

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on
December 11, 2007 at 6.00pm
and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

December 4, 2007



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes
November 13, 2007

Disclosure of Interest

Public Access Session
Mark Willoughby – Financial Assistance – Lismore Unlimited Opportunities

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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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 ▶ Privatise 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 Council:-

- a. Liaise with all its neighbouring Councils with a view to making a concerted effort to furthering the development of a new northeast corridor to provide a safer and more appropriate and direct road linking Lismore to Bangalow and North Ballina.
- b. Seeks the support of the Member for Lismore, Thomas George to make representations to the Minister of Roads to seek urgent discussions for support, commitment and assistance to construct this road as a matter of urgency.
- c. Seek the support, commitment and assistance of local state and federal MPs for support in financing and constructing this road.
- d. Seeks and enlists the support of local transport operators and local businesses to help LCC in its lobbying efforts for a new Northeast corridor.

Councillor F Swientek

Comment

Lismore City Council has previously supported a Notice of Motion that I had proposed for a new Northeast corridor. The Mayor took my request to have this matter discussed at a NOROC meeting where it received support earlier this year.

The traffic counts have only increased and there have been more accidents and fatalities on what is a patently outdated and inappropriate road and route for the current traffic demands. Lismore needs to prepare a strong case and to provide strong leadership to drive and progress this vital regional transport corridor to come to fruition.

The last analysis that I am aware that was done of this region traffic; Byron- Lismore-Ballina indicated that there was more East-West traffic movement than there was North - South along the main road corridors.

It's time that a serious examination of our current and future regional traffic growth and movement is examined and addressed so that good road traffic policy in this region is not forsaken for poorly thought out and poorly researched road development. The North -South road corridor, the Pacific Highway as important as it is, will and is receiving attention largely because of its Sydney centric nature linking the two major metropolitan cities of Sydney and Brisbane. This leaves the more heavily trafficked regionally essential East - West road corridors unnoticed and largely underfunded.

Lismore is a key player linking our coastal and inland neighbours. What we must ensure is that our communities are not adversely affected and that the current chronic underfunding and lack of attention does not continue. Our regional capital stature means that we are pivotal in this road network and we are pivotal in campaigning and voicing the need for a properly researched and funded road system that addresses local regional needs and not to be neglected and subsumed by metropolitan interests.

Comment ED-IS

Lismore City Council has been lobbying the RTA for several years to upgrade Bangalow Road. This has included encouraging the RTA to examine alternate routes for long term planning and representations from the local member Mr Thomas George to the Minister for Roads. To date only minor localised improvements are being undertaken.

This issue was raised again at a recent meeting with senior staff from the RTA regional office. They indicated due to funding and other resource constraints and the need to progress higher priority works, major improvements of a northeast corridor from Lismore was not a high priority. The RTA would continue to provide localised treatment on Bangalow Road at curves and intersections with high accident histories.

LCC jointly with other local Councils submitted an application to the Auslink program in 2006 to fund a "Northern Rivers Integrated Regional Transport Plan". This plan would look at the transport needs of the region in a holistic manner and justify or otherwise the need for an upgraded north east corridor from Lismore. The estimated cost of the study was \$250,000 and was unfortunately not funded under the Auslink program. The cost of the study is difficult for the regional Councils to fund without Government assistance.

(S516)

Notice of Motion

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

That staff prepare a report for Council on the appropriate measures to take to ban circuses with wild animals from occurring in our local government area.

Councillor R Irwin

Report

Subject	Draft Amendment No 20 to Lismore LEP (Cameron Road)
File No	S884
Prepared by	Strategic Planner
Reason	Receipt of new subdivision layout from consultants acting for the Cameron Road group of landowners
Objective	Council's endorsement to re-exhibit the plans and amended Planning Agreement for Cameron Road.
Strategic Plan Link	Quality of Life – encourage sustainable development
Management Plan Project	Implement adopted Council Land Use Strategies

Overview of Report

This report advises Council of the receipt of a new subdivision design for the Cameron Road rezoning proposal that has been prepared in response to Council's resolution of October 9, 2007. The report recommends that Council re-exhibit the new plans together with other supporting information for a period of twenty eight (28) days.

Background

At its meeting of October 9, 2007 Council considered a report on the outcome of the public exhibition of draft LEP Amendment No 20 that applied to both the Cameron Road and Roseview Road rezoning proposals. Council resolved to:

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.

The consultants for both the Cameron Road and Roseview Road proposals were advised of Council's resolution and were invited to submit amended proposals consistent with the general principles outlined in point 2 of Council's resolution.

New subdivision plans have been submitted by Newton Denny Chapelle for the Cameron Road group of landowners. The new plans are accompanied by a report demonstrating compliance with the principles outlined in Council's October resolution. The redesign has resulted in a reduction in the number of rural residential allotments from 73 lots to 63 lots. It also provides for a more centrally located open space that could potentially service the combined Cameron/Roseview Road area. A copy of the plans and report submitted by Newton Denny Chapelle are included as attachments.

The social impact assessment for the Cameron Road proposal is being updated to have regard to 2006 Census results by consultants specifically engaged for this task.

Public Meeting

A public meeting will be held at the McLeans Ridges Community Hall on December 6, 2007 where consultants for the Cameron Road landowners will present the new proposal. A summary of the issues raised at the public meeting will be provided to Councillors prior to the Council meeting.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

It is recommended that the new subdivision plans, together with the amended Planning Agreement and updated social impact assessment report, be re-exhibited for twenty eight (28) days to facilitate further community comment.

Conclusion

The redesign for the Cameron Road proposal has addressed the general principles outlined in point 2 of Council's resolution of October 9, 2007. An amended draft Planning Agreement prepared in accordance

with point 3 of Council's resolution must be prepared and signed by the landowners prior to its public exhibition. It is recommended that the amended plans, updated social impact report and amended draft Planning Agreement be re-exhibited for a period of twenty eight (28) days and that all persons who made submissions to the original proposal to be advised in writing of the re-exhibition.

Recommendation

That Council:

1. Re-exhibit the amended plans and updated social impact assessment report that have been submitted for Cameron Road for a period of twenty eight (28) days, not commencing before January 29, 2008; and
2. Concurrently exhibit an amended draft Planning Agreement for Cameron Road that includes:
 - 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.

Report

Subject	Request for Financial Assistance – Lismore Unlimited Opportunities
File No	S124 07-10070
Prepared by	Manager – Finance
Reason	Lismore Unlimited Opportunities have requested Council to pay out a loan and then they would repay Council
Objective	For Council to determine the level of any financial assistance
Strategic Plan Link	Leadership by Innovation, Economic Development
Management Plan Project	Community Services, Economic Development

Overview of Report

Lismore Unlimited Opportunities (LUO) has requested Council to pay out a current loan and then they would repay Council. While there is not a significant financial advantage with the arrangement, it will allow LUO to rebuild and strengthen linkages with the business community and Council and put the events of the past 3 years behind them.

Background

As a result of management issues and subsequent financial difficulties approximately 3 years ago, LUO was required to borrow funds to satisfy taxation and other liabilities. LUO fully briefed Council on the situation and the actions to be taken. The funds were borrowed and secured by personal guarantees of some of the LUO board members at that time.

LUO have requested Council provide financial assistance with the loan so to allow them to move forward. The LUO Annual General Meeting is scheduled for December 5, 2007 and it is anticipated that the new board will have no member who has served a term commencing prior to December 2006. Therefore, the guarantors of the loan will no longer be board members but have a financial obligation to ensure its repayment. This is part of the dilemma facing the new LUO board that would be resolved if it were refinanced through Council. A name change to the "Lismore Chamber of Commerce" is also proposed for the meeting. A copy of the letter is attached.

Loan Details

The amount of the loan proposed is approximately \$18,000. LUO have requested terms of an eighteen month repayment period with monthly repayments and an interest rate equivalent to the CPI. The loan would be unsecured.

Monthly loan repayments of approximately \$1,100 would be required to repay the loan within the eighteen month period. Based on membership and sponsorship of \$60,000-\$65,000 per annum, and recurrent costs of \$30,000-\$35,000 per annum, LUO is capable of meeting loan repayments as and when they fall due.

Other staff comments

Manager – Economic Development

By way of disclosure, from February 27 to December 5, 2007 the Manager – Economic Development held the Ex-Officio position on the LUO Board, as the Lismore City Council representative. The Ex-Officio term of office extends for an 11 month period, terminating each year at the Annual General Meeting.

I am supportive of this recommendation. The loan is currently secured by personal guarantees from four Board Members who have subsequently resigned. Should Council proceed in the direction requested, this will enable LUO to move forward unencumbered by past events and personal ties.

Public consultation

This arrangement is considered to provide financial assistance to LUO. As such, Council is required to advertise it for a period of 28 days seeking public submission. It is proposed to advertise in the Northern Rivers Echo under Lismore City News. A further report will be submitted to the February 2008 Council meeting listing any submissions received and recommendation.

Conclusion

LUO have requested Council pay out a current loan and then they would repay Council. The reason for this request is to allow LUO to move forward with their endeavours to rebuild and strengthen future relationships with the business community and Council.

Based on available financial information, LUO is capable of repaying the loan

Recommendation

Council provide in principle support to the request from Lismore Unlimited Opportunities on the basis that it be advertised for 28 days and a report on any submissions received and final recommendations be submitted to the February 2008 Council meeting.



