infrastructure maintenance liability coupled with a rising insurable risk profile and the sustainability of Showground facilities which are generally in permanent decline.

The situation in reality is a choice between doing nothing and making a complete change. When looking to the long-term and based on sustainable management of the Showground facilities being the objective, then the Council as Trustee Manager offers the best chance of success.

Recommendation

1. That Council support the principle of seeking the role of Trustee for the Crown Lands at the Lismore Showground.
2. That the General Manager seek confirmation from the North Coast A and I Society that it supports Council's intention to apply to the Minister for Lands to be appointed as Trustees in substitution for the A&I Society and that this agreement include provisions which incorporate assignment of management control of freehold land owned by the A&I Society being:
 - Lot 1 – DP 936240
 - Lot 2 – DP 936240
 - Lot 1 – DP 318745
 - Lot 2 – DP 548587
3. That a joint submission be prepared under which Council formally applies to the Minister for Lands to be appointed Trustee of the Lismore Showgrounds.

Report

Subject	Dawson / Leycester Street Roundabout
File No	R6017
Prepared by	Executive Director – Infrastructure Services
Reason	To consider an offer made by the Catholic Church community of Lismore as well as respond to a related Notice of Motion
Objective	To obtain Council's endorsement of a proposal to install a statue in the Dawson/ Leycester Street roundabout.
Strategic Plan Link	Infrastructure
Management Plan Project	Roads

Overview of Report

Some months ago Council received an offer from the Catholic Church to install a religious statue at the Dawson/Leycester roundabout. Council is requested to make a decision on this matter. It is recommended Council accept in principle the Catholic Church proposal and seek comment from the public. A Notice of Motion has been received requesting Council use its Public Art Policy to develop the roundabout.

Background

In January this year Council received a formal request from Trinity College to be involved in the development of the theme for the new roundabout at the intersection of Dawson Street and Leycester Street. The Mayor and Staff attended a meeting with a representative from Bishop Jarrett's office. A proposal was put that the Catholic Church wish to fund the creation of a professionally sculptured statue as the centre piece of the roundabout.

Since that meeting Council Staff have been working with representatives from the Bishop's office to develop the proposal. The concept is still under development however the proposal is for a statue Jeremiah Doyle the first Bishop of Lismore, a community leader of a century age who had a significant influence on the early development of Lismore.

A Notice of Motion has been received "That staff implement the Council's Policy and Process for the installation of public art on the roundabout at the corner of Dawson and Leycester Streets."

The normal process for the landscaping of roundabouts involves Parks Staff developing and implementing a theme. The theme usually takes into consideration the history, past events or characteristics of the locality or region.

The proposed location is surrounded by the Cathedral, Trinity College and St Cathages Primary School.

The proposal includes the Church covering costs for the creation of the statue Council's costs will include installation of the statue, traffic control, installation of the surrounding garden bed, signage, lighting and ongoing maintenance. This will provide the main focal point of the roundabout design and save Council some expense, compared to installing some alternate proposal.

This is a generous offer from the Catholic Church and the proposal is appropriate for the location. It is timely that Council provide some guidance to the Catholic Church community as to whether the proposal is acceptable to Council before further development work is undertaken.

Given the proposal will be based mainly on locality and history, it is appropriate that Council make a decision rather than the Public Art Committee. There is no precedent where the Public Art Committee have been involved in roundabout landscaping. Usually, Parks Staff develop and implement a theme for a roundabout. It should be noted although Council has adopted the Public Art Policy the guidelines associated with the policy have not been endorsed by Council. Therefore, the practical implementation of the Policy is not clear. Staff resources to implement the policy are also committed to other projects.

Comments

Financial Services

Nil

Other staff comments

Manager Community Services

Lismore's numerous roundabouts may be viewed as landscaping points of interest featuring some aesthetic or historical attraction, which may or may not be considered public art, depending on the elements included. This proposal features the introduction of a significant religious statue, and thus public art, a point of difference compared to the majority of the existing roundabouts. Traditionally, the basic treatment for roundabouts has been landscaping, undertaken by Council's Parks section. It is recommended that this project is managed by Parks Staff, however, the design brief or concept design should be forwarded to the Arts and Culture Policy Advisory Group for their comment and recommendation as part of a consultation process prior to the commencement of any works at the roundabout.

Public consultation

The proposal will require endorsement from the Roads and Traffic Authority of NSW, (RTA), as Dawson Street is classified as a State Road.

When a concept sketch has been developed it is planned to invite comment from the public by placing the proposal on public exhibition for twenty eight (28) days.

Conclusion

Council has received an offer from the Catholic Church community to install a statue in the new Dawson/Leycester Street roundabout. The proposal is appropriate for the location and will save Council funding an alternate design.

It is requested Council endorse the proposal in principle to allow public consultation to be undertaken. If no relevant objections are received, the Church can then proceed with design and manufacture of the statue.

Recommendation (IS57)

1. That Council endorse in principle, the proposal from the Catholic Church community of Lismore, to install a statue in the Dawson/Leycester Street roundabout.
2. That following the development of a concept sketch the proposal be placed on public exhibition for twenty eight (28) days.

Report

Subject	Unfunded Budget Items 2007/08
File No	S952
Prepared by	Manager – Finance
Reason	Required by Council resolution
Objective	For Council to determine a course of action
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Community Services, Environmental Health and Library Services

Overview of Report

When adopting the 2007/08 – 2010 Management Plan, Council resolved that a report be prepared by Management on how additional projects could be funded in the 2007/08 Budget.

A report was prepared for the September 11, 2007 meeting, however based on a narrow interpretation Council resolved that staff prepare a further report.

This report outlines the inappropriateness of Council's resolution and recommends an alternative process.

Background

At its June 21, 2007 meeting, Council adopted the 2007/08 – 2010 Management Plan with a budget surplus of \$23,000. The resolution also included:-

- "6. That staff provide a report to Council at its August meeting (subsequently amended to September meeting by Council) on how the following projects can be funded in 2007/08
- a. Atmosphere – Top 10 Retrofit Program; Pilot a retrofit program on the top ten energy consuming Council facilities - \$20,000
 - b. Water – An assessment of opportunities to capture, store and utilise rainwater for Council facilities - \$20,000
 - c. CCP Resourcing - \$20,000
 - d. Richmond Tweed Regional Library – Sunday afternoon opening - \$9,900
 - e. Cultural Development Officer and Initiatives - \$100,000"

A report (copy attached) was prepared for the September 11, 2007 meeting and debate around staff not providing the requested report resulted in Council resolving at that meeting that staff prepare a report to Council as requested in the Budget Workshop.

Based on the debate and hence the resolution at the meeting, Council has chosen to interpret the June resolution in a manner which effectively instructs staff to review the Council adopted 2007/08 Budget and make changes to accommodate the above listed items.

This creates an unprecedented difficulty for staff when Councillors exercised their fundamental responsibility during the budget process from March to June 2007, weighing up individually and collectively, all information available and provided at the time debating the relevant merits and then finally adopting the Budget.

It is not appropriate for staff to provide a report which changes this rational outcome nor is it possible to do so from a professional perspective as all individual Councillor consideration's when determining support or not for a particular submission are not known. As Councillors are aware, the final adoption of the Budget was at the end of a lengthy, complex, involved and transparent process.

Budget Process

The development of the Budget involved the review of all recurrent revenues and expenditures to ensure they were fully disclosed and reported.

In addition to the recurrent Budget, Councillors, Policy Advisory Groups, community groups, individuals, and staff were given the opportunity to make funding submissions to the Budget for projects or initiatives. Community groups and individuals were also offered the opportunity to present their submission directly to the Councillors in a workshop forum the week before Council's final adoption of the Budget. More than 200 submissions were received and considered by Council during the Budget process.

Staff roles in the preparation of the Budget are to co-ordinate the process and, in accordance with Council's request, make recommendations to Council in regards to all submissions received and any opportunities to reduce costs or generate additional revenues. This task was completed and the outcome reported to Council for consideration at the Strategic Plan Steering Committee on May 10, 2007 and then finally to the Extraordinary meeting on June 21, 2007 where the Budget was adopted.

Option

As Councillors are well aware, opportunities to review and adjust the budget are available to Council at least quarterly and there is a reasoned process applied. The report to the September meeting was written in that context and rightly so.

Staff reviewed the Budget to assess opportunities for the inclusion of these projects and without eliminating already approved works, services or initiatives, advised it is not possible to include these projects unless new or additional revenue is received and/or savings are realised.

The only other alternative is a deficit Budget and given the above information and the fact that the year has substantially commenced, this is not prudent management and not supported.

Management is required to report to Council recommended changes in the Budget on a quarterly basis. The report on the September 2007 quarter is included in this business paper. This report includes new or additional revenues and any savings realised. This is the earliest that revenue funded variations should be contemplated.

In regards to the inclusion of these priorities into the Budget, the report to the September 11, 2007 meeting included staff comment on each item. This position has not changed. Attached to this report is a memo sent to Councillors detailing the actions currently undertaken by Council as part of the commitment to Cities for Climate Protection. This memo comprises the advice previously given that there are alternative effective means of achieving the CCP targets.

Comments

General Manager

The interpretation placed by Councillors on the Council resolution of June 21 is at odds with the role of management and for that reason this matter must be revisited by the Council.

The debate at the September Council meeting centred on Councillors insisting that the June resolution required the nominated items #6a to 6e to be incorporated into the 2007/08 Budget. In consultation with the Mayor he has confirmed to me that that was not the outcome which he interpreted would arise from the June resolution for the reason that if the Council wanted that outcome it would have resolved ...”That the following projects be included in the 2007/08 Budget...”

The Manager – Finance has outlined the consequences of applying that meaning to the June resolution and I support his principled conclusion entirely.

Having said that, the ideal way forward would be to rescind the Council’s June resolution and substitute it with one which calls for the nominated items to be reviewed in the light of variations to the adopted budget. However that approach is blocked for the reason that some parts of the resolution have already been enacted – the key section being that the “...2007/08 – 2010 Management Plan Budget and Fees and Charges be adopted...”

A legally acceptable alternative is for the Council to resolve in appropriate terms even though such a resolution is different to an earlier resolution. In this case, it would only be to clarify an earlier resolution which is poorly constructed.

The new superseding resolution could take the following form:-

“That staff report on opportunities for the following projects to be incorporated into the 2007/08 Budget-

- a. *Atmosphere – Top 10 Retrofit Program; Pilot a retrofit program on the top ten energy consuming Council facilities - \$20,000*
- b. *Water – An assessment of opportunities to capture, store and utilise rainwater for Council facilities - \$20,000*
- c. *CCP Resourcing - \$20,000*
- d. *Richmond Tweed Regional Library – Sunday afternoon opening - \$9,900*
- e. *Cultural Development Officer and Initiatives - \$100,000”*

If a like new resolution is passed, then the report presented to the September Council meeting should be revisited and its recommendations considered. Arising from that process will be outcomes which are in accord with the usual Budget variation process.

Public consultation

Not required

Conclusion

Based on the debate and resolution at Council’s September 11, 2007 meeting, it is not possible or appropriate for staff to effectively change the outcomes of the adopted 2007/08 Budget. The process to consider new information which may lead to budget changes is through the Quarterly Budget Review.

In regard to the five extra budget proposals, staff comment was provided in the report (copy attached) to the September meeting. As that information has not changed, the recommendations have again been included whilst recommending a process which removes the ambiguity which arose from the earlier resolutions

Recommendation

1. That to ensure procedural clarity the General Manager prepare a report outlining options for the following projects to be incorporated into the 2007/08 Budget whilst preserving the initial outcomes of the Budget adopted on June 21, 2007.
 - a. Atmosphere – Top 10 Retrofit Program; Pilot a retrofit program on the top ten energy consuming Council facilities - \$20,000
 - b. Water – An assessment of opportunities to capture, store and utilise rainwater for Council facilities - \$20,000
 - c. CCP Resourcing - \$20,000
 - d. Richmond Tweed Regional Library – Sunday afternoon opening - \$9,900
 - e. Cultural Development Officer and Initiatives - \$100,000
2. That the relevant report submitted to the September 11 Council meeting be acknowledged as appropriate to the circumstances.
3. That the \$9,900 requested by Richmond Tweed Regional Library for Sunday afternoon openings at the Lismore City Library be considered after reviewing the library survey results and availability of funding at its February 2008, meeting in conjunction with the December Quarterly Budget Review.
4. That Council not vote extra funding for specific Atmosphere, Water and CCP Resourcing projects in the 2007/08 Budget after considering the range of environmental sustainable initiatives already included, the availability of funded staff resources and the progress report outlined in the memo circulated to Councillors on October 5, 2007.
5. That Council not vote \$100,000 for appointment of a Cultural Development Officer and related initiatives at this time in the absence of certainty over capital funding for the Cultural Precinct infrastructure.



MEMORANDUM

TO: All Councillors

FROM: Tony Kohlenberg -Manger Environmental Health & Building Services

DATE: September 2007

FILE: S232

SUBJECT: Cities for Climate Protection – Progress Report

This memo is to update Councillors on the progress of the Cities for Climate Protection Program (CCP) Local Action Plan (LAP), which was adopted in April 2007. The LAP is to achieve Councils endorsed target of a 20% reduction in greenhouse gas emissions by 2012.

The approach undertaken by staff towards the 98 scheduled actions has been strategically approached with each program manager responsible for the actions that fall into their area of authority or expertise. An internal working group has been established to ensure that progress on the many actions is maintained and enacted wherever possible.

Councils Climate Protection Fund

Council's commitment in the 2007/08 budget towards a revolving energy fund of \$1million towards climate protection has allowed progress on issues that would have normally not been pursued. It is to be noted that the purpose of this fund is to support Lismore City Council initiatives in regard to reducing greenhouse gas emissions that produce an appropriate payback period and not a fund for private sector individuals or companies. At this stage, the fund is only capable of funding projects that can repay the initial investment to Council over a reasonable timeframe.

Local Action Plan Update

A summary of actions being investigated or undertaken to date is as follows;

Regional Street Lighting Upgrading Program

Lismore City Council and some adjoining Councils have collaborated in addressing street lighting as a major contributor to greenhouse gas emissions in our LGA's. A consultant has been engaged to undertake appropriate research on the infrastructure in place and possible solutions. Country Energy have also been involved in discussions to date.

Country Energy is about to undertake a bulk replacement of the street lighting infrastructure under the new public lighting code. This would involve all globes being replaced "like for like" over a three year process. It is timely that Council wishes to undertake an energy efficient upgrade to the street lighting infrastructure as this should be able to be combined with Country Energy's strategy. This program implementation would mean Council would fund any extra cost incurred by the upgrade to the fitting that would have otherwise not been done, and Country energy would fund the cost of replacing the globe as if it were like for like. Discussion between Country Energy and regional councils is continuing.

Building Condition Assessment and Compliance Report

Infrastructure and Asset Services will be co-ordinating a "Building Condition Assessment and Compliance Report". Council will be going out to tender shortly for the report which will include:

1. A building condition assessment for all buildings
2. Compliance to safety standards for a selection of applicable buildings
3. An Energy audit for the top 12 energy using buildings
4. A Water audit for the top 12 water using buildings

On Site Energy Consumption Monitoring

Finance has been collating details on all electricity consumption for approximately 12 months. This information has been provided to Council's Planet Footprint consultant to produce meaningful information on energy consumption for both electricity and water. This allows Council's organisation footprint to be identified and various buildings and assets to be placed under the microscope to assess performance, annual energy mix and comparison with other Councils in regard to energy consumption, charges and greenhouse gas emissions. The quarterly reports produced by 'Planet Footprint' also identify anomalies i.e. accounts showing a significant increase in consumption and accounts that have zero consumption but still incurring service charges.

Sewer Pump Retro Fit – Variable Speed Drives

Lismore Water and Sewerage Section are investigating installing variable speed drive pumps in sewer and water pump stations when replacements are required. Two pumps have been installed in the East Lismore Sewerage treatment plant to date. This allows optimising energy use when pumps are required to be engaged and variable pumping speed to match the quantity to be pumped, therefore saving electricity cost and greenhouse gas emissions.

Administration Building - Air Conditioner Upgrade

The Council Administration building air-conditioner requires replacement. As a result tenders have been called and close on the 4th of October 2007. Council's Contracts Manager has requested for a report on the installation costs both capital and life cycle of two models. One model is conventional the same as what we already have, the other is the PowerPax model which is 30% more energy efficiency, oil free and zero ozone depleting refrigerant. The tender request a cost analysis for the whole of life cycle cost for the existing unit, and the two proposed unit so that fair judgement can be made for the upgrade of this infrastructure.

Fleet Management

Vehicle Replacement Strategy

The number of 6 cylinder vehicles has been reduced by offering reduced lease fees for 4 cylinder model vehicles. Council's fleet in the past 12 months has seen an increase in 4 cylinder vehicles, LPG vehicles and a combination of LPG/petrol vehicles. Fleet services has dropped the line of V6 utes and replaced them with 4 cylinder diesel models. A hybrid vehicle has been added to the fleet.

Machinery and Heavy Vehicles

Lismore City Council Fleet Services has recently changed our fuel supply using fuel cards. For all of our ULP engines cars and utilities, the current and most stringent fuel emission controls are in force and only purchase vehicles which meet these emission targets as set out by Australian Design Rules (ADR80-00), these emission controls are equivalent to the current 'Euro 4 & 5' emission regulations as used throughout Europe, highest targets by world's best standards.

All plant items and trucks purchased also comply with the ADR80 regulations, which are also equivalent to the stringent 'Euro 4 & 5' regulations.

All of the car and utility fleet with petrol engines via fuel cards, are able to use the 'E10' (10% Ethanol/90% ULP blend) at two of the Caltex fuel outlets in Lismore.