Rino Santin
Finance Manager
Lismore City Council

18th November 2007

Dear Mr Santin

I refer to our phone conversation on Friday 16th November 2007, in relation to Lismore Unlimited Opportunities request for Lismore City Council to underwrite the current loan LUO has with Summerland Credit Union. The proposal would be for Lismore City Council to pay out the current loan and LUO will repay the loan at an agreed amount to have the maximum term of the loan for 18 months.

While there is no great financial advantage for LUO in having council assist in this matter the savings will be in the ability for LUO to move on, rebuild and strengthen linkages with LCC, to put the events of the past 3 years behind us and to build a prosperous and vibrant economy with in Lismore.

With the up coming Annual General Meeting LUO will be in a situation to close off on the past events and to move on in to the future. With LCC providing the loan for operations and to sever linkages to the history of LUO combined with a completely new board – no board member will have served a term commencing prior to December 2006, and with the implementation of a name change to "Lismore Chamber of Commerce" we will enter a new era with a clean slate.

Thank you for your consideration in this matter and I look forward to working closely with you, LCC staff and Councillors in the future. Should you require any further information please do not hesitate to contact me personally on 0428 225 006

Regards

Mark Willoughby
President
Lismore Unlimited Opportunities.

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LISMORE CITY COUNCIL	
20 NOV 2007	
File No:	5124
Letter No:	07-10070
Act Ctl:	R. SANTIN
Complaint:	Act:
File out with:	
Complete:	Result:

5-1-100

Report

Subject	Draft Amendment No 29 to Lismore Local Environmental Plan – 296 Stony Chute Road, Nimbin.
File No	S9928
Prepared by	Strategic Planner
Reason	Completion of re-exhibition period
Objective	Council's adoption of draft LEP Amendment No 29
Strategic Plan Link	Economic development
Management Plan	Implement adopted Council Land Use Strategies
Activity	

Overview of Report

This report provides an assessment of public submissions received in response to the re-exhibition of draft LEP Amendment No 29 and the accompanying draft Planning Agreement. It recommends that Council adopt the LEP Amendment and that the Planning Agreement be executed under the common seal of Council.

Background

At its meeting of August 14, 2007 Council resolved to re-exhibit draft LEP Amendment No 29 to permit the Community Title subdivision of Lot 4 DP 1048778 Stony Chute Road, Nimbin to create 26 rural residential lots and one neighbourhood lot with a residue lot created under Torrens Title. The land is identified in Council's Rural Housing Strategy as having potential for rural residential settlement and is located approximately 3kms along Stony Chute Road from the Nimbin Road intersection. A locality plan and proposed plan of subdivision is attached to this report.

The rezoning proposal was originally exhibited in September/October 2004 but required re-exhibition due to the time taken to reach agreement between Council and the proponent in terms of road upgrading requirements for Stony Chute Road and subsequent changes in statutory requirements that have occurred in the intervening period.

The draft LEP Amendment was re-exhibited with a draft Planning Agreement that incorporates the following provisions:

- A requirement that any future Development Application for subdivision is to be generally in accordance with the concept plan of subdivision and supporting information submitted with the rezoning proposal.
- A requirement that Stony Chute Road is to be upgraded in accordance with the Council approved plans prior to the release of any Subdivision Certificate.
- A requirement that rehabilitation works are to be carried out on the land in accordance with the proposed plan for environmental repair and enhancement, including a bond for the works which is to be release upon the satisfactory completion and establishment of the agreed stages of the rehabilitation works.
- Provision of a surety to cover the costs of upgrading Stony Chute Road in accordance with the approved plans.

Statutory Requirements

State Environmental Planning Policies

SEPP 44 – Koala Habitat Protection requires an assessment of the site to determine whether the site supports core koala habitat. The Flora and Fauna assessment identified no core koala habitat on site.

SEPP 55 - Remediation of Land requires the consideration of contamination and remediation in relation to rezoning proposal. Soil analysis has indicated that the site is uncontaminated and that there is no constraint to development.

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*.

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. No threatened fauna or flora species have been recorded on the site.

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 watercourses and grazing on adjoining properties. The subdivision has been designed to ensure consistency with the provisions in DCP Part A Chapter 11.

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 and all other the relevant issues have been addressed for on-site effluent disposal.

Planning Agreement

The Planning Agreement that was exhibited with the draft LEP Amendment will ensure that upgrading of Stony Chute Road is funded by the developer to the required standard. The Planning Agreement will also ensure that any future subdivision application is in accordance with the plans submitted with the rezoning submission and that proposed environmental rehabilitation works are also carried out in accordance with the submitted plans. A copy of the Planning Agreement is in the separate attachments.

Comments

Financial Services

Not required

Other staff comments

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

Public consultation

When the rezoning submission was originally exhibited in September/October 2004, four submissions in the form of objections were received. The issues raised in the submissions were addressed in the planning report to Council at its meeting of December 14, 2007.

Three submissions were received in response to the re-exhibition of the draft plan. The following is a summary of the issues that have been raised in the submissions:

1. The site is outside the 5km development radius from Nimbin Village.

Comment:

The site is identified as a potential rural settlement locality in the Lismore Rural Housing Strategy. The rural settlement localities in the RHS were originally selected on the basis of certain location and other criteria specified in the Strategy. These include that the localities should be within 3 to 5km of a village or hamlet. In this case the site is located 4.8km by road from Nimbin and approximately 4km by radius.

2. Green Bridge is poorly aligned with the Stony Chute roadway.

Comment:

It is proposed that the eastern approach to Green Bridge is to be realigned to address this issue. This will require widening of the northern side of the road with new line marking to square up the approach. This is shown on the engineering plans for the upgrading of Stony Chute Road that form part of the Planning Agreement between the landowner and Council. All road upgrading works as shown on the engineering plans are to be funded by the landowner.

3. Proposed road works will result in the destruction of 26 mature Eucalypt trees most of which do not affect safety or visibility. This would have adverse impacts on wildlife.

Lismore City Council

Meeting held December 11, 2007 - Draft Amendment No 29 to LEP - 296 Stony Chute Road, Nimbin.

Comment:

Council staff originally inspected all trees that were proposed to be removed by the applicant within the Stony Chute road reserve and have reduced it to what was considered necessary to ensure the safety of motorists using the road. There may be some additional trees that can be retained however this won't be known until more detailed engineering design plans are submitted to Council for approval prior to the works being carried out.

4. Proposed Lots 1 & 2 will have a high degree of visibility.

Comment:

Proposed Lots 1 & 2 are located on the northern side of the ridgeline that separates the proposed development area from Stony Chute Road. Consequently any dwelling-house on either of these lots will be shielded from view from Stony Chute Road and should only be partially visible from adjoining properties.

5. The proposal will take rural land out of productive use.

Comment:

The site is not identified as State or regionally significant farmland and its current agricultural use is grazing only. The site is considered to have low potential for more intensive forms of agricultural use.

6. The proposal has the potential to cause conflict between future owners and adjoining farmers.

Comment:

Surrounding agricultural land uses are also low intensive. Adequate buffers between the development and adjoining grazing lands as per Council's DCP buffer requirements have been provided.

7. The proposal could impact on water availability in Cabbage Tree Creek.

Comment:

Individual lots won't be able to draw water from Cabbage Tree Creek as they will not have direct creek frontage and so will not enjoy riparian rights. Domestic water supply will be supplied by way of roof water harvesting and storage in rainwater tanks.

8. An adjoining farm straddles Stony Chute Road where cattle are moved across the road. Increased traffic will make this operation more dangerous.

Comment:

The proposal will increase traffic movements on Stony Chute Road. While the proposed upgrading of Stony Chute Road will improve traffic safety, it is difficult to ameliorate conflicts such as occur with cattle crossing the public road.

9. It is unrealistic to expect that future owners will activate the Vegetation Management Action Plan.

Comment:

The draft Planning Agreement includes a requirement for the works under the Vegetation Management Action Plan to be undertaken. It provides that the Subdivision Certificate for any lot in the development is not to be released until a bond for the works has been paid to Council. The rehabilitation works are to be implemented in stages over a period of ten years with the bond released progressively as each individual stage is completed. Being a Community Title subdivision a Community Management Statement and Development Contract will be required at the subdivision stage. It is likely that the landowner will transfer the obligation for on-going rehabilitation works to the Neighbourhood Association once the Subdivision Certificate is released. This can be done through the Community Management Statement and Development Contract.

10. Too many responsibilities lie with the proposed Neighbourhood Association.

Comment:

The obligations of the Neighbourhood Association are set out through the Community Management Statement which is a document that must be approved by Council at the subdivision stage and registered with the title of the land. The obligations of the Neighbourhood Association will be identified in the Community Management Statement which is legally binding on the Neighbourhood Association.

11. The proposal will result in the loss of rural character.

Comment:

The part of the property in which the 26 lot Community Title subdivision is to be located is a small valley shielded from view from Stony Chute Road by a fairly prominent ridge. The area is also partly shielded from adjoining properties by topography and vegetation. Consequently it is not considered that the proposal will have a significant effect on the visual amenity of the area.

12. Concerns over increase in stormwater/sewerage pollution, weed infestation and road maintenance.

Comment:

Future development will have to be designed to meet contemporary standards for stormwater treatment and disposal and comply with Council's "On-site Sewage and wastewater Management Strategy". Such requirements are designed to prevent stormwater and sewage pollution of natural watercourses. Weed control is a requirement of the Vegetation Management Action Plan for which a bond is payable under the draft Planning Agreement. In terms of road maintenance, the Neighbourhood Association will be responsible for the maintenance of all internal roads and a road maintenance programme will need to be detailed in the Community Management Statement. Council is responsible for the maintenance of public roads including Stony Chute Road.

13. Has Council carried out a "Sense of Character Assessment:" for the Nimbin region?

Comment:

Council has no "Sense of Character Assessment" for the Nimbin region although development control provisions exist in the Nimbin DCP for the protection of village character within the village of Nimbin.

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 Stony Chute Road is to be funded by the proponent through the Planning Agreement. It is therefore recommended that Council adopt draft LEP Amendment No 29 to enable the rural residential subdivision of Lot 4 DP 1048778 Stony Chute Road, Nimbin and that the Planning Agreement be executed under the common seal of Council.

Recommendation (PLA5)

That Council resolve to:

1. adopt Amendment No 29 to the Lismore Local Environmental Plan 2000 as attached to this report,
2. use its delegations under s69 of the *Environmental Planning and Assessment Act 1979* to forward Amendment No 29 to the Minister for Planning with a request that he make the Plan, and
3. execute the Planning Agreement under the common seal of Council.

**Lismore Local Environmental Plan 2000
(Amendment No. 29)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,
Minister for Planning

**Lismore Local Environmental Plan 2000
(Amendment No. 29)****1. Name of plan**

This plan is *Lismore Local Environmental Plan 2000 (Amendment No. 29)*.

2. Aims of plan

This plan aims to allow, with the consent of Lismore City Council, a rural residential subdivision of the land to which this plan applies to create a maximum of 26 rural residential allotments and one neighbourhood lot under the *Community Land Development Act* and one residue lot.

3. Land to which plan applies

This plan applies to Lot 4 DP 1048778 Stony Chute Road, Nimbin.

4. Amendment of Lismore Local Environmental Plan 2000

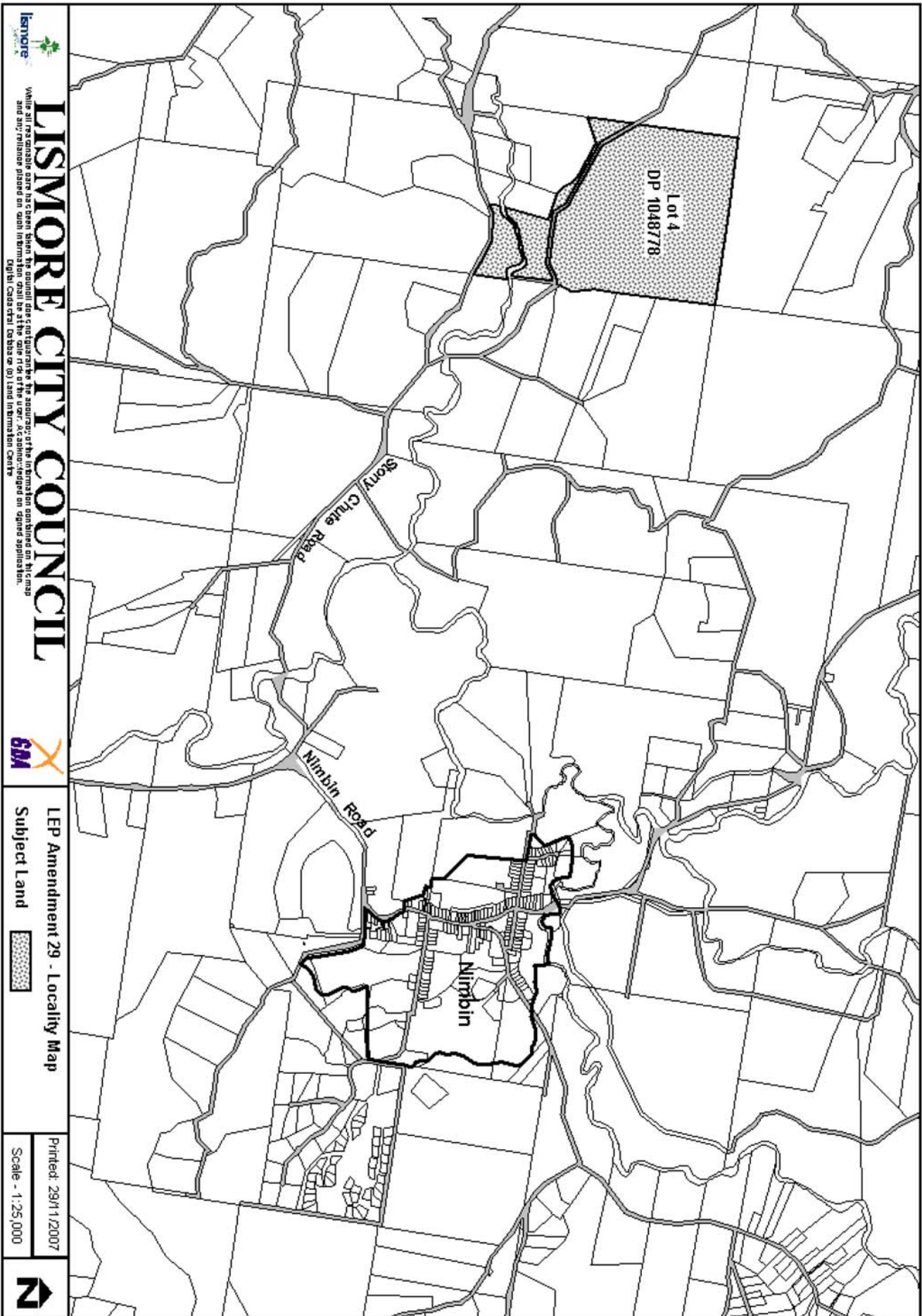
Lismore Local Environmental Plan 2000 is amended as set out in Schedule 1.

Schedule 1 Amendments

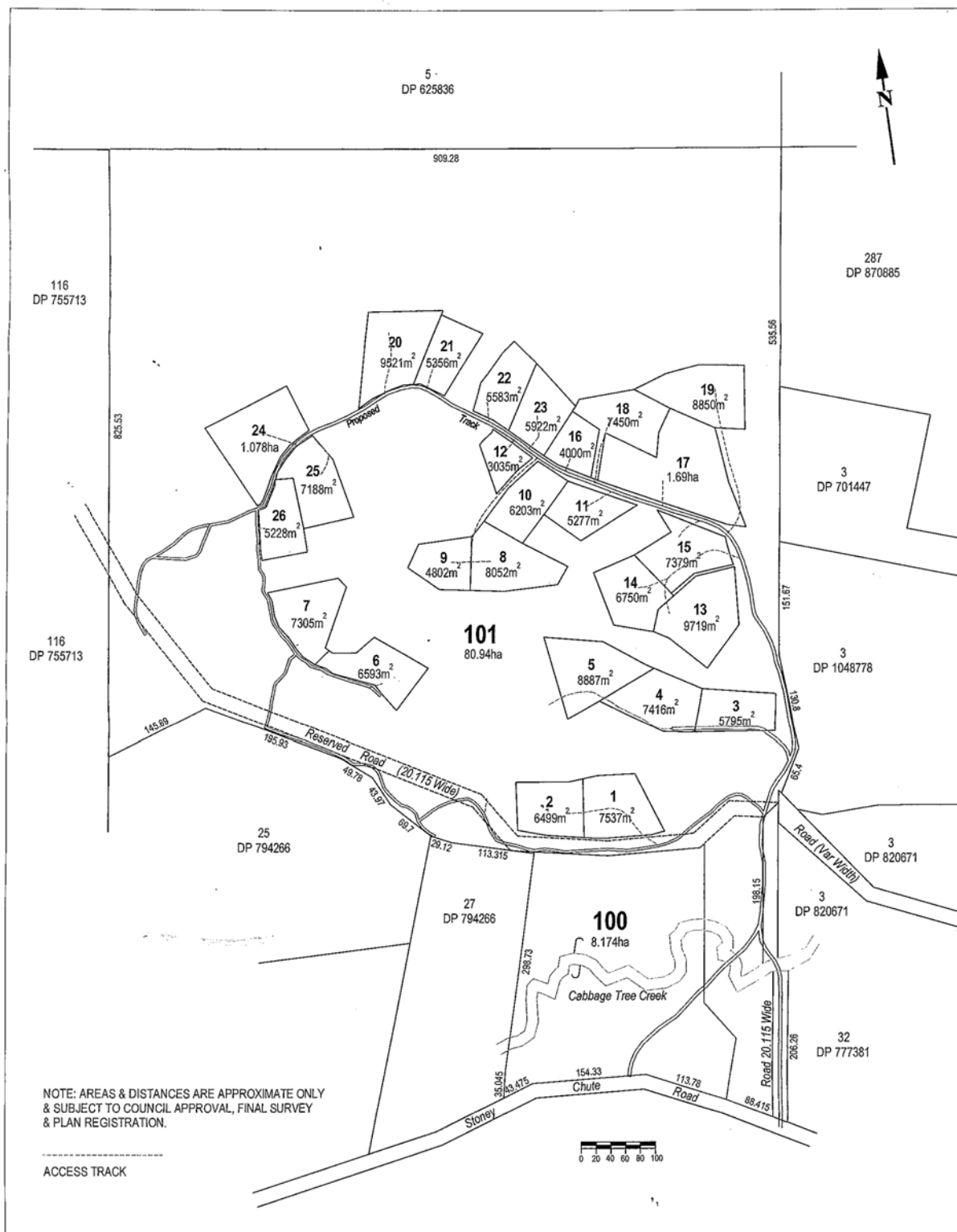
[1] Schedule 4 Additional development on certain land

Insert at the end of the Schedule in Columns 1, 2 and 3, respectively:

Column 1	Column 2	Column 3
Land	Purpose	Development standards or conditions
Lot 4 DP 1048778 Stony Chute Road, Nimbin	Rural residential subdivision to create 26 rural residential allotments and one neighbourhood lot under the <i>Community Land Development Act</i> and one residue lot.	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 29).