Unfortunately, there are no Government Contract Bio-Diesel (B5) outlets in Lismore at this time; this is monitored for changes so that it can be used when and if available.

Tree Planting for Offsets

Fleet Services is working towards developing this program in partnership with the Motor Vehicles Review Panel. Meetings are progressing to determine tree plantings per vehicle but the outcomes have not yet been determined.

Light Globe Replacement Program

Council in the past has utilised 'Easy Being Green', 'NECO' and 'Field Force' to help promote the delivery of replacement Compact Fluorescent (CFL) globes and shower head installations. In recent months, Field Force have been utilised for "verified installations" in the Lismore area. The 'Field Force' program has been responsible for the installation of 33,344 globes and 776 shower heads for 2007. This equates to a saving of 4,455 tonnes of greenhouse gases this year for this initiative.

Cent-a-meter Program

Councils in the Northern Rivers have been working together as a consortium known as NRGe to reduce energy consumption in our community. As part of a recent partnership with the energy conservation company Easy Begin Green, NRGe was able to raise \$41 000 which it hopes to use in schools to raise awareness about energy use and ways in which to conserve it.

Council will be facilitating the installation of energy monitors in High Schools across the Northern Rivers, from the Tweed to the Clarence and west to Kyogle. Cent-a-meters, which are simple energy monitors, would be wired into the electrical system already present at each school and would provide live information of both energy consumption and related greenhouse gas emissions at the school for use by both students and teachers.

Water Tank Program

Council will be offering a flat \$150 rebate for the installation of rain water tanks in the Lismore LGA on top of the current rebates available from Rous Water and the NSW State Government. The installation of a rainwater tank can save 134 KL per annum on average per installation. The rebate is only available to Lismore Water customers. This rebate will be administered by Rous Water.

Mulch Rebate Program

Council is also offering a mulch rebate to Lismore Water customers. A rebate of \$20 for every full \$50 spent on mulch to a maximum of \$100 per household will be available in January to March 2008. The use of mulch 100mm thick can save 24KL per annum per garden. This Rebate will be administered by Rous Water.

Methane Generation from Landfill Site

Northern Rivers Waste is working with A-ACAP (Australian Alternative Covers Assessment Program) to address methane management through alternative covers for landfill cells. This will be a 3 year trial and commence in 2007.

Recycling Initiatives

Florescent Globes and Tubes

This program addresses the increased number of fluorescent tubes that are being used by the community. All parts of the tube are recycled reducing the amount of tubes and globes going to landfill and as a result reduces mercury contamination of the landfill and groundwater.

Dry Cell Battery Collection

This program addresses the many thousand of dry cell batteries disposed of in landfill annually. These batteries contain toxic substances that contaminate soil and water. The batteries are being securely locked in concrete to prevent environmental contamination.

Lismore Botanic Gardens

Northern Rivers Waste is working with Friends of Lismore Botanic Gardens to rehabilitate sections of the waste facility site. This will result in trees and shrubs being planted that work towards offsetting the

green house gas produced by the landfill.

Community Education

Lismore City council has been involved in a variety of community education programs including holding workshops on Climate Change and energy audits at the “Student Using Sustainable Strategies” Youth Forum and the “World Environment Day” Primary School event. Council has attended educational displays on councils Climate Action at the Sustainability Expo, Organic Farmers Market, Lismore Shopping Square, Bikin Brekky, and given lectures at public forums, Climate Road shows, Policy Advisory Groups and Rotary.

Bikin Brekky

This was a road safety initiative which for fills a “Passive transport” action. This breakfast was held on Saturday 15th September at Lismore PCYC.

Economic Development Unit

The EDU is working with business to encourage the adoption of energy efficiencies and uptake of alternative energy. Cost is always a consideration for business and the follow-through of well intentioned plans to reduce greenhouse gas emissions is not always achievable within individual budgets.

Business expansions or relocations: The EDU encourages and advocates energy efficient features being built into the design. The use of solar power, green power or alternative energies is also promoted.

Small Business Incubator: This purpose-built facility has employed optimum features of alternative energy together with the use of energy efficiencies within the constraints of the budget.

Open and Sustainable Procurement Policy Development

Council is currently developing new policy to create an open competitive procurement process by broadening the selection criteria within tendering and procurement processes to include commercial, environmental, community, and corporate considerations. Council will also provide leadership in environmental management and sustainability by including social, environmental, and economic impacts in their decisions when procuring goods and services on behalf of the community.

The policy development process will involve developing a Procurement Policy outlining the Council's philosophies around purchasing, quotes and the tendering process. It will clearly state a broadened assessment process, and a standard four Selection Criteria within the tender process

This policy will also encompass the Triple Bottom Line (TBL), reporting reflecting an organisation understands of its social, environmental and economic impacts.

Creating a competitive market place through a fair and open procurement process, and linking Council's environmental responsibility to procurement will provide local business and the community with both commercial and environmental benefits.

Report

Subject	Lismore Development Control Plan – Amendment 1
File No	S924
Prepared by	Strategic Planner
Reason	To advise Council of proposed amendments to Lismore Development Control Plan
Objective	Council endorsement to exhibit Amendment 1 of the Lismore Development Control Plan
Strategic Plan Link	Economic Development
Management Plan Project	Review and update of planning controls

Overview of Report

This report outlines five proposed amendments to the Lismore DCP relating to design standards for industrial development, energy efficient street lighting, size of building envelopes, notification requirements for applications to modify a development consent and community use of school sites and buildings.

Background

At its meeting held June 12, 2007, Council resolved to adopt the consolidated Lismore Development Control Plan. The format of the DCP contains two sections which outline specific development controls that apply within Lismore. Part A contains the generic controls that apply throughout Lismore, while Part B contains the site specific controls that apply to a particular site or locality.

Since the adoption of the DCP, several issues have been identified that warrant amendment of the DCP. The proposed amendments to the DCP are attached to this report. The following provides an explanation of the specific issues and proposed amendments:

Part A: Chapter 3 – Industrial Development

1. Clause 3.3 Design Standards

The proposed amendments are considered necessary to ensure consistency between the current design standards in the DCP for industrial development and the equivalent Australian Standards.

The recommended changes to access, car parking, heavy vehicle servicing areas and loading docks, will reduce ambiguity between the current planning controls and Australian Standards. This will allow design standards to be applied more consistently and efficiently to all industrial development.

Part A: Chapter 5- Urban Subdivision

2. Clause 5.1.5 Physical Infrastructure- Element: Utility Services

It is proposed to amend the DCP to require more energy efficient street lighting in new subdivisions. Street lighting currently costs Council approximately \$600 000 per year and is a major contributor of greenhouse gases. To address this, Council has negotiated with Country Energy to upgrade existing streetlights to more energy efficient technology.

To complement the upgrade it is important that all new streetlights installed in residential, commercial and industrial areas also meet an energy efficient standard. Designing public lighting to be energy efficient will promote sustainability and reduce the need to replace them in the near future.

The 60 lumens per watt rating has been recommended by Council's street lighting consultant 'See Sustainability' as an appropriate yet conservative threshold. The preferred rating aims to reduce the amount of mercury vapour lighting used in Lismore.

Reducing the number of mercury vapour lights will result in more energy efficient lighting in future residential, commercial and industrial developments. The 60 lumens per watt rating has also been used by other Councils as an efficiency standard and is considered to be an appropriate standard for Lismore Council.

3. Clause 5.1.7 Streetscape and Lot Layout- Element: Lot Layout

The current planning controls require lots in new urban subdivisions to have appropriate dimensions identified for the siting and construction of a dwelling. This is to ensure that adequate building envelopes are provided in subdivision proposals to meet the requirements of future residents.

The current controls require lots to have a specified building envelope of 15x8 or 12x10 metres shown on the development plans. However, there has been significant growth in the size of single dwellings in recent years; therefore, building envelopes specified in the DCP are not longer considered appropriate.

The size of many new dwellings is far in excess of the specified 15x8 or 12x10 metres for building envelopes. The majority of new dwellings constructed occupy a building envelope of at least 20x15 metres. This leads to applications to modify the original development consent to increase the size of the building envelope.

It is important to have adequate building envelopes identified on the subdivision development plans so any constraints can be factored into the siting of dwellings. Not only is it desirable to specify building dimensions so that dwellings can be appropriately sited within the lot, it also reduces the need to modify development consent after the approval of the subdivision plans.

An increased building envelope of 25x15 is recommended as a requirement of future urban subdivision developments to reflect the changes that have occurred in regards to dwelling size.

Part A: Chapter 10- Notification and Advertising of Development Application

4. Clause 10.9 Notice to be given for amended application, or for applications to modify or review a development consent

At present, there is a requirement for all s96 applications for modification of development consent to be re-advertised in the same manner as the original development application. This is considered to be overly onerous where minor alterations to a development consent are proposed.

In many cases minor s96 applications do not increase the impact or alter the outcome of the original development consent; therefore, it is considered unnecessary to re-advertise the application in the same manner as the original application.

It is considered appropriate for Council to exercise its discretion in determining whether s96 applications warrant the same notification requirements as the original development application. This will allow a level of flexibility and efficiency in assessing minor modifications to a development consent.

Part A: Chapter 19 – Exempt Development

5. Schedule - Exempt Development Provisions

At the direction of the North Coast Regional Environmental Plan, the Lismore Local Environmental Plan contains a provision applying to the Special Use (5) Zone, stating that consent may be granted to the use of land or buildings in this zone for community purposes, including the commercial operation of that land or those buildings. The Special Use (5) Zone applies to schools, and it is understood that the clause may have been interpreted inconsistently in relation to community use of school sites after school hours.

The Standard LEP Template, to which Council's new LEP must conform, carries forward the above requirement but allows such uses to be carried out with or without consent. In order to achieve consistent application for all schools it is now intended to specify that community activities outside school hours are exempt from the need for development consent as long as certain conditions to protect local amenity are met.

In addition, a recently gazetted State Environmental Planning Policy has transferred provisions for 'places of public entertainment' from the Local Government Act to the Environmental Planning & Assessment Act, necessitating minor consequential amendment to the Exempt Development provisions regarding the holding of public meetings in buildings classified as class 9b under the Building Code of Australia.

The proposed DCP amendment will allow the use of school sites for the purposes of public meetings and community activities outside school hours without development consent, providing that restrictions relating to noise amplification and operating times are met.

Comments

Financial Services

Not required.

Other staff comments

Councils Building and Environmental Health Sections have been consulted in the preparation of the proposed amendments to the DCP.

Public consultation

It is a requirement for DCP amendments to be exhibited for a period of twenty eight (28) days. It is proposed that Amendment 1 will be exhibited for twenty eight (28) days to comply with statutory requirements.

Conclusion

The proposed amendments to the Lismore DCP outlined in this report will result in design standards for industrial development becoming more consistent with Australian Standards, more energy efficient street lighting being installed in new subdivisions and will ensure that new lot design is capable of accommodating dwellings which meet contemporary standards of size and design. The proposed amendments also provide for more flexibility in the advertising of s96 applications and allow the use of school sites outside school hours for community purposes without development consent.

Recommendation (PLA15)

- 1 That Council resolve to exhibit Lismore Development Control Plan Amendment 1 for a period of 28 days.

LISMORE DEVELOPMENT CONTROL PLAN**DRAFT AMENDMENT NO. 1****Citation**

1. This plan may be cited as Lismore Development Control Plan Amendment No. 1.

Land to which this plan applies

2. This plan applies to all development within Lismore.

Objectives

3. This plan aims to amend the Lismore Development Control Plan by:
 - Ensuring design standards for industrial development are consistent with Australian Standards.
 - Increasing the size of building envelopes required for urban residential subdivision.
 - Modifying the requirements to readvertise minor s96 applications to amend a development consent
 - Allowing school sites or buildings to be used outside of school hours for a public meeting or for community purposes without development consent.

Amendment of Lismore Development Control Plan No. 1

4. The Lismore Development Control Plan is amended as shown in Schedule 1:

Schedule 1

Part A: Chapter 3 – Industrial Development

1. Clause 3.3 Design Standards

Delete the sections headed “Access and Parking” and “Loading Docks” and insert instead:

Access

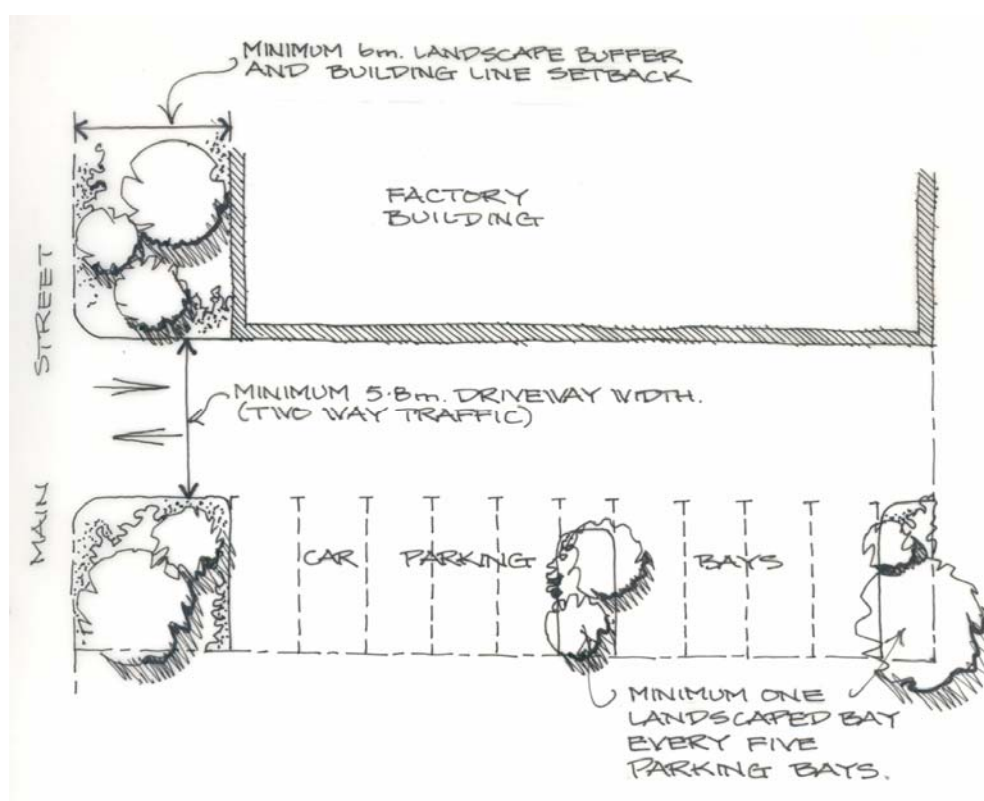
The design of driveways, access points and vehicular circulation areas is to be such that vehicular entry and exit from the site may be carried out in a forward direction. It is preferred that car parking and light vehicle traffic is separated from heavy vehicle traffic accessing loading and servicing areas.

All driveways shall be suitably signposted and indicate “Entrance”, “Exit” and “Keep Left” as appropriate. Driveways shall be located so that any vehicle entering or exiting from the site is clearly visible to approaching vehicles or pedestrians.

Car parking

On-site parking requirements for industrial development are set out in Chapter 7 – (Off Street Parking) of this Development Control Plan.

Car parking areas should be designed in accordance with the requirements of Chapter 7. They should permit ready access to the development and the public road network while being suitably screened from adjoining developments and public areas. The car park layout should utilise a logical and efficient internal circulation network thus reducing potential conflict for users of the car park. Appropriate landscaping is to be incorporated into the car park design. Landscaped areas should have a minimum width of two (2) metres with shade trees located in landscaped bays at a rate of approximately one per every five (5) car parking spaces.



Internal roads and car parking areas shall be constructed of bitumen seal or similar material and are to be drained and marked to Council's satisfaction. Design details are to be submitted to Council for approval with the Development Application.

Heavy Vehicles Servicing Areas

Facilities should be designed in accordance with the requirement of AS 2890:2 – Parking Facilities Part 2 Off-street Commercial Vehicle Facilities and generally be a minimum width of 6.5 metres for two-way traffic and 3.5 metres for single lane.

Loading Docks

Loading docks or bays shall be provided as part of the development to ensure that no loading or unloading of vehicles occurs within Council's road reserve. The dimensions of a loading bay will depend on the nature of the development and the type of vehicles involved in the delivery/pick up operations but they shall comply with the requirement of AS 2890:2 Part 2 Off-street Commercial Vehicle Facilities and should be no less than 7m x 4m so as to permit access and accommodation of a small rigid truck.

Part A: Chapter 5 - Urban Subdivision

2. Clause 5.1.5 Physical Infrastructure - Element: Utility Services

Insert additional performance criteria and suggested solutions as follows:

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>6. Public lighting shall be designed to maximise energy efficiency.</p>	<ul style="list-style-type: none"> • Public lighting to be designed in accordance with: <ul style="list-style-type: none"> ○ Australian Standard AS/NZS 1158 "Lighting for Roads and Public Spaces"; ○ The NSW Public Lighting Code; and ○ Any relevant street lighting service agreements between council and the service provider. • The efficiency of public lighting lamps should be no less than 60 lumens/watt (Note that mercury vapour lamps do not meet this criterion). • Public lighting lamps should be shielded such that no light is emitted above the horizontal thus minimising wasted light.

3. Clause 5.1.7 Streetscape and Lot Layout - Element: Lot Layout

Delete second paragraph (Suggested Solutions) and insert instead:

Size

Lots are capable of containing a building envelope of 25x15 metres. The building envelope is to be shown on development plans.

Part A: Chapter 10 – Notification and Advertising of Development Applications

4. Clause 10.9 Notice to be given for amended application, or for applications to modify or review a development consent

Insert after the second paragraph the following:

However, if an application to amend a development consent is of a minor nature and will not significantly alter the outcome of the original development consent, has not been the subject of a council resolution or an unresolved objection from the public, the consent authority may have discretion in determining whether or not to readvertise the amendment in the same manner as the original development application.