Lismore City Council Meeting held December 11, 2007 - Draft Amendment No 29 to LEP - 296 Stony Chute Road, Nimbin.



NOTE: AREAS & DISTANCES ARE APPROXIMATE ONLY & SUBJECT TO COUNCIL APPROVAL, FINAL SURVEY & PLAN REGISTRATION.

ACCESS TRACK



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Project: BA060137 Date: 16.05.2007 Scale 1:5000 @ A3

PROPOSED SUBDIVISION & COMMUNITY PLAN
(LOT 4 DP 1048778)

Source: Northern Photogrammetric Surveys P/L

Approved:

Drawn: PHIL

Dwg No: BA060137-PL1A



Meeting held December 11, 2007 - Draft Amendment No 29 to LEP - 296 Stony Chute Road, Nimbin.

Report

Subject	Goonellabah Recreation Centre
File No	P27380
Prepared by	Executive Director – Development and Governance
Reason	The Development Application for the Goonellabah Recreation Centre has been called up by two Councillors
Objective	To obtain Council consent for the construction of the Goonellabah Recreation Centre and its associated elements.
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services

Overview of Report

This report advises Council of the comprehensive planning report which will be available for Council's consideration at the December 2007 ordinary meeting.

Background

Following the approval of the bulk earthworks Development Application for the Goonellabah Recreation Centre Council has to determine the application for the centre itself. This report has been introduced because the matter has been referred to Council for determination and any time delay may incur contractual penalties.

The Goonellabah Recreation Centre will comprise three major sections, integrated into the one building. These sections encompass:

Section 1

- A heated indoor combined pool that includes a 25 metre x 5 lane lap zone joining a large program zone with access ramp to beach entry.
- A separate toddlers pool.
- An indoor water slide facility.
- Amenities and storage facilities associated with the pool hall.
- Concourse shower facility.
- Access to kiosk facilities.
- Spill out areas to secured open space.

Section 2

- Main entry and foyer including social café seating area and lounge/waiting area.
- Kiosk associated with the café seating zone off the entry.
- Lift and stair well servicing the second level.
- Control, administration, first aid and staff facilities.
- Meeting room directly off the foyer.
- Youth facilities and storage.
- Offices for sporting groups.

- Large amenities servicing the two court stadium, youth and public areas.
- Parents area and child minding zone with outdoor secure play area.
- Upstairs gymnasium and fitness centre.
- Upstairs amenities and sauna facilities.

Section 3

- A two court indoor sports hall to cater for basketball, netball, volleyball, badminton and indoor soccer. This sports hall also has an adjoining tiered seating area to the side of one of the courts.
- Extensive storage facilities to service the sports hall.

In addition this application details the proposed carparking, bus drop-off area and access road proposals.

This application has been the subject of a period of public exhibition together with detailed examination by Council Officers.

A comprehensive Planning Report, with appropriate Consent Conditions will be prepared and presented to Council as an addendum to the Business Paper and will be available for consideration prior to the Council Workshop scheduled for December 10, 2007.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Being undertaken as part of the advertising process associated with the Development Application.

Conclusion

The Goonellabah Recreation Centre Development Application will conclude that the Council's proposal can be delivered subject to a number of achievable conditions.

Recommendation (PL01)

The appropriate recommendations will be contained in the addendum report to be circulated prior to the Council meeting.

Report

Subject	Draft Development Control Plan for Public Art
File No	S86
Prepared by	Strategic Planner
Reason	Previous Council resolution
Objective	Council's resolution to exhibit a draft DCP for public art for 28 days.
Strategic Plan Link	Quality of Life
Management Plan Project	Review and update planning controls

Overview of Report

This report explores options for requiring new development to provide for public art either on the site of the development or on public land. It recommends that Council proceed with the preparation and exhibition of a draft DCP for public art to apply to commercial, retail and tourist development in the urban area with a value of more than \$2 million.

Background

At its meeting of November 13, 2007, Council considered a recommendation from the Arts and Culture Policy Advisory Group (ACPAG) that it prepares a Development Control Plan (DCP) for the provision of public art in Lismore. Council resolved that staff prepare a report on the implications of a DCP for public art before embarking on the preparation of a DCP as recommended by the ACPAG.

Options for funding public art through new development

There are several mechanisms under the EP&A Act that Council could potentially utilise to achieve the installation of public art through the development consent process. Monetary contributions for public facilities (including as public art) can only be levied through a Section 94 Contributions Plan. The advantage of Section 94 is that Council is able to collect contributions from new development towards public art that could be installed in appropriate locations on public land where there is a high level of visibility and public access. The disadvantages of S94 stem from the principle of cost apportionment. That principle provides that the cost of providing a facility should be borne equitably by the user population. In the case of public art it is the wider population that is the beneficiary, therefore new development would only be responsible for a proportion of the cost of the facility. This means that Council would have to meet the major proportion of the cost of the public art.

The alternative to Section 94 is to require public art to be provided as a component of new development by way of a condition of development consent. This can be achieved if Council has an adopted DCP that requires certain types of development to provide public art on the site of the development. The DCP would identify the type of development affected and requirements in terms of the value and location of the public art. The chief advantage of this approach is that there is no financial cost to Council. However it means that public art is provided only on sites where new development occurs and thus represents a more ad hoc approach to providing public art in the city.

A possible third option could be to utilise Planning Agreements to fund public art on public land. A DCP would still be required as described above, however it would give applicants the option of either installing the art on the site of their development or entering into an arrangement with Council to fund public art at a location other than the development site. That arrangement could be through a formal Planning Agreement whereby the applicant agrees to contribute towards the cost of providing public art on public land. Although the provision of public art may be appropriate on some development sites, in many instances the preferred outcome may be for the developer to contribute towards the funding of art on public land. This would enable funds to be collected towards works which would be purchased by Council. Council could offer an incentive to applicants to choose this option by providing a discount on the contribution amount.

Recommended DCP provisions

The ACPAG recommended that all commercial, retail and tourist development throughout the LGA with a value of more than \$1 million should provide public art as an integrated component of the development. The ACPAG also recommended that the public art should be to a value of at least \$20,000.

The following tourist, commercial and retail development (valued over \$1 million) has been approved by Council since January 1, 2002:

Tourist development	Value
Motel	\$3,000,000
Motel	\$1,500,000

Commercial development	Value
Commercial building	\$1,250,000
Commercial building	\$1,490,825
Commercial building	\$1,310,000
Commercial building	\$3,750,000
Commercial alteration	\$2,000,000

Retail development	Amount
East point shopping centre	\$1,100,000
Big W fit out	\$2,500,000
Woolworths Supermarket fit out	\$1,950,000
Shopping centre additions	\$4,000,000

Over the past six years there have been a number of relatively minor commercial developments approved of less than \$2 million in value (e.g. a café with single office above) in which the imposition of a public art requirement could be considered to be onerous.

It is considered that requirements for public art are more appropriate where larger scale developments are involved and it is recommended that the threshold be for developments of a value greater than \$2 million (rather than \$1 million). This would exclude relatively minor commercial and retail development in the CBD. It is recommended that the DCP apply to commercial and retail development in the Business and Industrial zones and to tourist development in the Business and 2(a) Residential zones.

In terms of the value of the art to be provided, the Ballina Shire Public Art DCP provides for a minimum value of \$15,000. This is considered sufficient to purchase quality art works that would be appropriate for display in a publicly accessible area of a new development. A discount of (say) 20% could be applied where the applicant opts to enter into an arrangement with Council (through a Planning Agreement) to contribute towards providing public art on public land.

Comments

Financial Services

The recommendation to introduce a DCP rather than a Section 94 Contributions Plan is supported as the Section 94 Contribution Plan would create a liability for Council with every dollar collected.

At the same time, it is likely that Council will still be required to contribute towards the provision of public art on public land on a project by project basis, but the DCP and planning agreement mechanisms allow Council to determine the amount of that contribution.

Other staff comments

Not required

Public consultation

The draft DCP for public art should be placed on public exhibition for at least twenty eight (28) days.

Conclusion

Of the various options for requiring new development to provide for public art, the preferred option is for a DCP that gives developers the option to contribute towards the purchase of public art on public land. It is recommended that such a requirement should apply only to major commercial, retail and tourist development with a value of more than \$2 million and that the value of the art work be at least \$15, 000 with an alternative option for applicants to enter into a Planning Agreement with Council to fund public art on public land.

Recommendation

That Council place the draft Development Control Plan for Public Art on public exhibition for a period of twenty eight days.

Chapter 21

Public Art



21 Public Art

This Chapter applies to commercial and retail development in the Business and Industrial zones and to tourist development in the Business and 2(a) Residential zones where the value of the development is greater than \$2 million.

21.1 Benefits of Public Art

Public art is an important element in the urban environment and can help to promote the diverse and unique characteristics of a city. The provision of public art can assist in creating more liveable and enjoyable urban spaces. A city's history and local identity can be reflected through public art, which can increase civic pride, community cohesion and develop a sense of place.

Encouraging public art can add interest and vitality to public spaces and can also encourage the revitalisation of the built environment. This can create a focal point for social and cultural activities and can increase opportunities for community development. The inclusion of public art in the urban environment also creates a positive image of the city, making it more attractive to tourists, visitors and investors.

21.2 Provision of Public Art

New commercial, retail and tourist development to which this Chapter applies must either provide public art as a component of that development or else enter into an arrangement with Council to contribute towards the funding of public art at a location other than the development site.

Provision of public art on the site of the development

Where public art is to be provided as a component of new development on the development site it must:

- Be to a value of at least \$15,000,
- Be provided in a location that is readily accessible to members of the public, and
- Be of a permanent and durable nature.

Documentation showing details of the proposed art work must be submitted with the development application. Documentation is to include:

- Scaled plans showing the location of the proposed work.
- A sketch of the proposal.
- Information on approximate dimensions
- Information on the type of materials and finish to be used.
- A statement concerning the intent of the art work

Provision of public art other than on the development site

Where the applicant prefers not to provide the art work on the site of the development, the applicant may enter into an agreement with Council to contribute an amount of at least \$12,000 towards the provision of public art on public land.

21.3 Assessment of Proposals

Where public art is to be provided on the development site, documentation on the proposed art work that is submitted with the development application will be reviewed by the Public Art Reference Group prior to the determination of the Development Application.

Report

Subject	Affordable Housing
File No	S116
Prepared by	Executive Services Co-ordinator
Reason	To explain a proposed local affordable housing scheme.
Objective	To create a new facility for local residents to own their own home.
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Affordable Housing Proof of Concept

Overview of Report

In June Council considered a report which highlighted the issues generally surrounding affordable housing and some of the broad strategies that Council could undertake to facilitate affordable housing. The outcome of that report was a resolution to consider a specific proposal that could be adopted by Council. This document sets out the results of that evaluation and proposes a concept which will offer an opportunity for home ownership, otherwise denied.

Background

What is affordable housing?

The Centre for Affordable Housing (CAH) defines affordable housing as:

"Housing is affordable when households that are renting or purchasing are able to pay their housing costs and still have sufficient income to meet other basic needs such as food, clothing, transport, medical care and education."

A recent study in Australia has underlined a broad range of economic and social benefits that can flow from improvements in housing affordability. Affordable housing contributes to local economic growth by:

- Assisting the supply and mobility of workers
- Attracting young entrepreneurial and skilled workers.

The social benefits that arise from providing appropriately located affordable housing include:

- Promotes family stability and the health and wellbeing of individual household members
- Strengthens family ties by allowing young adults to settle near their parents and other family members.
- Encourages workforce participation. People are encouraged into the workforce if home ownership is an incentive.
- Reduces travel time, costs, and the associated environmental impacts for people otherwise displaced to distant areas to access affordable housing.
- Encourages economic diversity within local communities.

What has been done?

Over recent years Lismore Council has been involved in regional discussions and efforts in relation to affordable housing. These have included:

- Advocacy to NOROC of the importance of affordable housing in the region.
- Regional affordable housing forum
- Funding for NRSDC for regional affordable housing projects.
- MOU signed by Tweed, Richmond Valley, Lismore, Ballina, Byron, Clarence Valley and the Centre for Affordable Housing.

The result of these discussions has been to raise the awareness and demonstrate the need for affordable housing. The “Growing Affordable Housing in the Northern Rivers” report, advocates a long term collaborative approach designed to meet the entire affordable housing requirements of the Northern Rivers region.

What can be done?

There are numerous examples of Councils taking direct steps to address shortcomings in affordable housing. These predominantly have the character of the Council directly becoming a housing provider or partnering with other government agencies / not for profit organisations to provide housing. Examples of these exist in Brisbane and the Australian Capital Territory. These models can be extended to incorporate training and apprenticeships through arrangements with builders as a means of skilling the local workforce.

Another relevant example recently was the decision of the City of Salisbury in South Australia to provide “free” land for affordable housing. City of Salisbury Council as a land owner will develop parts of its land bank for housing, with applicants only required to pay for the land should the house and land be on-sold.

The proposal in this report is seen as a proactive step to meet the objectives of this strategy as a short term direct intervention without the significant financial commitment of the examples above. This proposal does not require direct funding and is also considered a lower risk than the examples above.

Proposed Proof of Concept – Affordable Housing Project

The report considered in June identified the disproportionate nature of rent paid to disposable income within the Lismore LGA. This demonstrates that there are a number of people within Lismore with the capacity to pay high rents but without the capacity to save sufficient money for a housing deposit while doing so. This therefore becomes a vicious circle from which renters are unable to break free.

Financial institutions (FI’s) have a raft of requirements that applicants must meet prior to the completion of a loan contract. One of the more significant requirements is the provision of a deposit. Deposits vary as a percentage of the loan principal. Some FI’s will accept a guarantee from a related person who has adequate financial resources, in lieu of such a deposit. This ensures that the FI’s position is adequately secured.

It is presumed that, there are a number of people within the Lismore community with the capacity to pay but neither have access to a deposit, or access to a person or persons willing and able to act as guarantors. Council could assist this sector of the local community.

The proposal to be considered by Council is an intervention strategy that would facilitate entry to the housing market by Council providing a limited guarantee to a third party financial institution on a secured

home loan. This would effectively mean that when buying a house the purchaser would take out two loans. One of the loans would be to make up the 20% deposit required by the financial institution. Council would be the guarantor of this loan. This means that the purchaser does not require a deposit and Council's liability remains below 20% of the property purchase price.

How would the proposal work?

Council will not become a lender. At the proof of concept stage Council intends to partner with a suitable FI, with that body being responsible for the vetting and assessment of an applicant's credit worthiness. If a candidate meets the FI's requirements at all levels but does not have the financial resources to provide a deposit, then the FI would make application to the Council to act as Guarantor.

The FI would assess the applicant based on the following criteria:

- **Capacity to Pay** – The policy would only be available to those that the FI deem to have the capacity to pay the total mortgage payments.
- **Location, location, location** - The policy would apply to property acquisitions in the Lismore Local Government Area only.
- **Limited Guarantee** - The Council would limit the level of Guarantee to \$50,000 per property. On the basis that the applicant could not provide any deposit and a 20% deposit was required, this would limit the applicant to a property of \$250,000. If an applicant was able to provide some deposit then this would increase the total allowable purchase price of the property accordingly. In these circumstances a maximum property value of \$300,000 would apply.
- **Working history** – The policy would only be available to applicants who can demonstrate a history of stable employment and adequate income.
- **Asset test** – The policy would only be available to applicants who do not have the financial assets to pay a deposit. To this end, the policy will require all applicants to make a declaration of their financial position. Applicants with adequate assets that could be liquidated to meet the deposit requirements of an FI, will not be eligible. This would include a declaration that the borrower has no other known Guarantor.
- **First Home Buyers Grant** – the applicant must be eligible for the First Home Buyers Grant (FHBG) and this must be applied to the purchase principal or associated costs.
- **Lismore Residents** - Council will give special consideration to those people who currently reside and work within the Lismore LGA.
- **Key workers** – Council will give priority consideration to those people who work in areas of skills shortage within the Lismore LGA.

Following a successful application under this policy Council would approve the provision of a limited guarantee to the mortgage agreement between the FI and the applicant. This may entail application of the Council seal as part of the contract completion process.

Other issues that will be considered as part of the policy:

- **Limited scheme** – The policy would only be available for 50 properties in the first instance. With a maximum of \$50,000 per property the capped limited guarantee offered by Council would be \$2,500,000.
- **Two loans** – The borrower's loan would be split into a portion representing the part covered by the Limited Guarantee (Maximum 20 %) and the remainder of the loan principal. The 20% would be repaid as principal and interest but the remainder could be interest only. All repayments of principal should reduce the value of the Council Limited Guarantee.
- **Council's discretion** – Council reserves the right to refuse new entrants to the scheme, with a reasonable notice period.

How would the Limited Guarantee work?

The terms of the limited guarantee are able to be determined by Council. Given the exposure undertaken it is Council's wish to structure the Limited Guarantee in a form that is most suitable to the Council while still achieving its objective. Some of the key components include:

- **Property valuations** – Council would require that properties be independently valued on an as required basis to ascertain if the value has increased to such an extent as to no longer require the provision of the Council Guarantee. Where the value of a property has clearly risen above the guarantee threshold value, the FI must release the guarantee.
- **Repayments of principal** – All repayments of principal would be an effective reduction in the guarantee provided by Council.
- **Exercise of the Limited Guarantee** - In a situation of loan repayment default, the FI can only seek to exercise the guarantee once the property concerned is sold and the FI has realised a loss on the sale compared to the value of the loan. The FI cannot exercise the guarantee at any other time.
- **Sale of Property** – Should the owner wish to sell the property, Council must be released from the Guarantee prior to allowing the sale to proceed.
- **Second Mortgage** – The property cannot be used as collateral for a second loan while ever Council holds the limited guarantee. If for some reason a borrower wished to purchase another asset using equity in their home as security then Council must be released from its limited guarantee prior to this occurring.