Delete from the third paragraph the words:

“In addition”

Part A: Chapter 19 – Exempt Development

5. Schedule – Exempt Development Provisions

Insert in the Schedule of Exempt Development Provisions in exemption requirements for public meetings, after “.....Australia”, the following:

and meets the requirements of the Environmental Planning & Assessment Act.

Insert in the Schedule of exempt development provisions in alphabetical order the following:

ACTIVITY	EXEMPTION REQUIREMENTS	ADVISORY NOTE
School sites or buildings: use outside school hours for a public meeting or for community purposes.	The premises are to comply with the relevant provisions of the BCA and the Environmental Planning & Assessment Act. The activity does not involve the operation or use of a loudspeaker or sound amplifying device after midnight unless it is within a building or place licensed as a place of public entertainment.	

Report

Subject	Development Control Plan for Public Art
File No	S836
Prepared by	Manager, Community Services
Reason	Request from Arts and Culture Policy Advisory Group
Objective	To seek approval from Council to prepare a Development Control Plan for Public Art
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services

Overview of Report

This report seeks Council approval to prepare a draft Development Control Plan for Public Art.

Background

At the September 2007 Arts and Culture Policy Advisory Group (ACPAG) meeting it was resolved to request Council to prepare a Development Control Plan for the provision of Public Art.

It is widely recognised that public art has the potential to enhance public spaces and create distinctive lifestyle environments that reflect local cultures and their identities. Public Art can add to the quality of life for residents and visitors alike, providing opportunities to enliven and engage the community, promote civic pride and develop a sense of belonging.

Council staff and ACPAG members have previously discussed the merits of levying Section 94 developer contributions to deliver public art outcomes for Lismore, however because of difficulties with apportionment under Section 94, a specific Development Control Plan (DCP) was deemed to be a more appropriate means of achieving that objective.

The ACPAG recommends the following key provisions within the DCP:

- 1. Application**
 The provision applies to all localities within the Lismore Local Government area.
- 2. Type and value of development**
 Commercial, retail and tourist developments with a value of more than \$1 million must include Public Art to the value of at least \$20,000 as an integral part of the development.
- 3. Type and location of Public Art**
 The art is to be permanent and durable, provided in a location on the development site that is freely accessible to members of the public.
- 4. Assessment**
 The applicant is required to submit details of the proposed Public Art as part of the development application documentation, to be reviewed by the Public Art Reference Group.

Comments

Financial Services

Not required.

Other staff comments

Senior Strategic Planner

A Development Control Plan is the appropriate mechanism for Council to require the provision of public art within major development proposals. A DCP would enable Council to condition certain types of development over a nominated value to provide public art on the development site in a location that is generally accessible to the public, such as a forecourt or foyer/reception area.

Since January 1, 2002 Council has approved the following tourist, commercial and retail development that has had a nominated value over \$1 million:

<i>Tourist development</i>	<i>Value</i>
<i>Motel</i>	<i>\$3,000,000</i>
<i>Motel</i>	<i>\$1,500,000</i>
<i>Commercial development</i>	<i>Value</i>
<i>Commercial building</i>	<i>\$1,250,000</i>
<i>Commercial building</i>	<i>\$1,490,825</i>
<i>Commercial building</i>	<i>\$1,310,000</i>
<i>Commercial building</i>	<i>\$3,750,000</i>
<i>Commercial alteration</i>	<i>\$2,000,000</i>
<i>Retail development</i>	<i>Amount</i>
<i>East point shopping centre</i>	<i>\$1,100,000</i>
<i>Big W fit out</i>	<i>\$2,500,000</i>
<i>Woolworths Supermarket fit out</i>	<i>\$1,950,000</i>
<i>Shopping centre additions</i>	<i>\$4,000,000</i>

The above tables include several relatively minor commercial developments of less than \$2 million in value (e.g. café with single office above) in which the imposition of a public art requirement could be considered to be inappropriate and/or overly onerous.

Public consultation

The ACPAG fully support the introduction of a Public Art DCP.

Conclusion

There is a demonstrable improvement in public amenity that flows from the introduction of Public Art. If the private sector is to contribute to this Art, Council will need to adopt a "Development Control Plan for Public Art". While the ACPAG has made recommendations with regard to those elements which may be included in a DCP for Public Art, the final inclusions and elements of the plan should be the subject of a thorough review and further report to Council.

Recommendation

That Council prepare a report on the full implications of a Development Control Plan for Public Art before embarking on the preparation of a Development Control Plan as recommended by the Arts and Culture Policy Advisory Group.

Report

Subject	Social Impact Assessment Policy and Guidelines
File No	S588
Prepared by	Community Development Officer
Reason	Review of the 1998 SIA policy was requested by Council
Objective	To seek Council endorsement of the SIA Policy and Guidelines
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services

Overview of Report

The report seeks Council endorsement of the Draft Social Impact Assessment Guidelines and Social Impact Assessment Policy and recommends a period of public exhibition.

Background

Earlier this year Council requested that the Social Impact Assessment (SIA) policy (1995, updated 2001) be reviewed. It was decided to support the Policy by developing best practice Guidelines to assist development proponents to improve the outcomes of the SIA process and to ensure consistency and transparency across SIAs.

The Guidelines outline the SIA process, triggers for SIA, content and format requirements of the SIA report, data sources and other information to assist development proponents in the process.

These Guidelines were presented to Councillors at a workshop on 16 October, 2007.

Other staff comments

Executive Director Development and Governance

The proposed new SIA Policy and its supporting Guidelines will serve both Council and applicants well as they provide clear articulation of the standard of assessment required and the triggers which will occasion that requirement.

Manager, Planning Services

The proposed SIA Policy and Guidelines were prepared in consultation with Planning Services and are fully supported.

Public consultation

The SIA Guidelines and Policy were developed using current evidence and expert opinion. Public consultation is recommended now that the Guidelines and Policy have been reviewed by LCC staff and Councillors.

Conclusion

The SIA Guidelines and Policy are an easy to read reference for proponents of development to assist in the SIA process and to encourage consistency and transparency in the process.

Recommendation

1. That Council endorse the proposed Social Impact Assessment Policy and SIA Guidelines for Public Exhibition.
2. That the Social Impact Assessment Policy and SIA Guidelines be placed on public exhibition for comment for a period of twenty eight (28) days.

Report

Subject	Nomination of funding source for the Small Business Incubator in South Lismore
File No	S640
Prepared by	Manager – Economic Development
Reason	To determine source and value of Council funding for Small Business Incubator
Objective	To grow the business base in Lismore, provide cost effective support for fledgling businesses and create jobs
Strategic Plan Link	Economic Development through support of business, plus assistance with creation of job opportunities and new income opportunities
Management Plan Project	Economic Development

Overview of Report

This Report will update Council on significant developments with the Lismore Small Business Incubator and is seeking a resolution on the funding source for Council's contribution.

Background

At the 13 June 2006 Council Meeting, Council resolved to support a joint equity partnership proposal with the BETC (Ballina Skills Development Centre Inc) to establish a Small Business Incubator in Lismore (103/06).

Council's agreed contribution to the proposal was in two parts:

- a) The provision of a suitable site at 40 Three Chain Road, South Lismore, under a Lease Agreement for a period of 10 x 10 years, with minimal "peppercorn" rent. A buy-out option would be included at the completion of the Agreement.
- b) The provision of fill for the building footprint (approximately 1,000 sq. metres and required car parking) and associated earthworks to compact the fill to the required specifications.

Council's decision to proceed was conditional upon the BETC securing their investment contribution and confirming these arrangements with Council. The BETC has since contacted Council to confirm these financial arrangements and can demonstrate that adequate funds have been secured from government to proceed with the project as proposed.

The final part of Resolution 103/06 was that in the event that the project proceeds, that Council make a determination on where the funding is to be sourced.

Costs for Council's contribution and funding source

Calculations for the provision of fill for the building footprint and associated earthworks have been made and are estimated to be \$25,000. Approximately 5,000 sq.m of airport land has been pledged to this project, designed to support the needs of fledgling businesses,

Comments

Financial Services

The funds for this project will be provided from internal borrowings with repayments to be made from the sale of Airport land.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

The Lismore Small Business Incubator is poised for the next stage of development. Cash funds to the value of \$1,050,000 have been secured by the BETC. Lodgement of the Development Application is imminent.

Recommendation

1. That \$25,000 for the provision of fill for the Small Business Incubator building footprint and associated earthworks, be sourced from the proceeds of the sale of Airport Land.

Report

Subject	Lismore Continental, Music, Sports and Recreation Club (Bocce Club)
File No	P29521
Prepared by	Assets Engineer
Reason	In response to a request from Council for a report to be prepared advising of alternate uses for the property known as the Continental, Music, Sports and Recreation Club, Lismore.
Objective	To gain Council's endorsement to proceed with the demolition of a building and adjacent bocce courts.
Strategic Plan Link	Infrastructure
Management Plan Project	Parks and Recreation, Asset Management, Properties

Overview of Report

This report recommends the demolition of a building known as the Continental, Music, Sports and Recreation Club. Costs to refurbish the building have been examined and would prove very expensive given the condition of the building and the presence of asbestos. An alternative multi-purpose building for use by community and sporting groups is being considered as part of the preparation of a master plan for Precinct One of Lismore Park.

Background

The building now known as the Lismore Continental, Music, Sports and Recreation Club is understood to have been constructed by members of the Italian community in the early 1950's. The Club is a single-storey, part timber framed, part stone walled structure with a corrugated iron roof. The building occupies part of Council property being Lot 1, DP709802, (no. 144 Magellan Street). The building has been unoccupied since 2005 and has been passed on to Council for ownership. The building has been subject to flooding on numerous occasions and the site remains flood prone.

Options for the property considered in this report are:

- Restoration for use by a community group.
- Demolition of the existing building and align the use of the land to the Master Plan for Precinct One in Lismore Park, (area bounded by Brewster Street, Uralba Street, Dawson Street and Magellan Street).

Restoration

Council's Community Services Staff had expressed an interest in undertaking repairs to the building such that it could be used for community purposes. There would be a range of possibilities for such a use. As such, Peter Lucena & Associates were requested in 2006 to undertake an assessment of the building and provide a quotation to undertake basic repairs. Their subsequent report stated, "There are numerous large cracks in the lunch room and store room, both on the internal and externals of the

wall. This would suggest that the foundations of the building have undergone significant movement.” A copy of their report is attached to Councillors’ Business Papers.

It should also be noted that as a result of the recent hailstorm in Lismore, the building was assessed for damage and it was discovered that there is considerably more asbestos within the building than first thought. Many of the internal and external walls and the lining of the eaves to the building are constructed of materials containing asbestos. These would need to be removed and replaced as part of any refurbishment of the building.

Two quotes were received for restoration of part of the building with the remainder to be demolished. The quotes ranged from \$60,270.00 (excl GST), to \$148,160.00 (excl GST). The higher quote included retaining the lunch room, only demolishing the store room at the southern end and additional work to the exterior of the building. The lower quote was for demolition of the lunch room and store room. Aside from the structural work and basic refurbishment quoted above, additional work would be required to make the building safe for occupation. Substantial costs would be required for car parking, site drainage, footpaths and safe access, removal of asbestos and replacement with alternative building materials, air conditioning, security and fire safety measures. This could be expected to add up to an additional \$150,000.00 to the cost of restoring the building to a reasonable condition to permit occupation by community groups as outlined in the quotations above.

As such, whilst there are a range of community uses that the building could be used for, Council would need to commit to substantial expenditure in order to repair the building and bring it up to current building standards before it was suitable for public occupation.

Restoration of the building is therefore not considered feasible based on the unbudgeted financial commitment required. This capital expenditure for restoration and ongoing maintenance costs would need to be assessed against the cost of providing a new building constructed to current building standards which meets the needs of the community to an acceptable service level. It should not be overlooked that the building is located in the lowest part of Lismore, is affected by stormwater flooding and will always be the first eastern bank building inundated in a major flood from the river.

Lismore Park Precinct One Master Plan

Council has recently engaged PDT Architects to prepare a strategic master plan for Precinct One of Lismore Park. This is the area bounded by Brewster, Uralba, Dawson and Magellan Streets. The master plan is looking at the full range of potential uses of the area and seeks to identify capital works to be undertaken in order to meet the future demands of the local community. Consultation with user groups and relevant staff has already been completed and the preliminary assessment has identified a need for a multi-purpose building for use by sporting and community groups to be built in the area between Crozier and Blair Ovals. Such a building would provide space for community groups and it is considered to be a more attractive option for Council both financially and practically in regards to meeting the needs of community groups. The master plan is still in development and Councillors will have an opportunity for input to the process at a workshop to be conducted early in the New-Year.

Demolition

Council has provided funds in the current budget to demolish this building. In doing so, history of the building would need to be addressed.

In order to recognise the history of the building and the contribution of the local Italian community to its construction and subsequent uses, it is proposed that an appropriate interpretive feature be placed on the site. It has been suggested that some of the stonework from the building could be used to construct a memorial with a plaque to mark the site once occupied by this building. Consultation with the local community will be required to determine an appropriate feature to be constructed at the site.

If the building is demolished, the land would become available for other uses and this would be addressed as part of the preparation of the master plan for Lismore Park.

A preliminary quotation of \$35,000 to demolish the building has been received.

Comments

Financial Services

Council has allocated \$100,000.00 in the 2007/08 Budget which could be used for the demolition of this building.

Based on the quotes received, insufficient funds are available to restore this building.

Other Staff Comments

Manager Planning Services

The building is not listed as a Heritage Item nor is it within a Heritage Conservation Area within the Lismore Local Environmental Plan. No objection on land use planning grounds is raised to the proposed demolition.

Manager Environmental Health & Building Services

Building Services supports the demolition of the Continental, Music, Sports and Recreation Club due to the poor condition of the building. The associated asbestos damage is a potential risk to the community in its current condition and needs to be addressed in the short term.

Public Consultation

Formal public consultation has not been undertaken at this time as it was considered necessary for Council to be made fully aware of the likely costs involved in repairing the building before committing to raising community expectations through a public consultation process. Should Council choose not to proceed with the demolition of the building, a public consultation would be undertaken as part of a process which would determine the form of restoration that should be taken.

As a result of media interest in the proposed demolition of the building, Council did receive one letter from a local resident suggesting the use of the stone from the building as part of a memorial.

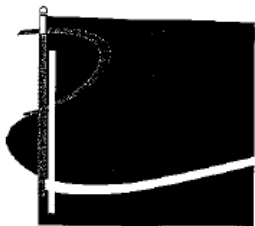
Conclusion

In view of the cost to repair the building and raise it to current standards and the potential for a multi purpose building to cater for community and sporting groups to be built in a preferable location as part of the master plan for Lismore Park, it is considered that the best option for Council is to demolish the building.

Recommendation (IS64)

It is recommended that :

1. Due to the significant costs involved in restoring the building known as the Continental, Music, Sports and Recreation Club to a condition suitable for public occupation and the proposed inclusion of a multi-purpose building to cater for community uses in the master plan for Precinct One of Lismore Park, Council proceed to demolish the subject building.
2. Council liaise with the local Italian community to determine the nature and form of a suitable interpretive feature to be placed on the site in recognition of its former use and the contribution of the local Italian community to its construction and operation.
3. Funding required for construction/placement of the interpretive feature be considered as part of the 2008/09 budget process.



Peter Lucena
& Associates
Pty. Ltd.

consulting civil &
structural engineers

structural engineering
civil engineering
building hydraulics
geotechnical investigations
wastewater investigations
project management

ABN 67 088 186 467

22 August 2006

Lismore City Council
PO Box 23A
Lismore 2480

Attn: Leane Draper

Dear Madam

**Re: Inspection Report for the Bocce Club at Cnr Dawson St
and Uralba St, Lismore.**

As requested, we have conducted a site inspection of the above-mentioned address. Following this inspection we have been asked to comment on the structural stability of the building. We report as follows.

The clubrooms have been constructed using two different methods. The walls around the Lunch Room and the Store Room are rendered block work and the walls around the Hall, Bathrooms and end Store Room are timber framing with a render finish on the outside. We were unable to determine if the North-Western corner of the Hall is block work or timber framed. The roof has been designed to span from external wall to external wall using trusses spaced at approximately 3000mm.

From our site visit we can see that the building has undergone some foundation movement. This is evident in the block work half of the building. There are numerous large cracks in the Lunch Room and the Store Room, both on the internal and externals of the wall. This would suggest that the foundations of the building have undergone significant movement.

It was also seen that the ground slab in the Hall was no longer a flat surface. There are many raised areas and cracks, which also occur through foundation movements.

We are making the following recommendations and observations based on the above:

- If the Lunch Room and Store Room are to be used then the block walls are to be removed and replaced with timber framing providing adequate support and bracing for the roof trusses,

p.o. box 78
Tintenbar 2478
telephone:
(02) 6687 8182
facsimile:
(02) 6687 8551
email:
petarlucena@bigpond.com

- If the north western corner of the Hall is block work then this wall is also to be removed and replaced with timber framing providing adequate support and bracing for the roof trusses,
- The Hall slab, whilst it is not flat, will continue to function adequately for this designed purpose, but will continue to move.

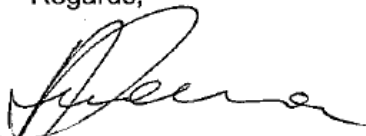
The cracking noticed in the existing building suggests that it has undergone foundation movement. Through the removal of the block work sections of the building and replacing with adequate timber frames and bracing, we feel that the building will be structural sound. With regards to the cracked ground slab in the Hall this will continue to move, but is no a structural issue.