How would the scheme be managed?

The effective management of the policy requires two steps:

- **Assessment of applicants**

Council would not have any direct role in the assessment of applicant credit worthiness or capacity to pay. The FI would make application to the Council on behalf of any applicant should the FI determine that they are a potential candidate for the policy. There would be no direct contact between the applicant and Council.

- **Management of the scheme.**

Successful applications create a loan book for which Council will be a limited guarantor.

It is proposed to establish a special management committee comprising of management representatives of the FI and the Council, to oversee the loan portfolio. The committee would be constituted to monitor the performance of relevant issues including:

- Setting key performance indicators;
- Arrears in loans;
- Market valuations both on an individual basis and the Lismore market generally;
- Review of the Council policy;
- Review of applications proposed by the FI as qualifying for assistance;
- Assessment of the performance of the Policy; and
- Reporting to Council on a 6 monthly basis on outcomes and performance.

How would the total available exposure work?

The proof of concept stage limits the proposed exposure of Council to \$2,500,000. This is not a cost to Council it represents the maximum financial exposure. The exposure of Council will fluctuate based on variations in property values both up and down and the repayment of principal by the borrowers. It could not however exceed \$2,500,000.

If the Council resolves to proceed with the policy there are a number of options going forward. The following are not exclusive or exhaustive however these represent the most likely 4 options:

1. The policy is not successful and the Council caps its exposure prior to reaching the \$2,500,000 threshold and closes applications;
2. The policy runs its course and Council reaches its limit and closes the scheme at that point;
3. Based on the outcomes of the scheme, Council resolves to extend the scheme by increasing the total exposure, increasing the number of properties above 50.
4. As Council's guarantee on loans expires after the guarantee is reduced through principal repayments / property value increases, Council resolves to reapply capacity under the \$2,500,000 threshold to new applicants.

Should option 4 be chosen this would allow the existing exposure to be continually recycled back into the market.

How would any profits or losses from the scheme be managed?

Any discussion of potential profit and loss from the scheme may be considered speculative. Having said this there is a clear commercial benefit to the FI in partnering with Council for this purpose. Accordingly the FI may pay some form of fee to the Council as a consequence of the loan or on a profit share basis for the portion of the loan covered by the limited guarantee.

Irrespective of what form this may take, if any, it is proposed that any financial reward be directed back to programs that will continue to meet the objectives of the proposal. This is discussed further below.

Relevant aspects of the *Local Government Act (1993)*

To current knowledge there are no other known local government schemes operating in Australia that are based on this approach. Councillors may wish to consider the broad powers and obligations under the *Local Government Act (1993)*, that relate to this proposal, including:

1. The general powers or Charter of Council

Under Section 8 there are a wide range of obligations on Councils including:

to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively

to exercise community leadership

It is reasonable to consider the actions proposed by this policy would be encompassed by these broad headings included in the charter.

Under Section 24:

A council may provide goods, services and facilities, and carry out activities, appropriate to the current and future needs within its local community and of the wider public, subject to this Act, the regulations and any other law.

Under these service provision functions of Local Government the introduction includes the provision of “community facilities” and “housing” as non exhaustive examples of the type of services a Council can provide.

Therefore it would appear to be within the general powers of Council but this is being confirmed by a legal opinion.

2. The financial assistance provisions.

Section 356 of the Act allows Council to:

in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

Council has previously used this provision to act as Guarantor on loans provided to a number of sporting bodies within the LGA as a means of financing sporting facilities. As a rule assistance provided in this manner is required to advertised for 28 days prior to the provision of the assistance. This may prove problematic as the cycles of Local Government do not always co-incide with the needs of housing finance.

Nevertheless the Act allows for a Council to waive these public notice provisions if the financial assistance complies with a number of conditions, including as part of the advertised management plan of Council. This would appear to be a more workable solution, however Council approval is still required in each instance.

3. The tendering provisions

On the literal reading of Section 55 of the *Local Government Act (1993)* it would not appear that Council is required to tender for the provision of services from the FI on two bases:

- a. A Council is not required to tender for the provision of services where it involves the estimated expenditure or receipt of less than \$100,000. As there is no realised expenditure at the time of entering into the contract with the FI and any receipts are not expected to exceed \$100,000 this would appear to exclude this policy; and
- b. Section 55 (f) requires Council to tender for contracts generally including “a contract for the provision of services to the council (other than a contract for the provision of banking, borrowing or investment services).” Again it would appear that contracts for banking related services are specifically excluded from the tendering provisions.

Having said this, Council does not intend to enter into an exclusive arrangement with any FI. In the initial phases of the project Council will partner with one FI. If however another FI expressed an interest in also partnering with Council, each proposal would be considered on its merits.

Risks

There are a number of risks identified with this policy including:

1. Decreasing Property Values – Lismore has experienced periods of declining property values in the past and it would be irresponsible to not contemplate this in the future. Declining property values do not add to the likelihood of increased loan defaults. However, falling or stagnant property values will increase the time required to release Council from its liability. Of course if a default was to take place where the property value had fallen below the initial purchase price of the property Council would be liable for the loss, up to the value of the limited guarantee.
2. Defaults – Loan defaults occur for a number of reasons and it is reasonable to consider that defaults under the policy, as outlined in this document, will be higher than normal (approximately 1 in 100) given that the likely applicants do not have the financial resources or backing to provide a house deposit. The policy assumes that a group in society has the capacity to service a home loan but the rental burden precludes their ability to save a housing deposit. This may be a flawed assumption as there could be number of other reasons why a household is unable to save for a deposit. To limit defaults the process relies on the effective vetting process by the FI and the First Home Owners Scheme to identify and eliminate those most likely to default from obtaining a loan in the first instance. Also as a limited guarantor, Council may be able to obtain some form of insurance to mitigate this risk. The cost of such a policy is not known at this time and may not be quantifiable until the full terms of the Limited Guarantee are known, nonetheless an insurance policy may limit this risk. Further any proceeds derived by the Council as a consequence of the policy could be specifically reserved to defray any losses incurred as a consequence of the FI exercising the guarantee.
3. Public confidence – just as Council is taking a leadership role in this process it must also accept that it will become something of a target for those disaffected, including those deemed unsuitable and those in default that will have their houses sold as a consequence of the default. To mitigate these risks Council must establish very clear and unambiguous guidelines on how successful candidates will be selected. This provides a defensible position. Secondly, Council will have no contact with the applicant as this will be through the FI, Thirdly, the decision to realise an asset as a consequence of default will be a decision for the FI and not Council.
4. Attempts to foster political influence – Councillors will have no role in the decision to recommend provision of the financial benefit. This will be the domain of the FI and Council's management committee.
5. Economic consequences – There is a risk that such a policy will have an adverse impact on housing affordability through a spike in demand and therefore price. Should this occur a more controlled release of the policy may be required. Having said this any spike in home purchase should free up a commensurate amount of rental accommodation, aiding access to housing.
6. Exploitation of the policy – There will be attempts to exploit the policy and in part the policy will rely on the honesty of applicants supported by signed statements. The policy will be further supported by the efficacy of application procedures adopted by the FI and the First Home Buyers Grant Scheme.
7. Council fulfilling a role that would otherwise be filled – The opportunity to Guarantor loans clearly exists already. This policy will allow those people who may already have access to a Guarantor (parents etc) to be directed to Council in the first instance. Having Council Guarantor a loan that would otherwise be guaranteed by another family member is advantageous (for other guarantors) but does not meet the primary objective of the policy. Apart from seeking a declaration that the

applicant has no available guarantors, there does not appear to be any means of avoiding what would be an exploitation of the policy.

Project Plan Timeline

1. Provide a copy of proposed policy to Council solicitors for formal legal advice and in particular the drafting of appropriate wording for the Limited Guarantee. December 2007 – January 2008.
2. Include the policy in the Plan of Management for the 2008-09 year.
3. Finalise legal documents and contracts between the FI and Council – April 2008

Project Costs

The project's start up administrative costs will be funded from the recurrent budget.

Comments

Financial Services

This proposal is targeted at potential borrowers who do not have the required deposit but have the capacity to repay a housing loan. Council's role will be to act as guarantor for the deposit component of the housing loan for those applicants who not only have met the financial institutions credit worthiness assessment, but also Council's eligibility criteria. The proposal is comprehensive, setting out the main risks associated with Council's involvement.

From a financial perspective, the risk faced by Council is the cost of the guarantee should a default occur and the proceeds from the sale of the property are insufficient to recover the debt outstanding and associated recovery costs. For each default, the maximum cost Council could incur would be \$50,000. It is proposed to have a portfolio of approximately 50 loans guaranteeing a total of \$2.5 million. The proposal includes a number of strategies that mitigate this risk such as the applicant must meet the financial institutions credit worthiness assessment, the release or payout of the guarantee under certain conditions and the potential to share with the financial institution a pro-rated share of any profits.

Given there are defaults in a loan portfolio even when conditions are favourable, it needs to be recognised that over the life of this proposal, it is likely a default or defaults will occur even in such a small portfolio.

Conclusion

The reason that Council is being urged to become involved in a scheme to facilitate home ownership is primarily because there is a gap in the commercial market which heavily constrains potential buyers.

There is evidence that reasonably priced homes in Lismore are being purchased as investment rental properties and this puts upward pressure on both purchase price and rents. In that way residents in this market sector are caught in a cycle which makes saving the mandatory housing loan deposit very difficult – at the very least it extends the time taken to create the deposit.

This scheme readily steps over that hurdle and relies on the experience of the financial institutions to assess the overall credit worthiness of the applicants. In fact, the risk to Council is not \$50,000 per property as Council retains 20% equity at all times. The exposure is actually the shortfall between 20% of the net realisation of the property after disposal costs and \$50,000. To take an extreme case where the net proceeds from a sale of a \$250,000 property becomes \$200,000 (in a depressed market plus, costs) the Council's exposure is \$10,000 i.e. $\$50,000 - (20\% \text{ of } \$200,000 = \$40,000)$.

Whilst the depth of this first home buyers' market is not empirically established, by taking this first step Council will learn more about the local housing market and with that knowledge be better placed to develop other models targeting housing accessibility in Lismore. This would be a strategy which fosters the population settlement patterns envisaged in the 2006 Far North Coast Regional Strategy and which specifically supports local ratepayers and Lismore's economic development aspirations

The proposed scheme is a very positive initiative and in the context of Council's \$43+ million revenue funded annual budget, the risk factor can reasonably be classified as "not significant".

Recommendation

That Council endorse the proof of concept plan for the provision of affordable housing in Lismore and authorise the General Manager to negotiate with Lismore Financial Institutions to partner with Council in implementing the scheme.

Report

Subject	Lismore Homeless Shelter
File No	P25928
Prepared by	Manager Community Services
Reason	To update the Council on progress to date
Objective	To seek a commitment of funds towards the construction and operation of the Shelter
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services

Overview of Report

This report provides an update on progress made on the development of a homeless shelter in Lismore, and seeks a commitment of funds towards the construction and ongoing operational costs of the Shelter.

Background

At the August 2007 Council Meeting it was unanimously resolved that:

1. Council negotiate with the State Government to lease vacant railway land off Norco Lane, South Lismore, for the purpose of constructing an overnight shelter for Lismore homeless.
2. Council foster a partnership approach to resourcing this community facility by engaging with the State and federal Governments, community service providers, charitable agencies, volunteers and experienced professionals to develop a homeless shelter service model suited to Lismore's needs.
3. All parties focus on providing a homeless shelter in Lismore by March 2008.

A Working Party was established to progress the design and management of the shelter, comprising representatives from several church, non-government and community organisations and Council staff. The Australian Rail Track Corporation (ARTC) has been approached regarding the vacant land off Norco Lane, and negotiations are continuing specifically around land immediately adjacent to the Soup Kitchen.

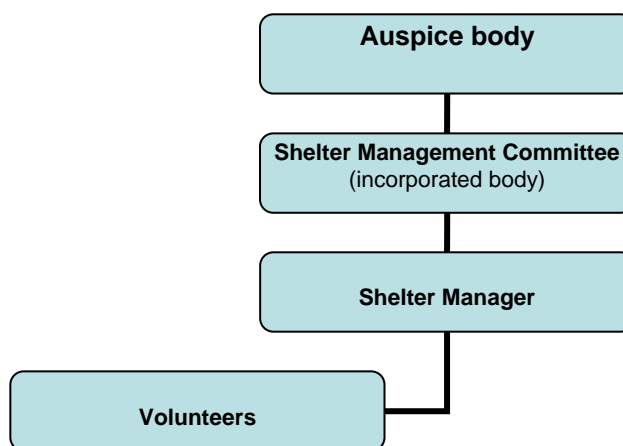
Following several months of research and discussions around the Lismore's needs, the Working Party has determined some key principles for the management and operation of the Shelter. These principles include that the Shelter will:-

- provide emergency accommodation on a temporary basis with beds to be allocated on a daily basis.
- accommodate men only, due to the predominance of homeless men in Lismore, and the complexities associated with housing both men, women and children in one shelter.
- be managed by paid staff and volunteers.
- be open from 4.00pm and close at 9.00am.
- be drug and alcohol free.
- charge a nominal fee for overnight accommodation (eg \$5 or \$10 per night).
- not provide food breakfast will be provided by Red Dove, lunch and dinner by the Soup Kitchen.

The proposed design for the Shelter is based on demountable structures that will incorporate approximately 12 individual bedrooms, shower and toilet amenities, office and manager's accommodation, and a common room. The Shelter will be fully fenced to ensure adequate security. The key objective for the Shelter is to provide temporary overnight accommodation in a safe and secure environment. Other requirements such as food and counselling services will be provided by other agencies and government departments.

Management structure

It is proposed that the Shelter will be managed on a day to day basis by professional staff, together with assistance from community volunteers. The manager will report to an overarching collective management committee, comprising membership from key stakeholder groups (eg St Vincent de Paul, Salvation Army, Uniting Church, Catholic Church, Lismore Soup Kitchen, Community Caring Action Group, Lismore Neighbourhood Centre, Lismore City Council):



An interim Management Committee has been formed to progress the future management of the Shelter. A Memorandum of Understanding (MOU) has been drawn up by the interim committee led by Len Moore from St Vincent de Paul, to enlist the commitment of community organisations to collectively work together to oversee the development and management of the Shelter. A copy of the MOU is attached.

The Working Party has undertaken research into the operating costs of a similar type of facility in Ballina, and it is estimated that annual operational costs will be in the order of \$100,000 - \$150,000. It is anticipated that Shelter management will apply for recurrent operational funding, however should funding not eventuate, it is expected that key stakeholder groups will contribute financially to the Shelter in an ongoing capacity, in addition to fundraising ventures.

The proposed Shelter structure is a modular design which can be added to as required. It is proposed that two blocks of six individual rooms are included, together with a separate amenities block, and separate office and manager's accommodation, garage, common room, and secure perimeter fencing. It is anticipated that the cost of these elements together with site preparation works will be achievable with an overall construction budget of approximately \$300,000. In the lead up to the November federal election, Labor candidate Janelle Saffin pledged \$200,000 towards the construction of the Shelter.

Development Application (DA)

Work has commenced on the preparation of a development application for the Shelter, which will include a detailed social impact assessment as part of the statement of environment effects. Extensive consultation with service providers, government departments and agencies, homeless people and the South Lismore business and residential communities will be undertaken in the short term. This will result in the identification of issues and development of a range of mitigation strategies designed to ameliorate any potential adverse impact associated with the Shelter.

Comments

Financial Services

A one-off capital contribution of \$100,000 and a recurrent operating contribution of \$20,000 per annum are required from Council. If the one-off capital contribution was loan funded, the total annual contribution from Council would be approximately \$32,000. While no funding for this purpose is included in the 2007/08 Budget, given the size of the annual Budget, it is expected that a pro-rated contribution can be met from within operations this year and a full contribution included in future Budgets.

As the capital contribution is suggested to come from new borrowings, Council will be required to seek approval to borrow additional funds from the Department of Local Government.

Other staff comments

Not required.

Public consultation

An information newsletter has been circulated to the South Lismore business and residential community. Councillors on the working party have consulted directly with a number of South Lismore businesses. Extensive consultation will be undertaken as part of the social impact assessment within the development application process.

Conclusion

The issue of homelessness in Lismore has been very apparent in recent years, with estimates of around 40 - 50 individuals sleeping rough in Lismore each night. A Shelter will go some way towards providing a safe and secure environment for people to sleep out of the elements. There has been strong commitment demonstrated from key church and community groups to contribute to the development and oversight of this facility. To ensure the project moves forward it is essential that Council make a financial commitment to demonstrate its bona fides and signal its aspirations for a partnership approach to this important community project.

Recommendation

That Council:

1. receive and note progress made to date,
2. commit up to \$100,000 towards the construction of the Shelter in the 2007-2008 financial year,
3. express a willingness to commit up to \$20,000 per annum towards the ongoing operational cost of running the Shelter,
4. make an application to the Department of Local Government to borrow an additional \$100,000 for the construction of the Shelter,
5. sign the Memorandum of Understanding which commits all signatories to an ongoing shared responsibility for management of the proposed shelter.

MEMORANDUM OF UNDERSTANDING
LISMORE HOMELESS MEN'S SHELTER

AIM: to provide overnight accommodation for men who are homeless and in need of support

Currently the project has progressed to a stage where:

- i. a site has been identified
- ii. an initial sketch of the proposed shelter for 12 men and an onsite manager drawn
- iii. a management model has been proposed, ie an auspice body, a board of management, and an onsite manager
- iv. select groups have been approached to ascertain expressions of interest and a possible board of management
- v. Council cooperation is progressing all necessary documentation to submit a Development Application

It is envisaged that this will be a major community effort for the City of Lismore.

Funding opportunities for the project, including applications for appropriate government grants will be collaboratively pursued.