In summary, we recommend that the Hall itself can be utilised largely as is, provided that the on movement can be tolerated within the building usage. The Store Room end of the building will require replacement of walls at least, to avoid continuing cracking problems with the current masonry walls.

The building foundations are clearly not coping with the ground movements, but the effects of this can be tolerated with flexible construction. We would consider that stabilization of the footings would not be cost effective as a means of retaining the buildings. If such work were necessary, it would be appropriate to remove all structures and construct new buildings with appropriate footings.

If you have any questions, please do not hesitate to contact the undersigned.

Regards,



Peter Lucena

Peter Lucena & Associates Pty Ltd

Report

Subject	No. 18 King Street, Lismore
File No	P5841
Prepared by	Assets Engineer
Reason	In response to a request from Council for a report to be prepared advising of alternate uses for the property located at no. 18 King Street, Lismore.
Objective	To gain Council's endorsement to proceed with demolition of the building.
Strategic Plan Link	Infrastructure
Management Plan Project	Asset Management, Properties

Overview of Report

This report recommends the demolition of the building on the property 18 King Street, adjacent to the proposed Cultural Precinct project site. The property was recently purchased by Council.

Background

A property located at no. 18 King Street, Lismore, was purchased by Council in August 2007. The purchase of this property was a strategic acquisition due to its proximity to the proposed site for the Cultural Precinct. The purchase price was assessed on the basis of land value only with the existing building structure not being considered of value due to its poor condition. The potential future development opportunities and use for car parking was the reason Council decided to purchase the property.

The building is of wooden construction with a corrugated iron roof and is elevated on wooden stumps which appear to be leaning. The building is in very poor condition with the majority of windows either missing altogether or boarded over. The building's condition makes it unsafe for any form of occupation in its current state and it is expected that a demolition order will be issued in the near future. Due to the poor condition of the building's structure it has not been tenanted for some time. Photos of the building are attached to Councillors' Business Papers. Potential uses of the property considered in this report are as follows:

- Restoration and utilisation of the existing building.
- Relocation / demolition of the existing building.
- Construction of a carpark.

Restoration

An assessment of the building has been undertaken by Staff and a preliminary estimate prepared of the cost to undertake minimum repairs and improvements to bring the building up to current standards. Aside from the structural work required to make the building safe, substantial costs would be required for provision of parking and safe access, electrical and telecommunications rewiring, plumbing and the provision of amenities, air conditioning, security and fire safety measures. The preliminary estimate of cost is \$250,000.00 which does not include internal fit out costs for any future intended use of the building.

Relocation/Demolition

The condition of the building as a whole would make relocation difficult and potentially hazardous. However, a decision on this option could only be made after consultation with a professional company that undertakes relocation of buildings. As a minimum some components of the building, (eg. weatherboards and floorboards), could be salvaged during a demolition.

The building is not on a main road and therefore does not have good exposure to the passing public which currently reduces its potential as a commercial building site. Additionally, the land is prone to flooding and any new building would need to be elevated. Potentially a new building may contain car parking underneath.

A preliminary quotation of \$35,000 has been received for demolition of the building.

Development of a Car Park

This property was purchased with the strategic objective being to demolish the building and develop a car park. This car park would complement and add flexibility to the design footprint of the adjacent proposed Cultural Precinct. Whilst this remains as an option for the site, it is too early in the planning phase for the Cultural Precinct project to be certain that a car park is the best use of the site for the future. The final design of the adjacent Cultural Precinct project will dictate whether the King Street property is required/best utilised as a car park.

Comments

Financial Services

The recommendation is supported as the primary reason this property was acquired was for car parking associated with the Cultural Precinct development. Council has voted funds of up to \$100,000 for the purpose of demolition and/or relocation of a number of buildings. The funds remain available.

Other staff comments

Manager Planning Services

The Planning Services Section supports the proposal to demolish the building. It is not within a Heritage Conservation Area, nor is it listed as a Heritage Item in the Lismore Local Environmental Plan.

Manager Environmental Health & Building Services

Building Services supports the demolition of the building as it is in poor condition and is a risk to the community. Notwithstanding, Council should ensure that the materials are recycled, whether via demolition or relocation.

Public consultation

Not required

Conclusion

The building at no. 18 King Street is a recent strategic acquisition by Council due to its proximity to the proposed Cultural Precinct. The plan for the site at this time is to demolish the existing building and provide a carpark. Restoration of the building is not considered feasible based on the unbudgeted financial commitment required to undertake such a restoration.

It is considered that the building should be demolished and the site cleaned up and maintained until plans for the Cultural Precinct are finalised. This will be the appropriate time to determine the future use of the site. Leaving the building on the site is not considered to be an option due to its poor condition and the ongoing risk it represents to Council as the owner of the building.

Recommendation (IS59)

It is recommended that:

1. Council proceed to demolish the building located at no. 18 King Street, Lismore.
2. Following demolition of the building, the site be maintained as vacant land and options for its future use to be included in the detailed planning for the Cultural Precinct project.
3. Funding for the proposed demolition of the building be provided from the approved 2007/08 allocation for demolition and/or relocation of Council buildings.





Report

Subject	State of the Environment Report 2007
File No	S900
Prepared by	Manager-Environmental Health and Building Services
Reason	Presentation of Council's 2007 Supplementary State of the Environment Report
Objective	To seek Council's endorsement of the 2007 Supplementary State of the Environment Report to satisfy Council's reporting requirements
Strategic Plan Link	Natural Environment
Management Plan Project	Environmental Protection & Enhancement: Complete Supplementary State of the Environment Report

Overview of Report

The Local Government Act 1993, requires Council to prepare a Comprehensive State of the Environment Report (SoE) every four years and a Supplementary Report every other year.

The SoE meets legislative requirements if the Council; considers relevant guidelines and directions issued by the Director General, consults the community (including environmental groups), and produces a report readily understandable by the community. These requirements have been met and the 2007 Supplementary SoE is presented to Council. A copy of the Report has been distributed to Councillors.

Background

In line with annual reporting requirements under *the Local Government Act (1993)*, Council has produced annual State of the Environment Reports since 1996. Council's last comprehensive Report was in 2004 and the next due in 2008. This Report is therefore a Supplementary Report.

The *Local Government Act, 1993* highlights environmental responsibilities of Councils, including a requirement to properly manage, develop, protect, restore and enhance and conserve the environment. These provisions are closely linked to the requirements under the Act for Councils to prepare (SoE) Reports in relation to the following environmental sectors:-

SoE Reporting is intended to enable assessment to changes in the condition (or state) of the natural environment over time, the human pressures placed upon it and our response to those pressures by enacting Council's legislative responsibilities and implementing various projects and initiatives with the community and other partners.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Consultation for the 2007 Supplementary SoE was undertaken through the Sustainable Environment Policy Advisory Group (SEPAG). The SEPAG consists of representatives from the agricultural industry, horticultural industry, Centre for Ecotechnology, Richmond River Landcare Services, Big Scrub Environment Centre, development industry, Lismore Climate Action group and Councilors. The scope of the SEPAG is to assist Council with the prioritisation and promotion of environmental issues identified in the State of the Environment (SoE) Report. The 2007 SoE was circulated to the SEPAG on October 10, 2007 and discussed at the SEPAG meeting of October 17, 2007, and appropriate comments and amendments to the document have been made.

Conclusion

Pursuant to Section 223 of the Local Government Act, Councils has met the requirements if it:

- a) identifies any new environmental impacts; and
- b) it updates trends in environmental indicator and updates data;
- c) consults the community (including environmental groups).

Council in this regard has met its statutory obligations and as such the report is submitted to Council for adoption.

Recommendation (PLA12)

- 1 That Council's Supplementary State of the Environment Report 2007, be noted and accepted as satisfying the reporting requirements of the *Local Government Act*.

Report

Subject	Sport and Recreation PAG Recommendations
File No	S36
Prepared by	Sport and Recreation Project Officer
Reason	Annual recommendations for funding for the Urban Sports Ground Development Fund and the Rural Sports Ground Development Fund
Objective	To seek approval for recommendations passed at the 19 September 2007 meeting of the Sport and Recreation Policy Advisory Group
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

Approval is sought for the allocation of funds from the Urban Sports Ground Development Fund and the Rural Sports Ground Capital Improvement Program for a number of development projects recommended by the Sport and Recreation Policy Advisory Group.

Background

In the 2007/08 budget a sum of \$169,000 was allocated to the Urban Sports Ground Development Fund and \$23,000 to the Rural Sports Ground Capital Improvement Program to assist sports ground users and recreation facility providers with the development of sports facilities. To commence the process an advertisement was placed in the Echo seeking submissions from interested parties. Nine applications were received for funding from the Urban fund and two for funding from the Rural fund. The submissions were assessed in the first instance by staff from Community Services and Parks and Recreation and then by the Sport and Recreation Policy Advisory Group.

Advice from Financial Services provides an outline of the funding reserve allocations with respect to the two schemes as follows:

Note: Submissions for 2006/07 were processed in early 2007

Urban

Balance carried forward – 01/07/2006	136,300	
Plus 2006/07 allocation	165,200	
2007/08 allocation	<u>169,000</u>	
Total Available		\$ 470,500

Less

Lismore Basketball Stadium	2006/07(Special Grant)	21,900
Sportsfield Lighting Audit	2006/07(Report)	12,000
Riverview Park Lighting	2006/07(Lighting)	80,000
Lismore Basketball Stadium	2006/07 (Toilets)	36,100
Goonellabah Soccer Club	2006/07 (Fencing)	10,500
Goonellabah Soccer Club	2006/07 (Lighting)	20,000
Richmond Rovers Soccer Club	2006/07(Lighting)	26,800

South Lismore Soccer Club	2006/07(Seating)	20,000
Lismore Little Athletics	2006/07(Seating)	11,000
Crozier Oval	2006/07(Lighting)	<u>103,000</u>

Total Committed **\$341,300**

Balance **\$129,200**

Note: The Riverview Park lighting project has now been completed and after receiving grant monies from the Department of Sport and Recreation there will be a surplus of approximately..... **\$15,000**

The total funds currently available are therefore **\$144, 200**

Rural

Balance carried forward – 01/07/2006	21,300
Plus 2006/07 allocation	22,100
2007/08 allocation	<u>23,000</u>

Total Available **\$66,400**

Less

Balzer Park Lighting	2006/07(Lighting)	5,000
Dunoon Sports Club	2006/07(Pathway)	5,000
Clunes Tennis Club	2006/07(Resurfacing)	15,000
Coronation Park	2006/07(Fencing)	<u>4,600</u>

Total Committed **\$29,600**

Available **\$36,800**

Applications from the following organisations were received by the advertised due date:

Urban Sportsground Development Fund

Organisation	Project description	Amount requested	Total project cost
Little Athletics	Canteen Refurbishment – refurbishment of the Canteen area in the amenities block at Riverview Park so that it meets food handling and health standards.	\$28,250	\$56,500
Little Athletics	Discus Cage – installation of 2 nd discus cage on main oval. It have 8 posts, set in spigots (for easy removal if needs be), will stand 5.5m tall, net will be rope netting; more suitable for high school aged athletes	\$4,300	\$13,300
Lismore & District Netball Association Inc.	Upgrade lighting – installation and erection of 3 poles to supply lighting to courts 4 & 5; at the eastern end of Ballina St. courts. Lighting is in line with Australian standards.	\$20,000	\$28,000
Lismore City Council	City Lights Tennis Courts Clubhouse – roof restoration; repairs to leaking roof through the removal of existing roof and its replacement with a new colour-bond roof.	\$2,400	\$3,400

Nesbitt Park	Park redevelopment – Master plan currently being produced – this grant money would be used for sporting facilities e.g. half basketball	\$30,000	\$60,000
Crozier Field	Master Planning Project – This grant would provide seeding funds to enable a concept plan for precinct one in the Lismore Park PoM to be developed	\$17,000	\$17,000
Goonellabah Tennis Club Inc.	Practice Wall – construction of practice court and wall on land adjacent Court 1; court to be 10mx7m, wall to be 2.5m high & 7 m wide. Court area to be fully fenced, & access to be through new gate	\$12,000	\$17,000
Lismore Swans Australian Football Club Inc.	Lighting Project – erect 2 x 20m light poles with 5 lights per pole; cables to be plumbed into smaller club house.	\$30,000	\$63,000
Lismore Workers Football Club Inc	Upgrade existing lighting by extending current poles to 25 m and installing 16 new lights (4 per pole)	\$20,000	\$30,400
TOTAL		\$163,950	\$290,600

Rural Sportsground Development Fund

Organisation	Project description	Amount requested	Total project cost
Nimbin Community Development Association	Peace Park – Shade Project. Erection of shade structure (block up to 98% UV rays) as stage 2 of children's playground development. Will be adjacent to playground.	\$5,000	\$13,906
Demons Australian Rules Football Club, Nimbin	Redevelopment of football grounds – including flood lighting	\$20,000	\$45,000
TOTAL		\$25,000	\$58,906

Following discussion on each project, the Sport and Recreation Policy Advisory Group (PAG) made the following recommendations with respect to the Urban Sports Ground Development Fund and the Rural Sports Ground Capital Improvement Program:

Proposed funded projects:

URBAN RECOMMENDATIONS

1. Lismore Little Athletics Centre: \$28,250 to assist with the refurbishment of the canteen within the amenities block at Riverview Park, subject to a matching grant from the Department of Sport and Recreation.
2. Lismore Little Athletics Centre: \$4,300 to assist with the installation of a second discus gage for Little Athletics at Riverview Park.
3. Lismore and District Netball Association: \$10,000 to assist with the upgrade of lighting subject to matching funding from the Department of Sport and Recreation. (\$10,000).
4. \$30,000 towards the installation of sporting facilities at Nesbitt Park as identified in the Master Plan for the park.
5. \$17,000 seed funding for the development of a master plan for Precinct One of Lismore Park.
6. Lismore Swans Australian Rules Football Club: \$30,000 to assist with the installation of lighting

- at Mortimer Oval.
7. Lismore Workers football Club: \$20,000 to assist with the upgrade of the sports field lighting at the club.

(Total value \$139,550)

RURAL RECOMMENDATION

1. The Demons Australian Rules Football Club: \$20,000 to assist with the costs of redeveloping the football field on Bellevue Park, Nimbin

(Total Value \$20,000)

The Sports and Recreation Policy Advisory Group made the following recommendations with respect to those projects not funded:

URBAN

1. That funding for the City Lights Tennis Courts roof restoration and the practice wall for the Goonellabah Tennis Club not be approved at this time.
2. That sufficient funds be left in reserve pending a change in the eligibility guidelines in order that a submission from the Thistles Soccer Club can be considered

RURAL

1. That the funding for the Peace Park Shade Project for the Nimbin Community Development Association not be approved and that the Association be advised to apply for funding from the Community Sun Protection Strategy Program.

Comments

Financial Services

In the 2007/08 Budget, Council allocated \$169,000 for the Urban Sports Ground Development Fund and \$23,000 for the Rural Sports Ground Capital Improvement program. After adding unexpended funds from 2006/07 and deducting for already committed projects, \$144,200 and \$36,800 is available from the Urban and Rural funds respectively to fund these projects.

Other staff comments

Not applicable.

Public consultation

Advertisements were placed in the Echo for both grant schemes. Nine applications were received for the Urban program funding including three submissions from Council's Parks and Recreation section and two applications were received for the Rural program.

A significant amount of interest was generated by this process and numerous meetings and telephone conversations were held with interested parties. There was concern expressed by the Richmond River Gun Club and again by the Thistles Soccer Club that the Urban Sports Ground development Fund was not available to organisations that conducted their activities on land not owned by Council. The Sport and Recreation PAG has decided to review the guidelines for funding eligibility at their next meeting.

Conclusion

The Sport and Recreation PAG is recommending a number of facility improvements across a range of sporting and recreational activities. There is a continued emphasis on improving field lighting as well as a move to continue to develop Riverview Park – a facility used by a significant number of school groups as well as soccer and athletics clubs. The master planning exercise proposed for precinct one in Lismore Park will deliver a broad range of recommended improvements in line with the proposals in the recently adopted Lismore Park Plan of Management.

Recommendation

Rural Sports Ground Capital Improvement Program

1. That an amount of \$20 000 be provided to the Demons Australian Rules Football Club, Nimbin to assist with the redevelopment of the playing field at Beelvue Park beside the Nimbin Showground (Total value of project \$45 000)
2. That funding for the Peace Park Shade Project for the Nimbin Community Development Association not be approved at this time and that the Association be advised to apply for the funding from the Community Sun Protection Strategy Program (\$5 000 requested from a total project cost of \$13 906)

Urban Sports Ground Development Fund

1. That an amount of \$28 250 be provided to the Lismore Little Athletics Centre, to assist with the refurbishment of the canteen area within the amenities block at Riverview Park (Total value of project \$56 500)
2. That an amount of \$16 000 be set aside to provide funding for the Master Planning of precinct one within the Lismore Park sporting complex.
3. That an amount of \$30 000 be provided to the Lismore Swans Australian Football Club, to assist with the erection of two, twenty metre light poles on Mortimer Oval. (Total value of project \$63 000)
4. That an amount of \$30,000 be set aside to provide for a range of sporting facilities for Nesbitt Park which will be identified in the master plan for the Park on which work is currently proceeding.
5. That an amount of \$4,300 be provided to the Lismore Little Athletics Centre to assist with the construction of a second discus cage on the main oval at Riverview Park. (Total value of project \$13,300)
6. That an amount of 420,000 be provided to the Lismore Workers Football Club to assist with the upgrade of existing lighting at Richards Oval. (Total value of project \$30,400)
7. That an amount of \$10,000 (subject to Sport and Rec funding) be provided to the Lismore and District Netball association to upgrade lighting at the eastern end of their facility. (Total cost of project \$28,000)
8. That funding for the City Lights Tennis Courts clubhouse roof and the Goonellabah Tennis Club Practice wall not be approved at this time

Report

Subject	Concreting Works
File No	T2008-06
Prepared by	Urban Works Engineer
Reason	To inform Council of tenders received for the provision of concreting works for the period to October 31, 2009
Objective	To obtain Council approval to award the Contract Panel
Strategic Plan Link	Infrastructure
Management Plan Project	Roads

Overview of Report

This report details the evaluation of tenders received in relation to the provision of concreting works and the recommendation to award the successful Tenderer.

Background

Tenders for the Concreting Works for the period to October 31, 2009 were recently invited.

The Tender was advertised in the Northern Star, Brisbane Courier Mail and Sydney Morning Herald. Tender submissions were received from two (2) companies by the close of tender at 2.00pm, Tuesday, October 2, 2007. The tenders received were from the following companies:

- Stephen Saunders
- MWL & Co Pty Ltd

Tender Examination

An evaluation committee comprising of the Contracts Administration Officer, Urban Works Engineer and Manager of Operations undertook the assessment of tenders.

Due to the type of work being carried out at many separate locations at various times throughout the year, tenders were invited on a Schedule of Rates basis.

To enable a comparison of the rates received, a typical program for Lismore City Council was selected and costs calculated based on the tendered rates.

3,000m² Program

Contractor Total Cost

- MWL & Co Pty Ltd \$198,000.00
- Stephen Saunders \$228,400.00

Council has a program of works to be completed each year in regard to the construction of footpaths and cycleways and the purpose of this tender is to establish rates that will be held firm for the period to October 31, 2009. Council is to finalise the Total Works Program for Construction of Reinforced Concrete Footpaths and Cycleways during the period to October 31, 2009 however, a typical annual program is up to 3,000m² at various locations.

The tender documents, (Clause B7), defined four (4) areas by which each tender would be assessed:

1. Total Price

As demonstrated in the program, MWL & Co show less expensive costs to Council by approximately 13%.

2. Capability

After working with Council over a number of years, MWL & Co have a good past record and are capable of performing the work. Stephen Saunders has been a part of MWL & Co delivering Council's contracts over the past years however, his support resources are unknown at this time.

3. Relevant Experience

Both companies have experience with similar contracts with other Councils across Australia. Both have demonstrated the ability to perform the works required.

4. Quality, Safety and Environmental Management

MWL & Co has demonstrated a competent approach to OH&S management in the past and has demonstrated an ability to deliver the contract as specified. Stephen Saunders has no demonstrated ability to deliver this type of contract as he is a newly formed business. The current type of work described is on a much smaller scale than that of the contract.

Details of the above assessment are included in the attachments for Councillor's information.

Referee Check

Lismore City Council engaged MWL & Co Pty Ltd to undertake concreting works in the previous tender, where all works were carried out in an efficient and professional manner.

Stephen Saunders is an ex-employee of MWL & Co and his ability and resources to undertake this type of contract are unknown.

Comments

Financial Services

The 2007/ 08 Budget provides \$507,000.00 for the Construction and Renewal of Cycleways and Footpaths. The recommendation is supported as the proposed schedule of works is within the available funds.

Other staff comments

Manager - Operations

MWL & Co Pty Ltd have provided timely and quality service to Lismore City Council for several years therefore, the recommendation is supported.

Public consultation

Not required.

Conclusion

Because of the nature of this work, the selection of a Contractor can depend significantly on availability at the time required. As a result, the Specification enables Council to use any of the Contractors who submitted a tender, depending on cost and availability. MWL & Co. Pty Ltd have provided the lowest conforming tender and have ranked first in the evaluation criteria and have successfully carried out work for Lismore City Council under a number of similar contracts.

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

Recommendation (IS61)

1. That Council adopt the following order of priority for the engagement of concreting works Contractors:
 1. MWL & Co Pty Ltd
 2. Stephen Saunders

Report

Subject	Sprayed Bituminous Surfacing Works
File No	T27015
Prepared by	Urban Works Engineer
Reason	To inform Council of tenders received for the provision of bituminous surfacing works for the period to November 31, 2009
Objective	To obtain Council approval to award the Contract Panel
Strategic Plan Link	Infrastructure
Management Plan Project	Roads

Overview of Report

This report details the evaluation of tenders received in relation to the provision of bituminous surfacing works and the recommendation to award the successful tenderer.

Background

Tenders for the 2007/2009 Sprayed Bituminous Surfacing Program were recently invited.

The Tender was advertised in the Northern Star, Sydney Morning Herald and the Courier Mail and tender submissions were received from five (5) companies by the close of tender at 2.00pm on Friday, September 7, 2007. The tenderers were as follows:

- Boral Asphalt
- Pioneer Road Services
- SAMI Road Services Pty Ltd
- FRH Group Pty Ltd
- RPQ Spray Seal Pty Ltd

Tender Examination

An evaluation committee comprising of the Contracts Administration Officer, Urban Works Engineer and Manager of Operations undertook the assessment of tenders.

Due to the type of work being carried out at many separate locations and at various times throughout the year, tenders were invited on a Schedule of Rates basis.

To enable a comparison of the rates received, two typical works programs for Lismore City Council were selected and costs calculated based on the tendered rates as shown below.

Major Works Program (10 Days)

Contractor Total Cost

- Pioneer Road Services \$197,548.80
- FRH Group Pty Ltd \$209,120.00
- Boral Asphalt \$233,287.60
- RPQ Spray Seal Pty Ltd \$241,263.00
- SAMI Road Services Pty Ltd \$262,651.20

Minor Works Program (2 Days)

Contractor Total Cost

- Pioneer Road Services \$23,154.59
- Boral Asphalt \$25,224.51
- SAMI Road Services Pty Ltd \$25,003.41
- FRH Group Pty Ltd \$25,313.33
- RPQ Spray Seal Pty Ltd \$25,996.87

The rates tendered by Pioneer Road Services resulted in the lowest costs for both projects. Although, when the other evaluation criteria specified in the tender are applied, (Capability, Relevant Experience & Quality and Safety Plans), Pioneer Road Services is the highest ranked tenderer as outlined below.

The tender documents, (Clause B7), defined four (4) areas by which each tenderer would be assessed.

1. Total Price

As demonstrated in the typical projects, prices vary considerably across the differing scales of work. Totals for the two types of work are as follows:

- | | |
|------------------------------|--------------|
| • Pioneer Road Services | \$220,703.39 |
| • FRH Group Pty Ltd | \$234,433.33 |
| • Boral Asphalt | \$258,512.11 |
| • RPQ Spray Seal Pty Ltd | \$267,259.87 |
| • SAMI Road Services Pty Ltd | \$287,654.61 |

Pioneer Road Services have submitted the best overall price with prices being, FRH Group 6.2%, Boral 17.1%, RPQ Spray Seal 21.1% and SAMI Road Services 30.3% more expensive.

2. Capability

All tenderers have a demonstrated ability to undertake this type of work with a broad range of technical expertise within the industry. SAMI indicated that they have a number of contracts at this time to fulfil and as such, service to Council's contract may suffer.

3. Relevant Experience

All contractors have a significant amount of experience in this type of work with differing contractors servicing Richmond Valley, Byron and Ballina Councils.

4. Quality, Safety and Environmental Management

Contractors have demonstrated a high level of OH&S systems and safety records in past dealings with other contracts.

Details of the above assessment are included in the attachments for Councillor's information.

Referee Check

Boral Asphalt, Pioneer Road Services and RPQ have all had past dealings with Lismore City Council and have executed their contracts diligently.

Both SAMI and FRH Group have received excellent references from Works Engineers at Councils they are currently working with.

Comments

Financial Services

While the scale of works to be completed under the contract is not defined, all works will be funded from 2007/08 and 2008/09 Road Maintenance and Construction budgets. On this basis, the recommendation is supported.

Other staff comments

Manager - Operations

Pioneer Road Services has been servicing Richmond Valley Council for approximately twelve (12) months. While based on the Gold Coast, their proximity to Lismore while servicing Richmond Valley Council will provide a reliable service to Lismore City Council therefore, the recommendation is supported.

Public consultation

Not required.

Conclusion

Pioneer Road Services has provided the lowest conforming tender and has ranked first in the evaluation criteria. Should either of the top two companies be unavailable for works, Boral Asphalt is based locally and could be available upon short notice.

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

Recommendation (IS60)

1. That Council adopt the following order of priority for the engagement of bitumen sealing Contractors for major and minor works:
 1. Pioneer Road Services
 2. FRH Group Pty Ltd
 3. Boral Asphalt
 4. RPQ Spray Seals Pty Ltd
 5. SAMI Road Services Pty Ltd

Report

Subject	Provision for Laying of Asphalt
File No	T2008-07
Prepared by	Urban Works Engineer
Reason	To inform Council of tenders received for the provision for the laying of asphalt works for the period to October 31, 2009
Objective	To obtain Council approval to award the Contract Panel
Strategic Plan Link	Infrastructure
Management Plan Project	Roads

Overview of Report

This report details the evaluation of tenders received in relation to the provision for the laying of asphalt works and the recommendation to award the successful tenderer.

Background

Tenders for the 2007/2009 Laying of Asphalt Services were recently invited.

The Tender was advertised in the Northern Star, Sydney Morning Herald and the Brisbane Courier Mail. Tender submissions were received from five (5) tenderers by the close of tenders at 2.00pm on Tuesday, October 10, 2007. Tenders were received from the following companies:

- Tropic Asphalts Pty Ltd
- Clark Asphalt Pty Ltd
- Murphy Asphalt Pty Ltd
- State Asphalt Services Pty Ltd
- Boral Asphalt

Tender Examination

An evaluation committee comprising of the Contracts Administration Officer, Urban Works Engineer and Manager of Operations undertook the assessment of tenders.

Due to the varying nature and quantity of work being carried out by Council throughout the year, tenderers were invited on a Schedule of Rates basis.

To enable a comparison of the rates received, the projected quantities for the asphalt works programme for the current financial year were selected and costed against the tendered schedule of rates received from each tenderer and a total cost calculated.

Major Project (8 Days)

• Clark Asphalt Pty Ltd	\$71,350.00
• Murphy Asphalt Pty Ltd	\$73,300.00
• Boral Asphalt	\$75,936.00
• Tropic Asphalts Pty Ltd	\$99,100.00
• State Asphalt Services Pty Ltd	\$242,800.00

Minor Project (8 Days)

• Murphy Asphalt Pty Ltd	\$34,312.00
• Clark Asphalt Pty Ltd	\$37,300.00
• Boral Asphalt	\$51,227.00
• Tropic Asphalts Pty Ltd	\$92,424.00
• State Asphalt Services Pty Ltd	\$260,640.00

Heavy Patching (200 cubic metres)

• Clark Asphalt Pty Ltd	\$26,130.00
• Murphy Asphalt Pty Ltd	\$30,390.00
• Boral Asphalt	\$50,305.00
• Tropic Asphalts Pty Ltd	\$75,160.00
• State Asphalt Services Pty Ltd	Nil Tender

The rates tendered show the lowest cost for all three projects. In addition, when the other evaluation criteria specified in the tender are applied, (Capability, Relevant Experience and Quality & Safety Plans), the tenderers are scored as shown in the attachment.

The tender documents defined four (4) areas by which each tender would be assessed:

1. Total Price

As demonstrated in the project types above, prices vary considerably across the differing types of work. Quantities used in calculating the total for each type of work are based on Council's proposed Asphalt Programme for this financial year:

• Clark Asphalt Pty Ltd	\$134,780.00
• Murphy Asphalt Pty Ltd	\$138,002.00
• Boral Asphalt	\$177,468.00
• Tropic Asphalts Pty Ltd	\$266,684.00
• State Asphalt Services Pty Ltd	Nil Tender

State Asphalts did not submit a price for heavy patching and as such is considered a non-conforming tender.

Clark Asphalt have submitted the best overall price with prices being Murphy 2.4%, Boral 31.7% and Tropic 97.9% more expensive.

2. Capability

All tenderers, with the exception of Tropic Asphalts, have local experience and a workload that would be capable of delivering the contract. Past issues with Murphy Asphalts have demonstrated problems with their ability to deliver the contract due to issues associated with resourcing and technical skills deficiencies. These have resulted in non-conforming works in the past contract with Council & the NSW Roads and Traffic Authority (RTA).

3. Relevant Experience

Clark Asphalt and Boral Asphalt have displayed an excellent track record in the past with contracts with Council. Murphy's Asphalt have had a significant number of issues with the past contract that has included a period where they were excluded from working on RTA funded projects.

4. Quality, Safety and Environmental Management

The reason for the exclusion from RTA projects was due to OH&S system breeches that were repeated a number of times. Meetings with Murphy's Asphalt have resulted in a re-design of their OH&S systems, however, this has yet to be proven in the field and as such they have been scored down in this category. Both Boral Asphalt and Clark Asphalt have had no previous history of OH&S issues.

Based on the scoring for the above criteria, tenderers were given an overall score.

Referee Check

Clark Asphalt and Boral Asphalt have undertaken previous contracts with Lismore City Council and have performed extremely well and with value for money.

Murphy's Asphalt have had a number of issues with their previous contract as mentioned above.

Comments

Financial Services

While the scale of works to be completed under the contract is not defined, all works will be funded from 2007/08 and 2008/09 Road Maintenance and Construction budgets. On this basis, the recommendation is supported.

Other staff comments

Manager - Operations

Clark Asphalt and Boral Asphalt have provided timely and quality service to Lismore City Council for several years. Murphy's Asphalt has had issues with supply of the previous contract however, the scoring and the overall position reflects their standing in the marketplace for value for money therefore, the recommendation is supported.

Public consultation

Not required.

Conclusion

The selection of a Contractor can depend significantly on availability at the time required and the nature of the work. As a result, the Specification enables Council to utilise any of the Contractors who submitted a tender, depending on cost and availability. Clark Asphalt have provided the lowest conforming tender and have ranked first in the evaluation criteria and have successfully carried out work for Lismore City Council under a number of similar contracts.

Contractors will be selected on the basis of their ranking as shown below.

Recommendation (IS63)

1. That Council adopt the following order of priority for the engagement of asphalt laying contractors for major, minor and heavy patching works:
 1. Clark Asphalt
 2. Boral Asphalt
 3. Murphy Asphalt
 4. Tropic Asphalt

Report

Subject	Pavement Stabilisation Works
File No	T2008-05
Prepared by	Urban Works Engineer
Reason	To inform Council of tenders received for the provision of pavement stabilisation works for the period to November 30, 2009
Objective	To obtain Council approval to award the Contract Panel
Strategic Plan Link	Infrastructure
Management Plan Project	Roads

Overview of Report

This report details the evaluation of tenders received in relation to the provision of pavement stabilisation works and the recommendation to award the successful tenderer.

Background

Tenders for the Pavement Stabilisation Works for the period to November 30, 2009 were recently invited.

The Tender was advertised in the Northern Star, Brisbane Courier Mail and Sydney Morning Herald. Tender submissions were received from two (2) companies by the close of tender at 2.00pm on Tuesday, October 2, 2007. The tenderers were received from the following companies:

- Stabilised Pavements of Australia
- Downer EDI Works Pty Ltd

Tender Examination

An evaluation committee comprising of the Contracts Administration Officer, Urban Works Engineer and Manager of Operations undertook the assessment of tenders.

Due to the type of work being carried out at many separate locations and at various times throughout the year, tenders were invited on a Schedule of Rates basis.

To enable a comparison of the rates received, two typical programs for Lismore City Council were selected and costs calculated based on the tendered rates as displayed below.

15,000m² Program - five (5) working days

Contractor Total Cost

- Stabilised Pavements of Australia \$48,651.00
- Downer EDI Works Pty Ltd \$55,650.00

4,000m² Minor Works Program - two (2) working days

Contractor Total Cost

- Stabilised Pavements of Australia \$16,146.00
- Downer EDI Works Pty Ltd \$21,708.00

The rates tendered by Stabilised Pavements of Australia result in the lowest costs for both projects. In addition, when the other evaluation criteria specified in the tender are applied, (Capability, Relevant Experience and Quality and Safety Plans), Stabilised Pavements of Australia is the highest ranked tenderer.

The tender documents, (Clause B7), defined four (4) areas by which each tender would be assessed:

1. Total Price

As demonstrated in the two typical programs, Stabilised Pavements Australia shows the cheapest costs to Council.

2. Capability

After working with Council over a number of years, Stabilised Pavements Australia have a good past record and are capable of performing the work. Downer EDI is a large company with a demonstrated capability and resources to undertake the work, however, have no experience in the local area.

3. Relevant Experience

Both companies have experience with similar contracts with other Councils across Australia. Both companies have demonstrated the ability to perform the works required.

4. Quality, Safety and Environmental Management

Both companies presented good quality and OH&S systems with records of outstanding performance in the past.

Details of the above assessment are included in the attachments for Councillor's information.

Referee Check

Stabilised Pavements Australia have undertaken two (2) previous contracts for Lismore City Council in the past, performing extremely well and with value for money.

Downer EDI Works have not worked for Lismore City Council previously, however, discussions with engineering professionals from other Councils that have utilised their services reflect a professional, competent organisation, capable of undertaking this type of contract.

Comments

Financial Services

While the scale of works to be completed under the contract is not defined, all works will be funded from the 2007/08 and 2008/09 Road Maintenance and Construction budgets. On this basis, the recommendation is supported.

Other staff comments

Manager - Operations

Stabilised Pavements Australia has provided timely and quality service to Lismore City Council for the past several years therefore, the recommendation is supported.

Public consultation

Not required.

Conclusion

The selection of a Contractor can depend significantly on availability at the time required and the nature of the work. As a result, the Specification enables Council to use any of the Contractors who submitted a tender, depending on cost and availability. Stabilised Pavements of Australia have provided the lowest conforming tender and have ranked first in the evaluation criteria and have successfully carried out work for Lismore City Council under a number of similar contracts.

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

Recommendation (IS62)

1. That Council adopt the following order of priority for the engagement of pavement stabilisation Contractors for major and minor works:
 1. Stabilised Pavements of Australia
 2. Downer EDI Works Pty Ltd

Report

Subject	2006/07 Financial Reports
File No	S929
Prepared by	Principal Accountant
Reason	Legislative requirement - s416, Local Government Act 1993
Objective	To present the 2006/07 Financial Reports
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Financial Services

Overview of Report

At Council's October 31, 2007 meeting, Council formed its opinion on the 2006/07 Financial Reports and the Auditor presented the audit conduct and findings.

In accordance with the Local Government Act, 1993 and Local Government (General) Regulations 2006, the 2006/07 Financial Reports were advertised and submissions from the public invited. The regulations stipulate that the public shall have at least seven days from the date the financial reports are publicly presented (November 13, 2007) to make submissions.

This report represents the formal public presentation of the 2006/07 Financial Reports.

Background

Council resolved at the October 30, 2007 meeting to

- a) In accordance with Section 413 (2) (c) of the Local Government Act 1993 and clause 215 of the Local Government (General) Regulation 2005 adopt the 2006/07 Financial Reports and 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports, with the Mayor and Deputy Mayor delegated to sign on behalf of Council.
- b) Submit the 2006/07 Financial Reports to the Department of Local Government and the Australian Bureau of Statistics.
- c) Advertise the presentation of the 2006/07 Financial Reports to the public from November 1, 2007 and invite both inspection and submission.
- d) Present the 2006/07 Financial Reports to the public at the November 13, 2007 Council meeting.

Council's resolutions have been implemented but it is important to note that the public has to November 20, 2007 to make a submission and Council is to ensure that copies of all submissions received by it are referred to the auditor and also take such action as it considers appropriate with respect to any such submission. Submissions received after this meeting, will be reported to Council's December meeting.

Summary of Key Financial Data

Item	2006/07 (\$,000)	2005/06 (\$,000)
Income Statement		
Total income from continuing operations	68,297	68,849
Total expenses from continuing operations	57,500	55,602
Operating result from continuing operations	10,797	13,247
Net operating result from continuing operations	10,797	13,247
Net operating result before grants and contributions provided for capital purposes	6,053	3,287
Balance Sheet		
Total current assets	33,783	31,301
Total current liabilities	10,528	12,345
Total non-current assets	612,289	458,440
Total non-current liabilities	28,818	27,921
Total equity	606,726	449,475
Other Financial Information		
Unrestricted Current Ratio (expressed as a ratio)	2.57	3.20
Debt Service Percentage (%)	4.54	4.77
Rate Coverage Percentage (%)	43.47	47.70
Rates and Annual Charges Outstanding Percentage (%)	10.23	9.75

Other staff comments

Not required

Public consultation

The financial reports in the prescribed format have been advertised in the Northern Rivers Echo for the edition dated November 1 and 8 seeking public comment.

Conclusion

In accordance with the Local Government Act, 1993 and Local Government (General) Regulations 2005, the 2006/07 Financial Reports were advertised and submissions from the public invited.

At the time of preparing this report, no submission had been received.

Recommendation

That Council acknowledge the presentation of the audited 2006/07 Financial Reports to the public.

Report

Subject	September 2007 Quarterly Budget Review Statement
File No	S929
Prepared by	Principal Accountant
Reason	Clause 7, Local Government (Financial Management) Regulations 1993
Objective	To gain Council's approval to amend the 2007/08 Budget to reflect actual or anticipated results
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Various

Overview of Report

The 2007/08 Budget has moved from an opening surplus of \$23,000 position to a surplus of \$2,600. The operating deficit for the September 2007 quarter being (\$20,400).

The September review includes realignment of existing budgets as a result of more accurate information being received, reinstatement of budgets for works carried forward from previous years and identifying issues that may impact on the operating surplus in future periods (Council Elections 2008 and the impact of recent natural disasters).

Council has received information in relation to the 2008/09 elections and the recent storm damage which confirms that there will be increased costs associated with these events, the full amount is yet to be quantified. It is therefore proposed that some interim provision be made to secure the budget result.

Additional loan borrowings are proposed in relation to the purchase of land in King Street for car parking and the purchase of land for Lismore Memorial Gardens, with the additional loan repayments proposed to be made from Sec 94 car parking levies and existing budgets .

Revenues – are estimated to increase by \$1.624 million mainly as a result of the inclusion of the Ballina Quarry operations (\$1.2million), this has been offset by additional expenditure of \$1.089 million with the balance transferred to Quarry reserves. Additional general FAGS grants of \$63,700 will also be received.

There have been no other major variances to the adopted 2007/08 Budget quantified during this September review, however reinstatement of budgets for works carried forward from previous years will be required during the December review.

Background

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

This review has been used to “fine tune” any budgets that may vary due to more accurate information being available and to reinstate budgets for works carried forward from the previous financial year. Some additional revenues and expenses have been identified which have impacted on the operating surplus.

General Fund

The 2007/08-10 Management Plan provided for a surplus of \$23,000. This review details an accumulated surplus of \$2,600 for the September quarter.

A summary of this movement follows:

Budget Movements for Quarter	Amount \$
Opening Surplus Balance at July 1, 2007	23,000
Plus – Additional revenue FAGS.	63,700
Plus – Savings in salaries	21,000
Plus – Distribution HIH insurance.	17,900
Plus – Museum Curator over provided 2007/08	7,500
Less – provision for additional cost of Natural Disaster	(69,000)
Less – provision for additional cost of 2008/09 Local Government Elections	(40,000)
Less – additional contribution Rural Fire Service	(12,000)
Less – Audit fees increase as per adopted tender	(9,000)
Less – Section 356 donations	(500)
Closing Surplus Balance at September 30, 2007	2,600

For Council’s information, details of programs with significant variances other than those reported as impacting on the cash result are listed below. Please refer to the attachment for individual programs for a summary of all budget movements.

Land purchase King Street

Council resolved at the June 12, 2007 meeting to purchase land in King Street for car parking adjoining the Cultural Precinct for \$115,000 plus costs. It was proposed to fund the purchase by using \$33,000 from Section 94 Car Parking levies and the balance from borrowings. Council must resolve to seek permission from the Department of Local Government.

Funding

Total Purchase Price		\$115,000
Funding used		
- Section 94 (2006/07)	\$11,300	
- Section 94 (2007/08)	\$32,700	\$ 44,000

Funding Required		\$ 71,000

Lismore Memorial Gardens

Council resolved at the April 10, 2007 meeting to purchase land adjoining Lismore Memorial Gardens at

627 Skyline Road for \$635,000 plus costs. It was proposed to fund the purchase by using \$250,000 from reserves and \$150,000 from borrowings and the balance from the proceeds of subdivision and sale of the residential house on the property. This position has changed with the expansion strategy of extending behind the houses to the south not required at this stage.

Based on previous calculations of interment capacity for burial utilisation, this area amounts to 2,250 additional burial allotments. This represents an additional 25 years of cemetery land use, with a current market value of over \$13million dollars.

To fund the retention of this property, additional loan borrowings of \$273,000 is required with loan repayments of approximately \$20,000 per year. This cost will be funded from rent receipts and recurrent operational budget.

Local Government 2008 General Elections

Advice has been received from the Electoral Commission of NSW in relation to the estimated costs of the September 2008 election with preliminary calculations indicating these costs will be in the order of \$205,600. Council currently reserves \$25,000 per year for the purpose of holding elections with the balance at 2008/09 anticipated to be \$103,000.

Based on preliminary figures Council will be required to fund approximately an additional \$100,000 from the operating surplus and so should add \$40,000 more to the Election reserves this year.

Storm Damage

Lismore and surroundings villages have been subject to recent storms which has resulted in considerable damage to Council property and additional clean up costs. A Natural Disaster was declared for both storms with emergency funding being made available to Council. The funding received however will not cover all the additional costs incurred as a result of the storm; therefore there will be an impact on the operating surplus. Council is responsible for the first \$29,000 in cost paid and at least \$40,000 in costs for debris removal. Negotiations on other cost which exceed \$145,000 are continuing. An additional \$69,000 has been transferred to Parks reserves as a contingency.

Northern Rivers Quarry and Asphalt

Council began operating the Ballina quarry in 2007/08 with final budget information being provided by quarry management during the September review. The quarry operations are estimated to provide additional revenues of \$1.157 million with additional operating costs of \$1.089 million. The 2007/08 budget has previously included a dividend payment to general fund of \$50,000, with the balance being transferred to Quarry reserves. There is no impact on the operational surplus.

Waste Water

There were savings identified in salaries as a result of a transfer of staff. These amounts were transferred to reserves with no impact on the operating surplus.

Water Services

Works were identified in relation to Keen Street water mains as a result of works undertaken on the Keen Street sewer. These works were funded by a \$250,000 contribution from Wastewater fund as they were not part of the normal programmed works.

Waste

There were savings identified in salaries as a result of a transfer of staff. These amounts were transferred to reserves with no impact on the operating surplus.

Parks and Recreation

Works in relation the Heritage Park shade structure \$16,300, and the Riverview Park lighting \$90,200, were identified with funding from Parks reserves \$81,500 and additional contributions received of \$25,000. There is no impact on the surplus.

Roads

Additional works were identified in relation to rural road construction \$18,600, Ordered Works \$10,100 and Rural roads maintenance \$25,500. These works were funded by Sec 94 levies, additional contributions received and additional FAGS contribution for rural roads respectively with no impact on the operating surplus.

Lismore Art Gallery

Unexpended grants have been recognised for Piccini Exhibit \$9,200 and Threaded Connection \$8,500 with additional grant funding being received for the Visions Australia \$43,300 exhibit.

Community Services

Unexpended grants have been recognised for the Our Journey to Respect project \$16,200, but will not impact on the operating surplus.

Tourism

Operating budgets for the Nimbin Visitor Information centre have been included with funding being sourced from within existing budgets and additional funding from the Work for Dole program \$36,000. There being no impact on the operating surplus.

Environmental Health and Building

Grant funding has been transferred from unexpended grants for Tucki Tucki reserve restoration \$41,000 and Urban Sustainability \$44,500 with there being no impact on the operating surplus.

Change in Net Assets

The 2007/08 Management Plan showed a surplus in the "Change in Net Assets" of \$10,109,400. The September review increased this by \$226,400 to \$10,335,800.

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

Other staff comments

Not required

Public consultation

Not required

Conclusion

The 2007/08 Budget has moved from an opening surplus of \$23,000 position to a surplus of \$2,600. The operating deficit for the September 2007 quarter being (\$20,400).

The September review includes realignment of existing to budgets as a result of more accurate information being received, reinstatement of budgets for works carried forward from previous years and identifying issues that will impact on the operating surplus in future periods (Council Elections 2008 and the impact of recent natural disasters).

Council has received information in relation to the 2008/09 elections and the recent storm damage which confirms that there will be increase costs associated with these events.

There have been no other major variances to the adopted 2007/08 Budget quantified during this September review, however reinstatement of budgets for works carried forward from previous years will be required during the December review.

Recommendation

- 1 Council adopt the September 2007 Budget Review Statement for General, Water and Sewerage Funds.
- 2 Council seek permission from the Department of Local Government to borrow an additional \$71,000 for the acquisition of King Street land for a car park with loan repayments costs being funded from Section 94 Car Parking levies.
- 3 Council seek approval from the Department of Local Government to borrow an additional \$273,000 for Lismore Memorial Gardens land acquisition.
- 4 This information be submitted to Council's Auditor.

Report

Subject	Investments held by Council – October 2007
File No	S178
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Clause 212 Local Government (General) Regulations 2005 and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Financial Services

Overview of Report

Council investments as at 31 October 2007 are estimated to be \$33,250,704 subject to the final value of funds held under separate management being advised shortly.

The interest rate reported over the period of October 2007 is estimated to be 6.28% in comparison to 6.69% for October 2006. Council's return of 6.28% is below the Bank Bill Swap Rate for the same period of 7.01% with predominately managed funds underperforming. The final interest return may vary due to actual returns achieved in the funds held under separate management.

Volatility continues within the markets, however all rated investments held continue to maintain strong credit ratings and therefore receipt of interest on investments and capital on maturity is anticipated.

An Opportunity is available for Council to reinvest in a Summerland Credit Union Subordinated Debt Investment. This is an opportunity to continue to achieve a consistently high return on surplus funds.

Background

The Local Government Act 1993, Clause 212 Local Government (General) Regulations 2005 and Council's Investment policy requires a monthly report be provided to Council on investments. The report is to include the source and amount of funds invested, terms of performance of the investment portfolio over the preceding period and a statement of compliance in relation to the requirements of the Local Government Act 1993.

Due to timing issues the final value of some investments is not available within the required reporting time-frame for this report; therefore an estimate is provided based on the investments held and recent updated information on the market situation from the portfolio managers. The actual balance will be confirmed in the next investments report to Council.

Report on Investments

- | | |
|--|--------------|
| • <i>Confirmation of Investments – 30 September 2007</i> | \$35,759,673 |
| • <i>Estimated Investments – 31 October 2007</i> | \$33,250,704 |

The current rate of return on investments for October 2007 is estimated to be 6.28% compared to 6.69% for the same period last year. Council's return of 6.28% is below the Bank Bill Swap Rate for the same period of 7.01% with predominately managed funds underperforming. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. These estimates appear reasonable in light of discussions with portfolio managers.

Volatility in the investment markets has continued to impact on Council's current market valuation of investments and interest on investment returns. Council's investment advisors have confirmed the view that the current valuation of the market is not a true reflection of Council's overall position as typically most investments are held to maturity. All rated investments held have a strong credit rating (AAA to AA-) indicating the underlying assets supporting the investments are sound. With credit ratings remaining strong, receipt of interest on investments is anticipated to continue.

The following attachments have been included for Council's information:

- Summary of Investments including name of institution, lodgement date, maturity date, interest rate and the estimated interest earned in the period.
- Total Investment Portfolio held by month with last year comparison - graphical
- Investment by Type - graphical
- Weighted average interest with last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

Summerland Credit Union – Subordinated Debt Investment

An opportunity is available for Council to reinvest with the Summerland Credit Union through a new 'subordinated debt' investment. It is proposed to reinvest the \$1,000,000 currently held in a similar Summerland Credit Union investment. The new investment would be for a period of 5 years with the interest rate reset every three months based on the BBSW (Bank Bill Swap Rate) plus a premium still to be negotiated.

Summerland Credit Union have advised that this investment will allow continued expansion at a sustainable rate. This is in response to customer demands and reflects the strong economic growth in the Northern Rivers. This strategy is also consistent with Council's emphasis on supporting economic development.

Comments

Responsible Accounting Officer

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policy.

Other staff comments

N/A

Public consultation

N/A

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For 31 October 2007, estimated investments total \$33,250,704 and the annualised rate of return was 6.28%.

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policy.

Recommendation

1. The report be received and noted.
2. Council accept the offer from the Summerland Credit Union in principle subject to the General Manager negotiating acceptable terms.
3. Council delegate authority to the Mayor and the General Manager to sign the necessary legal instruments under the common seal of the Council.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON OCTOBER 17, 2007 AT 10.00 AM**

	Present	Councillor Merv King (<i>Chairperson</i>), Liz Smith (<i>RTA</i>), Snr Const Rob Clarke (<i>Lismore Police</i>).
	In Attendance	Scott Turner (<i>Manager-Assets & Support Services</i>), Salina Runge (<i>Road Safety Officer</i>) and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>).
TAC47/07	Apologies	An apology for non-attendance on behalf of Thomas George, MP and Garry Hemsworth, (<i>Executive Director-Infrastructure Services</i>), was received and accepted.
TAC48/07	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on September 19, 2007, were confirmed by Council on October 9, 2007.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Mr & Mrs Oliver – Dangerous Conditions on Tregeagle & Rudwick Roads
Expressing concerns of hazardous road shoulders and poor visibility 50m to 70m either side of the T-intersection of Tregeagle and Rudwick Roads, Tregeagle.

The intersection and length of road in question has been inspected and it was felt that approach from the south was adequate in terms of sight distance and did not require any additional treatment. The bend prior to the intersection for south bound traffic was somewhat closer and it was felt that an advanced warning T-junction sign was warranted. Snr. Const. Clarke has advised that there has been only one reported accident in the vicinity in recent months. Tregeagle Road was typical in terms of rural road development and a reduced speed limit was not considered warranted.

TAC49/07 Recommendation: That an advanced warning T-junction sign be installed prior to the bend before Rudwick Road, Tregeagle, for south bound traffic. (07-8285:R5301,R5308)
Voting unanimous

Nimbin Western Car Park – Speed Hump

Sgt Johnston of Nimbin Police has requested consideration of installing a speed hump in the Western Car Park, Nimbin.

Sgt Johnston had advised that there was a growing problem of some drivers who were negotiating the car park at speeds which created safety concerns for other users. He had requested consideration of installing a speed hump near the start of the car park.

TAC50/07 Recommendation: That a watts profile speed hump be installed in the western car park around from the first bend at the bottom of the access road to the car park. (P24836)
Voting unanimous

Part 'B' – Determined by Committee

Mr Hart & Mrs Sinni – Traffic Conditions on Duncan & Hunters Hill Roads
Requesting centre line marking, signage and a reduction of the current speed limit from 100 kph to 80 kph along Duncan and Hunters Hill Roads, Dunoon.

It was noted that the RTA had already carried out an evaluation of the speed limit on Duncan Road with the resultant recommendation that the existing speed limit be retained. It is likely that Hunters Hill Road would return a similar result.

Centre line marking is dependant on existing road widths and rural roads would not normally be line marked unless some reconstruction works had recently been carried out. This issue will be referred to Council's Roads Section for further assessment and action as required. As with most rural roads, there are driveways with some restrictions on sight distance and the roads nominated are no different. A general sign at either end would have little impact on motorists' driving habits, similarly the erection of Koala warning signs.

- B-07-10:1 **It was agreed** that the request for a reduction of the speed limit on Hunters Hill Road be referred to the RTA for assessment and that Council provide speed counts for inclusion in the assessment. The need for line marking on Hunters Hill Road will be referred to Council's Roads Section for investigation and action as required. (07-8339:R3401,R3806)
Voting unanimous

Mr Lee & Ms Kent – Traffic Issues on Dorroughby Road, Corndale
Requesting a convex mirror to be installed at the driveway entrance to property No. 142 Dorroughby Road, Corndale.

The work carried out by the residents to construct an additional driveway has been of benefit by providing clear sight of oncoming vehicles in either direction when exiting the driveway. The problem is when turning right into either driveway from Dorroughby Road, it was not clear whether a convex safety mirror would be of any value as positioning to obtain vision of oncoming traffic would be a problem.

- B-07-10:2 **It was agreed** that the writers be advised that there was some doubt as to whether a mirror could be positioned to detect oncoming vehicles and that any associated costs for supply and erection would be at the resident's expense. A further on site meeting will be held with residents with a view to encourage them to enter their property via left turn movements which are considered much safer. (07-8345:R3501,P12974)
Voting unanimous

Creighton's Bus Service – Extension of Bus Route, Dunoon Road, Rosebank
Requesting written permission to extend the current bus route to travel 2.4 kms along Dunoon Road from Rosebank Road, Rosebank.

Mr Creighton has advised that he has conducted a trial run along the section of Dunoon Road in question and although the road is winding and of gravel construction, it is no different to many of the other roads in that area that he traverses. The nominated turnaround area required the bus to reverse into an access road and carry out a three point turn. Council's Rural Engineer has carried out an assessment of the road and deemed it suitable for bus travel.

- B-07-10:3 **It was agreed** that approval be granted for the proposed bus route extension subject to the bus operator acknowledging the condition of the road and Council's maintenance program of two-yearly gradings and that all reversing movements at the turnaround area be undertaken whilst passengers are on the bus. (07-8389:R3407)
Voting unanimous

Clunes Progress Association – Various Traffic Issues in Clunes

Requesting a 50 kph speed limit through town, a 40 kph zone between the hours of 7:30am to 8:30am and 3:00pm to 4:30pm in front of Clunes General Store, a speed camera extension to include south bound lane and a roundabout to be built at the junction of Main and Jarvis Streets.

The issue of reducing the speed limit on Main Street through Clunes and the extension of the camera loop to include the south bound lane have been previously supported by the Committee and referred to the RTA for assessment some time ago. These issues will be resubmitted for the Authorities attention.

The installation of a 40 kph school zone in the vicinity of the Clunes General Store was not possible as these only related to roads where actual school frontages existed.

The construction of a roundabout at the intersection of Main and Jarvis Streets is not considered warranted at this stage given the limited development off Jarvis Street and the fact that a speed limit reduction was being considered.

- B-07-10:4 **It was agreed** that the issues of reducing the speed limit through Clunes down to 50kph and the extension of the speed camera loop to include the south bound lane be referred to the RTA and that Bexhill be included in the RTA assessment for a reduction in speed limit from 60 kph down to 50 kph. (07-8430:R4101)

Voting unanimous

Ms L Syme – Traffic Problems along Dorroughby Road

Expressing concerns regarding a high number of trucks using Dorroughby Road and requesting 60 kph as well as school bus timetable signs be installed.

A Department of Commerce representative has advised that all pipe laying and concrete works at the Rocky Creek Dam treatment site is now completed and that in any case, contractors had been advised to use Dunoon Road as the preferred access road. It was felt that the balance of heavy vehicle movements on this road would generally be related to local farm activity. Signposting school bus timetables along individual roads was generally not considered warranted as these were similar to most rural roads.

- B-07-10:5 **It was agreed** that the writer be advised that heavy vehicle movements associated with the Rocky Creek Dam project was now completed and the majority of future movements would generally be related to local farm activity and further, that a reduction of the speed limit on Dorroughby Road was not considered warranted. (07-8392:R3501)

Voting unanimous

Dr G Boyce – Excessive Speeds along Skyline Road

Raising concerns regarding excessive speeds along Skyline Road within the existing 60 kph speed limit zone past the Crematorium in Goonellabah.

The results of speed counts recently taken in front of no. 617 Skyline Road were tabled at the meeting. It would appear that there was a problem with excessive speed along Skyline Road with the 85th percentile speed being 81.5kph. It was noted that this could indicate that the existing speed limit was too low for the prevailing conditions however it was agreed that it was unlikely to gain support for the speed limit to be raised. Snr Const Clarke advised that the Lismore Police had been tasked to carry out patrols in the area.

- B-07-10:6 **It was agreed** that the classifiers would remain in place to enable a more comprehensive picture to be obtained of the most relevant times that the higher speeds were being detected. This information would be passed on to the Lismore Police to allow more accurate targeting. (R5102,P9041)

Voting unanimous

Uniting Care – Pedestrian Refuge on Rous Road, Goonellabah

Raising concerns on behalf of a resident of Caroon who had recently been grazed by

a car travelling along Rous Road, Goonellabah when negotiating the pedestrian refuge in front of Caroon.

An on site meeting with the writer had determined that due to the relatively low usage of the facility, a pedestrian refuge was the most appropriate device. It was noted that there was a need to replace a missing chevron in the centre of the road.

- B-07-10:7 **It was agreed** the existing facility was the most appropriate and that apart from replacing the missing sign, there was nothing else that needed to be done. (07-8895:R6610)
Voting unanimous

Newton Denny Chapelle – Disabled Parking Bays in Keen Street, Lismore
Requesting consideration of introducing several disabled parking bays in Keen Street, Lismore in the vicinity of Killclare and Keen Street Medical Clinic.

Mr MacDonald advised that he had discussed the issue of providing disabled parking bays on Keen Street with management of both the above establishments. Killclare were in the process of investing alternatives for ramp access and had longer term plans for further upgrading access by way of a lift possibly from the rear car park. Keen Street Medical Clinic encouraged their clients who had limited mobility to use the drop off area on site. A new sign was being made to confirm this arrangement. Neither establishment were aware of the need for disabled parking on Keen Street being an issue for their clients in the past. It was noted that this would be difficult in any case due to the grade from the road to each premises.

- B-07-10:8 **It was agreed** that the views of Killclare and Keen Street Medical Clinic management be acknowledged and that the writer be advised that the introduction of the disabled parking bays on Keen Street were not considered warranted for the reasons above.
Voting unanimous (07-8813:R7313,P5781)

Goonellabah Recreation Centre

Plans and Statement of Environmental Effects for Goonellabah Recreation Centre Development Application (2007/507)

Manager Assets and Support Services advised that there were further issues yet to be resolved therefore, the matter was deferred.

- B-07-10:9 **It was agreed** that the matter was to be deferred until further information was available to allow proper consideration of the proposal.
Voting unanimous (DA 2007/507)

Closure

This concluded the business and the meeting terminated at 11.10 am.

Chairperson

**Traffic and Emergency
Services Coordinator**

Financial Assistance - Section 356

a) Council Contributions to Charitable Organisations**Waste Facility – Policy 5.6.1 (GL390.965.15)**

Budget: \$6,000 To date:\$2620.40

Animal Right & Rescue	\$118.18
Challenge Foundation	\$110.09
Five Loaves	\$57.60
Friends of the Koala	\$38.18
Lismore Soup Kitchen Inc	\$81.00
LifeLine	\$198.00
Saint Vincent De Paul	\$18.00
Salvation Army	\$187.20

In accordance with policy.

\$808.25

b) Mayor's Discretionary Fund (GL390.485.15)

Budget: \$2,700 To date: \$640.91

Far North Coast Aboriginal Cricket Advisory Committee – for support 3rd Annual FNACAC
 Bundjalung Aboriginal Cricket Events \$100.00

Recommendation

In accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

Documents for Signing & 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 the Council:

Extension to right of carriageway - Lot 202 DP 1076367 - 40 Three Chain Road, South Lismore
Section 88B instrument to extend the right of carriageway 15 wide to provide access to Lot 21, being the newly created hanger lot for the General Aviation area at the airport.

Sub-Lease - Lot 21 DP 634080

Sub-lease of small strip of land on Industry Drive being 40 square metres immediately adjoining Lot 21 DP 634080 occupied by Blinky's Corner Child Care Centre, from the current owners to Early Learning Services Limited under the same terms and conditions as the original lease. Sub-lease is to expire on June 28, 2010.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, OCTOBER 9, 2007 AT 6.05PM.

Present

Mayor, Councillor King; Councillors, Crimmins, Dowell, Ekins, Graham, Hampton, Henry (6.55pm), Irwin, Meineke and Swientek, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance, Communications Co-ordinator, Corporate Compliance Officer, Manager Waste, Quarries and Crematorium and General Manager's Personal Assistant.

461/07

**Apologies/
Leave of
Absence**

An apology has been received from Councillors Chant and Tomlinson. Approved at the meeting of September 11, 2007.
A leave of absence was granted for Cr Dowell from October 25 – November 7, 2007.
(Councillors Irwin/Crimmins)

462/07

Minutes

The minutes of the Ordinary Meeting held on September 11, 2007, were confirmed.
(Councillors Irwin/Dowell)

Disclosure of Interest

Councillor Meineke declared a "perceived conflict of interest" in respect Cameron Road and Roseview Road – LEP Amendment No 20.

The General Manager advised that Councillor Henry would declare a pecuniary interest in S94 Contributions Plan – Woodlawn Ave to Ballina Road as he is an adjoining property owner.

Public Access Session

Prior to dealing with the circulated reports and associated information, a Public Access Session was held at which Council was addressed by the following:

At this juncture Councillor Meineke declared a "perceived conflict of interest" in respect to Cameron Road and Roseview Road – LEP Amendment No 20 and left the meeting.

Janet Allen – McLeans Ridges Future Development

Ms Allen spoke on behalf of the McLeans Ridges Community Group in support of the Notice of Motion. She questioned the relevance of the Rural Housing Strategy to McLeans Ridges, she questioned the lack of ongoing community consultation and emphasised the need for clear community direction for such development.

Melissa Van Zwieten – McLeans Ridges Future Development

Ms Van Zwieten emphasised the process undertaken to bring the proposal to this stage, detailing the steps taken by the land owners and Council and urged Council to reject the Notice of Motion.

Ian Lawson – Cameron Road and Roseview Road – LEP Amendment No. 20

Mr Lawson advised he was a landowner in the proposed rezoning. He advised the work undertaken to date was done in good faith based on previous Council decisions. He advised the recommendations were a way ahead and questioned the boni fidas of the McLeans Ridges Community Development.

Melinda Gambley – Cameron Road and Roseview Road – LEP Amendment No 20

Ms Gambley (McLeans Ridges Community Group) referred to objective within the LEP and Rural Housing Strategy, claimed the recommendations would not aid in meeting this objectives, they did not address all the issues and those that did, did so in an inadequate manner.

At this juncture Councillor Meineke rejoined the meeting.

Greg Isaacs – S94 Contributions Plan – Woodland Ave to Ballina Road

Mr Isaacs advised he spoke on behalf of the Diocese of Lismore a landowner impacted by the proposed Section 94 plan. He detailed the commitment of the Diocese to land development in Lismore and advised they supported the proposed S94 plan.

Peter Bellew – Amendment to DA for Crozier Oval

Mr Bellew stressed that Friends of Lismore Park was the applicant in the Land and Environment Court hearings 40276 of 1997 and 40003 of 1998 and that failure to mention this devalued the commitment of local residents against the redevelopment of Crozier Oval. He urged the oval be left open for public use

The General Manager acknowledged that this error in respect to Land and Environment Court hearings 40276 of 1997 and 40003 of 1998 was inadvertently placed in the Business Paper and apologised for any distress this had incurred to local residents.

At this juncture Cr Henry joined the meeting - 6.55pm

Notice of Motions

Sustainable Choice Program

Formal notice having been given by Councillor Dowell it was MOVED that Council agrees to become a member of the Sustainable Choice Program by:

1. Accepting in writing the LGSA's invitation to join the program.
2. Establishing a team with responsibility to co-ordinate sustainable purchasing in council.
3. Developing, adopting and implementing sustainable purchasing policy principles
4. Integrating sustainable purchasing principles into council's existing purchasing processes.
5. Establishing a tracking system to monitor the scope and level of purchasing activity.
6. Participation in the Sustainable Choice annual reporting questionnaire to record the scope and level of sustainable purchasing taking place in NSW local governments.
7. Staff participation in peer education forums to facilitate increased levels of awareness of the benefits of sustainable purchasing.

The Notice of Motion was WITHDRAWN from the meeting at the request of Cr Dowell.

McLeans Ridges Future Development

Formal notice having been given by Councillor Dowell it was **MOVED** that Council engage a consultant as soon as possible to work with the McLeans Ridges community to create a concept plan for the area that will guide future land development and the provision of facilities and other infrastructure.

(CouncillorsDowell/Irwin) (S884)

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

Voting Against: Councillors King, Crimmins, Graham, Hampton, Henry and Meineke.

Reports

Councillor Meineke declared a perceived conflict of interest in this matter and left the Chamber during debate and determination thereon.

Cameron Road and Roseview Road – LEP Amendment No. 20

A **MOTION WAS MOVED** that the report be received and that Council reject the Cameron Road and Roseview Road LEP amendment on the following grounds:

1. It is an over development to the site and is not in keeping with the less intense dispersed settlement patterns expected in a rural housing strategy.
2. This development reflects a quasi village style development without the required community infrastructure.
3. This development fails the test for a rural housing strategy being in close proximity to Lismore or its surrounding villages. This development is 16km from Lismore and 8km from Goonellabah making ready and direct access to shops and services costly to both Council and the proposed future residents.
The distances will create a huge upfront capital cost on road infrastructure burden on Lismore ratepayers as full recovery cost will not be met by the current rating system.
4. The community facilities proposal is inadequate relying only on parking upgrades to the hall. There is no evidence that the hall can cope with the growth and demand this development proposal may generate.
There are no other community facilities explicitly proposed for such a large number of proposed residents.

(Councillor Swientek/Dowell) (S884)

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

Voting Against: Councillors King, Crimmins, Graham, Hampton and Henry.

A **FORESHADOWED MOTION WAS MOVED** that Council:

1. Advise the applicants of both the Cameron Road and Roseview Road rezoning proposals that the applications in their current form are unacceptable to Council.
2. Invite the applicants to submit amended proposals that incorporate the following general principles.
 - provide for minimum lot widths of 70m at the building line, other than for battleaxe lots or lots situated at the end of cul-de-sacs, and

- provide a 5m landscaped area in “no build” zones along the first 40m of all side boundaries of all lots, and
 - provide a revegetation plan of the Cameron Road reserve using local rainforest species, and
 - integrates appropriate stormwater management and driveway design into roadside table drains, so as to negate where possible, the need for kerb and gutter within the road designs, and
 - achieves an integrated outcome for the design and location of approximately 6,000m² of open space and community facilities in a more centralised location within the McLeans Ridges strategy area, and
 - includes an arborist’s report that provides for the protection of the Teak tree on the Roseview Road proposal, and
 - provide appropriate footpaths/cycleways to support the centralised community open space, and
 - promote reduced building line setbacks for lots with frontages greater than 70m, and
 - facilitate the utilisation of ridgetops for road usage to ensure future dwellings are located below ridges and do not have linear building line setbacks, and
 - encourage non linear road alignments.
 - That roads in the rural residential development should reflect the rural character of the location.
3. Prepare amended draft Planning Agreements that include:
- an additional \$2,366 per lot to be allocated towards the upgrading Boatharbour Road (being equivalent to the current S 94 contributions for roads that would otherwise be payable),
 - a provision that no other S94 roads contribution will be applicable, and
 - a provision that all monetary contributions are to be adjusted annually to reflect any increase in the Construction Price Index.
4. Include the Cowlong Rd/Bruxner Hwy intersection within the area of the traffic model to be developed by TTM Consultants.
5. That the developers provide an updated social impact assessment based on current population figures.
(Councillors Hampton/Graham)(S884)

463/07 **RESOLVED** that the report be received and noted and that Council:

1. Advise the applicants of both the Cameron Road and Roseview Road rezoning proposals that the applications in their current form are unacceptable to Council.
2. Invite the applicants to submit amended proposals that incorporate the following general principles.
 - provide for minimum lot widths of 70m at the building line, other than for battleaxe lots or lots situated at the end of cul-de-sacs, and
 - provide a 5m landscaped area in “no build” zones along the first 40m of all side boundaries of all lots, and
 - provide a revegetation plan of the Cameron Road reserve using local rainforest species, and
 - integrates appropriate stormwater management and driveway design into roadside

table drains, so as to negate where possible, the need for kerb and gutter within the road designs, and

- achieves an integrated outcome for the design and location of approximately 6,000m² of open space and community facilities in a more centralised location within the McLeans Ridges strategy area, and
- includes an arborist's report that provides for the protection of the Teak tree on the Roseview Road proposal, and
- provide appropriate footpaths/cycleways to support the centralised community open space, and
- promote reduced building line setbacks for lots with frontages greater than 70m, and
- facilitate the utilisation of ridgetops for road usage to ensure future dwellings are located below ridges and do not have linear building line setbacks, and
- encourage non linear road alignments.
- That roads in the rural residential development should reflect the rural character of the location.

3. Prepare amended draft Planning Agreements that include:

- an additional \$2,366 per lot to be allocated towards the upgrading Boatharbour Road (being equivalent to the current S 94 contributions for roads that would otherwise be payable),
- a provision that no other S94 roads contribution will be applicable, and
- a provision that all monetary contributions are to be adjusted annually to reflect any increase in the Construction Price Index.

4. Include the Cowlong Rd/Bruxner Hwy intersection within the area of the traffic model to be developed by TTM Consultants.

5. That the developers provide an updated social impact assessment based on current population figures.

(Councillors Hampton/Graham)(S884)

Voting Against: Councillors Irwin, Dowell, Ekins and Swientek

At this juncture Councillor Meineke rejoined the meeting.

S94 – Contributions Plan – Woodlawn Ave to Ballina Road

S451

Councillor Henry declared an interest in this matter and left the Chamber during debate and determination thereon.

A MOTION WAS MOVED that the report be received and that Council receive and note this report and provide a further report to Council on the establishment of a new suburb incorporating area two with access to Lismore only via Bangalow Road.

(Councillors Irwin/Dowell)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Swientek, King, Crimmins, Graham, Hampton, and Meineke.

A FORESHADOWED MOTION WAS MOVED that the report be received and that Council:

1. Adopt the Section 94 Contributions Plan for the Woodlawn Ave to Ballina Road link as attached to this report which incorporates the recommended amendments contained in the August 14 report, and
2. Give notification of its decision in accordance with clause 31 of the EP&A Regulation 2000.

(Councillors Swientek/Hampton)(S517)

464/07 **RESOLVED** that the report be received and that Council:

1. Adopt the Section 94 Contributions Plan for the Woodlawn Ave to Ballina Road link as attached to this report which incorporates the recommended amendments contained in the August 14 report, and
2. Give notification of its decision in accordance with clause 31 of the EP&A Regulation 2000.

(Councillors Swientek/Hampton)(S517)

Voting against: Councillor Irwin

Councillor Irwin – **dissenting vote** ‘*On the basis that this represents a very poor planning decision*’

Amendment to Development Application for Crozier Field to remove requirements for public access at nominated times

A MOTION WAS MOVED that the report be received and Council defer discussion on this matter to allow the General Manager has an opportunity to correct the report.

(Councillors Swientek/Ekins)

On SUBMISSION to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Irwin, Dowell, King, Crimmins, Graham, Hampton, Henry and Meineke.

A FORESHADOWED MOTION was moved that the report be received and noted and that:

1. Council grant delegated authority to the General Manager subject to the concurrence of the DAP to make amendments of a minor or arithmetic nature to the development consent.
2. That conditions 27 and 29 be deleted from DA 1997/309

(Councillors Graham/Hampton)

465/07 **RESOLVED** that the report be received and noted and that:

1. Council grant delegated authority to the General Manager subject to the concurrence of the DAP to make amendments of a minor or arithmetic nature to the development consent.
2. That conditions 27 and 29 be deleted from DA 1997/309.

(Councillors Graham/Hampton)

Voting Against: Councillors Irwin, Ekins and Dowell.

Review of the Special Business Rate Variation Levy – promotion fund component

466/07 **RESOLVED** that the report be received and noted and that:

1. Council, through the Economic Development Unit coordinate a working group, comprising members from the business community, the Lismore Unlimited Opportunities, Economic Development Unit and two Councillors to developing a framework for the Economic Development Unit's management of the SBRVL Promotional Fund.
2. That there will be an ongoing role for the working group with regard to input into the annual strategic plans of the promotional fund.
3. The SBRVL programs leverage off other available funds including tourism, events and business investment attraction, so that Council's promotional budgets can be maximised. Leveraged investment will also be sought from State & Federal Government assistance programs, together with financial contributions from the private sector wishing to take advantage of promotional campaigns that may deliver individual business benefits.
4. Council, through the Economic Development Unit coordinate a working group, comprising members from the business community, the Lismore Unlimited Opportunities, Economic Development Unit and two Councillors to develop a framework for the Economic Development Unit's role of the CBD Centre Manager.
5. That there will be an ongoing role for the working group with regard to input into the annual strategic plans for the CBD Centre Management.
6. Report back to Council on the outcomes and deliberations of the working groups.

(Councillors Henry/Meineke)(S740)

Resource Recovery Facility

467/07 **RESOLVED** that the report be received and noted and that:-

1. Council approves the construction of the Resource Recovery Facility located at the Wyrallah Road Waste Facility as detailed in this report and note funding of \$1,375,800 to cover the estimated total cost.
2. The contract for construction be awarded to Spantech Pty Ltd.

3. The Mayor and General Manager be authorised to execute the contract on Council's behalf and attach the Common Seal of the Council.
4. Council write to the Department of Local Government Seeking approval to borrow an additional \$565,000 to construct the Resource Recovery Facility.
5. The 2007/08 Budget for the construction of the Resource Recovery Facility be increased from \$810,000 to \$1,375,000.

(Councillors Graham/Hampton)(S317)

Continuation

- 468/07 **RESOLVED** that the time being 10.30pm the meeting continue to the end of the business paper.
(Councillors Dowell/Hampton)

At this juncture Councillor Graham left the meeting.

Tenders for Sewer Main Renewal – Various Locations within Lismore

- 469/07 **RESOLVED** that the report be received and noted and:
1. That the contract for sewer main replacement be awarded to Little Ants Pty Ltd at the rates submitted (the estimated price of the works being \$972,605.90 plus GST).
 2. The Mayor and General Manager be authorised to execute the contracts on Council's behalf and attach the Common Seal of the Council.

(Councillors Meineke/Hampton)(T27020)

Local Government Shires Association (LGSA) Sustainable Choice Program

- 470/07 **RESOLVED** that the report be received and noted and that:-
1. Council become a member of the Sustainable Choice Program.
 2. That Management develop, adopt and implement sustainable purchasing procedures and integrate these into Council's existing purchasing practices.
 3. That the Environmental / Sustainability working group coordinate sustainable purchasing within Council.
 4. That Council investigate the establishment of a tracking system to monitor the scope and level of purchasing processes.
 5. Council to participate in the Sustainable Choice annual reporting questionnaire.
 6. Staff are encouraged to participate in education forums, workshops and opportunities to facilitate increased levels of awareness to the benefits of sustainable purchasing.

(Councillors Dowell/Crimmins)(S908)

Application for closure of public roads – unformed roads off Cawongla Road, Larnook

- 471/ 07 **RESOLVED** that the report be received and noted and that the application to close the two unformed unnamed Crown road reserves and one unformed unnamed Local Government road reserve on Lot 98 DP 755690 and Lot 110 DP 755690 (as shown on the plan included in this report) be endorsed by Council for lodgement with the Department of Lands for road closures.

(Councillors Irwin/Meineke)(P11515, P11516)

Best Practice Management

- 472/07 **RESOLVED** that the report be received and noted and:
1. That Council note Lismore Water has achieved substantial compliance with Best-Practice Management criteria as required by the Guidelines in the six (6) criteria of:

1. Strategic Business Planning.
2. Pricing and Developer Charges, (including Liquid Trade Waste Approvals).
3. Demand Management.
4. Drought Management.
5. Performance Reporting.
6. Integrated Water Cycle Management.

2. That on receipt of an unqualified financial audit report, a maximum dividend of \$15.00 per water assessment and \$3.00 per sewerage assessment be paid to the General Fund in 2006/07.

(Councillors Hampton/Crimmins)(S387, S301)

Voting Against: Councillors Irwin, Ekins, Dowell and Swientek.

Delegates to 2007 Local Government Conference

- 473/07 **RESOLVED** that the report be received and noted and that Council appoint Councillor Swientek as a voting delegate to the 2007 Local Government Conference.

(Councillors Meineke/Crimmins)(S569)

Disclosure of Pecuniary Interest Returns 2006/07

- 474/07 **RESOLVED** that the report be received and the tabled Pecuniary Interest Returns be acknowledged.

(Councillors Dowell/Meineke)(S18)

Investments held by Council – September 2007

- 475/07 **RESOLVED** that the report be received and noted.

(Councillors Irwin/Hampton)(S178)

Committee Recommendations

Traffic Advisory Committee September 19, 2007

- 476/07 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Hampton/Meineke) (S352)

Documents for Signing and Sealing

- 477/07 **RESOLVED** that the following documents be executed under the Common Seal of Council:

Contract for the sale of land and transfer - Lot 735 DP 1078465 - 252 Oliver Avenue, Goonellabah (P29037)

Council has negotiated an offer of \$385,000 inclusive of GST for the sale of Lot 735 DP 1078465 - 252 Oliver Avenue, Goonellabah. The square metre rate for this lot is \$87.14 (4,418m²).

Discharge of Mortgage - 71 Union Street, Lismore

Council holds a mortgage on this property as security for the deferral of Section 94 and Section 64 Levies associated with DA 05/10 - Rural Tourist Facility, Dunoon Road, Dorrroughby. The deferred levies have been paid in full and the mortgagors have requested the discharge of the mortgage.

The discharge of mortgage is recommended.
(P9667, D05/10 & P17044)

(Councillors Dowell/Hampton)

Financial Assistance - Section 356

- 478/07 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

c) City Hall Reductions in Rental – Policy 8.4.2 (GL390.125.15)

Budget:\$11,700 To date: \$328.78

Asthma Foundation NSW requesting Council discount or waive all fees (\$290) for the use of the City Hall for a fundraising event on 7 September 2007. An entrance fee is to be charged (S164 & P6816:07-7124).

Recommendation: In accordance with Clause 2 of the policy, a donation of 20% of the hire fee applies. \$58.00

The Lismore Neighbourhood Club requesting Council discount the weekly fees (\$150) for the use of the City Hall for companionship and social outings for the aged and lonely members of the Lismore community for weekly meetings. No entrance fee is not to be charged (S164 & P6816).

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies. \$37.50

Our Kids, Northern Rivers Children's Health Fund requesting Council waive all fees (\$671) for the use of the City Hall for a fundraising activity on 18 August 2007. An entrance fee is to be charged (S164 & P6816).

Recommendation: In accordance with Clause 2 of the policy, a donation of 20% of the hire fee applies. \$134.20

The Lismore Symphony Orchestra Inc. requesting Council discount the fees (\$415 X 2) for the use of the City Hall Auditorium on 16 June 2007 and 17 November 2007 for a performance. An entrance fee is to be charged (S164 & P6816).

Recommendation: In accordance with Clause 2 of the policy, a donation of 20% of the hire fee applies. \$166.00

Lismore Access Committee requesting Council waive all fees (\$870) for the use of the City Hall for the production of Gr8 parT! R U coming? on 5 & 6 December 2007 as part of celebration for International Day of People With a DisAbility. An entrance fee is to be charged (S164 & P6816).

Recommendation: In accordance with Clause 2 of the policy, a donation of 20% of the hire fee applies. \$174.00

Northern Rivers Writers' Centre requesting Council discount the fees (\$290) for the hire of the City Hall for the 2007 Byron Bay Writers Festival Schools Program on 25 July 2007. No entrance fee is to be charged (S164 & P6816:07-6283).

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies. \$72.50

City Church Lismore requesting Council discount the fees (\$1,105) for the hire of the City Hall to hold a youth concert on 11 August 2007. An entrance fee is to be charged (S164 & P6816).

Recommendation: In accordance with Clause 2 of the policy, a donation of 20% of the hire fee applies. \$203.00

Coalition to Investigate the Persecution of Falun Gong in China requesting Council discount or waive all fees (\$208) for the hire of the City Hall to hold a public rally to raise awareness of unprecedented human rights violations in China on 29 October 2007. No entrance fee is to be charged (S164 & P6816).

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies. \$52.00

The Lismore Musical Festival requesting Council discount or reduce the fees (\$580) by 50% for the use of the City Hall to hold the Schools Days Eisteddfod on 14 & 15 August 2007. This is in addition to all fees being waived for the Lismore Festival/Eisteddfod. An entrance fee is to be charged (S164 & P6816:07-7125).

Recommendation: In accordance with Clause 2 of the policy, a donation of 20% of the hire fee applies. \$116.00

St John's College, Woodlawn requesting Council discount the fees (Est. \$1,900) for the use of the City Hall to hold HSC examinations in October/November 2007. No entrance fee is to be charged (S164 & P6816:07-6117).

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the

hire fee applies.

d) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget:\$9,000 To date:\$2,620.40

Animal Right & Rescue	\$48.18
Challenge Foundation	\$103.69
Five Loaves	\$142.88
Friends of the Koala	\$51.82
LifeLine	\$198.00
Lismore & Dist Police Boys Club	\$5.45
Westpac Life Saver Rescue Helicopter	\$12.73

In accordance with policy.

\$562.75

e) Development and Other Applications – Policy 1.4.7 (GL390.200.15)

Budget: \$300 To date: \$0

GROW requesting Council waive all the fees (\$169) for the Section 68 application for a BBQ at Heritage Park on Friday, October 10, 2007 between 10am and 2pm (P6772, S164:07-7635).

Recommendation: In accordance with the policy, a donation of 30% of the fees applies.
\$50.70

Mayor's Discretionary Fund (GL390.485.15)

Budget:\$2,700 To date: \$190.91

Lismore Country Music Festival requesting support for a festival that has been held in Lismore annually since 1980.

\$350.00

f) g) Miscellaneous

GROW requesting Council waive all the fees (\$94) for power and wheelie bins for a BBQ at Heritage Park on Friday, October 10, 2007 between 10am and 2pm (P6772, S164:07-7635).

Recommendation: The request for a donation of the \$94 is not supported.

Northern Rivers Aero Club requesting Council waive all landing fees (\$200) for a charity event at the Lismore Airport as an Activity Day for Camp Quality children and their parents on 25 November 2007. Council waiving the fees for this event in 2006 (S164 & P25804:07-8541).

Recommendation: The request to waive the landing fees is supported. \$200.00
(Councillors Dowell/Crimmins)

Confidential Matters – Committee Of The Whole

479/07 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters;

Section 339 Report – Senior Staff

Grounds for closure: **Section 10A(2)(a)**

Public interest: Discussion of this matter in an open meeting would on balance be contrary to the public interest because personnel matters concerning particular individuals.

(Councillors Irwin/Dowell)

Resumption of Open Council

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Committee of the Whole, had RECOMMENDED

Section 339 Report – Senior Staff

That the Council note the report, treat the information as confidential and acknowledge the report complies with the requirements of Section 339 of the Local Government Act.

480/07 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and adopted.
(Councillors Irwin/Crimmins)

Closure

This concluded the business and the meeting terminated at 11.45 pm.

CONFIRMED this 13th Day of November, 2007 at which meeting the signature herein was subscribed.

MAYOR

**MINUTES OF THE EXTRA-ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, OCTOBER 30, 2007 AT
6.00PM.**

Present Mayor, Councillor King; Councillors Crimmins, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance, Financial Accountant and Corporate Compliance Officer.

481/07 **Apologies/
Leave of
Absence** An apology for non-attendance on behalf of Councillors Chant and Dowell were received and accepted and leave of absence granted. (Councillors Irwin/Hampton)

Condolence

Late Patrick Thearle

The death occurred on October 14, 2007 of Patrick Thearle. Pat was born At Coraki in 1930. His education was gained at the Presentation School in Coraki and at Woodlawn.

At 16 he began an apprenticeship in the electrical field. He became an electrician and worked in Lismore for some years. He opened his own business PF Thearle and Co in 1962. He became a successful Lismore businessman.

He married in 1962 and he and Merle had four children.

Pat was a quiet man who supported his community and worked behind the scenes to assist wherever he could.

Lismore West Rotary and the Lismore Show Society are two organisations whose members know and appreciate the efforts of Pat Thearle.

Late Lance Ferris

Lance Ian Ferris, better known as the Pelican Man passed away recently. While not a resident of Lismore, he was widely known and respected for his work as a Wildlife Carer and the founder of the Australian Seabird Rescue organisation.

He was 60 years of age and left two adult children.

482/07 The Mayor moved that Council's expressions of sympathy be conveyed to the families of Patrick Thearle and Lance Ferris and the motion was carried with members standing and observing the customary moment's silence. (S75)

Reports

2006/07 Reserves (Internally Restricted Assets)

- 483/07 **RESOLVED** that Council note the reserve balances for June 30, 2007 of \$18,006,597 as detailed on the attached summary, and amend Policy 1.5.10 – Reserves (Internally Restricted Assets) to reflect that as attached.
(Councillors Hampton/Graham)(S929)

Voting against: Councillor Ekins

Suspension of Standing Orders

- 484/07 **RESOLVED** that Standing Orders be suspended to allow Mr D Singh from TNR (Council's Auditors) to present the 2006/07 Financial Report to Council.
(Councillors Swientek/Irwin)

Resumption of Standing Orders

- 485/07 **RESOLVED** that Standing Orders be resumed.
(Councillors Irwin/Hampton)

2006/07 Financial Reports

- 486/07 **RESOLVED** that the report be received and noted and that Council:
- a. In accordance with Section 413 (2) (c) of the Local Government Act 1993 and clause 215 of the Local Government (General) Regulation 2005, adopt the 2006/07 Financial Reports and form an opinion based on the attached 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports.
 - b. Delegate the Mayor and Cr D Tomlinson to sign the 'Statement by Councillors and Management' in a) on behalf of Council.
 - c. Submit the 2006/07 Financial Reports to the Department of Local Government and the Australian Bureau of Statistics.
 - d. Advertise the presentation of the 2006/07 Financial Reports to the public from November 1, 2007 and invite both inspection and submission.
 - e. Present the 2006/07 Financial Reports to the public at the November 13, 2007 Council meeting.
(Councillors Graham/Hampton)(S929)
- Voting against:** Councillor Ekins

Closure

This concluded the business and the meeting terminated at 7.45 pm.

CONFIRMED this 13th day of November, 2007 at which meeting the signature herein was subscribed.

MAYOR