Interested parties who wish to work together in a spirit of mutual cooperation and good faith to develop this project should record their signature below:

PLEASE PRINT NAME

SIGNATURE

Report

Subject	Resource Sharing with Rous Water
File No.	GJH:VLC:S949
Prepared by	Executive Director – Infrastructure Services
Reason	Update Council on the resource sharing investigation with Rous Water.
Objective	To obtain Council's endorsement of a Memorandum of Understanding for water services resource sharing between Lismore City Council and Rous Water.
Strategic Plan Link	Water and Waste Cycle
Management Plan Project	Lismore Water – Water Supply Services and Wastewater Services

Overview of Report

In November 2006 Council endorsed a proposal that resource sharing discussions be explored with Rous Water. The investigation has progressed to a point where a Memorandum of Understanding (MoU) can be signed. The MoU sets out broad areas of agreement to date and allows staff to progress to the next stage of the investigation which involves the development of a Service Level Agreement.

Background

The following report should be considered in the context of current issues occurring in the broader Local Government water industry. The Hon Nathan Rees, MP, Minister for Emergency Services and Water Utilities, announced on October 12, 2007 an inquiry into water supply and sewerage services in country NSW. The review seeks to identify an arrangement that will ensure all customers of local water utilities in regional NSW benefit from secure water supply, professionalism, cost effective service standards and regulatory safeguards in provision of water supply and sewerage services and are well positioned to meet the growing challenges facing the industry.

The review and six-month consultation process commences early 2008. The terms of reference are very broad, however, it is interesting to note the similarities between the terms of reference and the resource sharing exercise currently being undertaken between Lismore City Council and Rous Water. The outcomes of the State Government enquiry may change the proposal currently under consideration but to sit and do nothing is not recommended. It is better to develop a local preferred option which may be acceptable to the government rather than have a solution imposed on us because we have not worked through the difficulties of an alternate manner of undertaking business.

Council at its ordinary meeting of November 14, 2006, resolved *“That Council endorse further discussions with Rous Water to explore resource sharing options”*. Since that time Lismore City Council and Rous Water staff have been working together to explore resource sharing opportunities.

A working party has been established consisting of representatives from management, office and field staff from both organisations. Some agreed principles were adopted at the outset of the investigation –

- The purpose of the exercise is to identify ways whereby the delivery of services to the community can be improved or made more efficient.
- Improve the integration of water services.
- Pursue strategic alliances or resource sharing benefits, such that there is no unnecessary duplication of resources and no unjustifiable additional cost to either organisation.
- That the impact on individual employees is considered within the context of the wider organisational benefits. All staff will have their individual employment rights preserved and there will be no redundancies.
- All operational and management activities associated with water are open for consideration.
- Infrastructure assets remain in the current ownership.

Early in 2007 both organisations tabled resource sharing proposals but no consensus was reached.

Rous Water Model

Rous Water's preferred option was to provide all of Lismore Water's functions for Lismore City Council. This entailed Rous employing all of Lismore Water's staff. There are positives and negatives associated with this model –

Positives

- Lismore City Council retains income from sewer and water charges.
- A larger water organisation can distribute overheads over a larger base and reduce overall service costs, which will be passed onto consumers.
- Staff in an enlarged Rous Water organisation will have broader career opportunities and better access to career paths and promotion.
- More of the total water cycle is managed by one organisation, therefore water conservation strategies should be easier to implement.

Negatives

- Lismore City Council will be negotiating with a single organisation for service and price. Lismore City Council will not be in a strong position to negotiate.
- Lismore City Council will not have in-house detailed knowledge of its assets.
- Questions and requests from Lismore City Councillors may not be able to be serviced without reference to Rous Water.
- The benefits of a fully integrated corporate computer system may be possible but as Rous Water currently has a different computer system, costs may be prohibitive.
- The transfer of staff to Rous Water will be disruptive to both organisations.

Lismore Water Model

Lismore Water put forward an alternate proposal to Rous Water. It consisted of Rous Water undertaking contract administration of Lismore Water projects, Rous Water managing the Nimbin water and wastewater systems and sharing resources for workshop services, water testing and emergency responses. This proposal has the advantages of –

- Similar principle as Rous Water but on a smaller scale.
- Lismore City Council can assess the benefits of a smaller scale trial before committing to a larger proposal.
- Large staff disruptions are avoided.

The disadvantages to this proposal are –

- Difficult for Rous Water to gear up and resource contract administration on a trial basis.
- Nimbin too small to effectively manage in isolation.

By mid-year a further model was developed which consisted of Rous Water undertaking all the operational functions of Lismore Water and Lismore City Council sharing resources associated with water billing, customer service, human resources, mobile plant, Geographical Information Systems (GIS), computer services and records management.

At this point progress between the two organisations was very slow. It was agreed to enlist an independent facilitator to help the process along. The consultant's brief was structured in two parts -

Part 1 – Given the above background information, facilitate the identification of a resource sharing model which addresses the agreed principles and develop a Memorandum of Understanding (MoU) which commits the councils to implement agreed resource sharing activities.

Part 2 – Subject to the councils signing the MoU, develop an appropriate Service Level Agreement which defines, roles and responsibilities, risk sharing arrangements, levels of service, pricing, reporting, governance and dispute resolution.

The consultant's findings on Part 1 of the brief and a draft MoU are shown below -

Report from Dr John Griffin

Executive Summary

Lismore City Council and Rous Water carry out functions within the water cycle albeit that these functions are different but complementary. Synergies exist by the very nature of the functions carried out by individuals and teams with similar equipment, in both organisations whether at the operational front or corporate support.

Water cycle management looms within this country as a major consideration for the economic and healthy wellbeing of our community.

By a consultative process initiated and led by the General Managers of both organisations, utilising a composite working group supported by internal and external facilitation, a proposal relating to resource sharing has been developed. This is perceived by the working party and management to be a mechanism to achieve effective and efficient activities in regard of water supply and sewerage function.

This proposal is predicated on a combined operations organisation, effectively a transfer of water supply staff from Lismore City Council to Rous Water with the complete water supply and sewerage operations therefore carried out by Rous Water. The Strategic Direction would be determined by Lismore City Council. The Corporate Support function would be "shared" arrangements between both organisations, the details of which is yet to be determined.

This Part 1 has provided a Memorandum of Understanding which is the outcome of the deliberations of the Working Party and others. Should the activity proceed, Part 2 would be the determination of mechanisms of staff transfers whilst maintaining the commitment of no redundancies or job reductions duties of individuals, and the development of service level agreements between both organisations which would also set in place the financial relationship.

The resource sharing proposal will enjoy positive benefits for enhanced operations for the community and ultimate cost savings for both organisations over a period of time.

The Task

The requirement is to facilitate staff activities to investigate resource sharing wherein management of both Lismore City Council and Rous Water have given staff unconstrained authority to evaluate options for change.

The agreed principles of the resource sharing investigation include :

- The purpose of the exercise is to identify ways whereby the delivery of services to the community can be improved or made more efficient
- Improve integration of water services
- the pursuit of strategic alliance/resource sharing benefits
- All operational and management activities associated with water are open for consideration
- infrastructure assets remain in the current ownership.

Part 1 is to facilitate identification of those aspects of the activities of Rous Water and Lismore Water which are similar, are duplicated or possess potential synergies which could be undertaken more effectively or efficiently through a shared services model, and to prepare a Memorandum of Understanding which commits the Councils to implementing agreed resource sharing activities.

Part 2 is subject to councils signing the MoU, and hence developing appropriate service level agreement(s).

Water Supply And Wastewater Functions

Lismore City Council is a general purpose council which among its functions, provides water reticulation and wastewater services to its local community.

Rous Water is the trading identity of Rous County Council, the regional water supply authority supplying treated water in bulk, reticulation in rural areas and contract STP services to the local government areas of Ballina Shire, Byron Shire, Richmond Valley and Lismore City. Lismore City Council operates the headworks and water reticulation for Nimbin water supply.

In carrying out these functions, both organisations replicate activities of each other for the ultimate service to the community of water supply and wastewater service.

These synergies manifest themselves in the similarity of activities and the field staff to carry them out require the same qualifications and experience across the range of functions :

Engineers	Plant Operators
Technical Officers	Drainers
Co-ordinators	Tradesman's Assistants
Plumbers	Water Treatment Plant Operators
Plumbers Assistants	Sewage Treatment Plant Operators
System Operators	Pipelayers
Trade Waste Inspectors	Procurement Officers
Contracts Inspectors	Depot Clerks
Labourers	Storekeepers
Fitters	Electricians
Electrical Technicians	Apprentices

To support field activities, there are corporate support staff in both organisations encompassing the functions of :

*Management
Strategic Planning
Design*

Attached is detail of the staff functions of operational and corporate support activities for Lismore City Council and Rous Water.

The combined operations organisation chart reflects the synergies between both organisations in this area and how functions are both complementary and additive to establish a meaningful organisation.

As detailed elsewhere in this report, the corporate support activities will need further consideration to build upon the synergies in these areas for both organisations, as well as recognising Rous County Council's wider responsibilities within the region.

Methodology and Concept Development

The management of both organisations established a joint working party to consider the potential of resource sharing between Rous Water and Lismore City Council in regard of water supply and wastewater functions and incorporating the necessary corporate support. This was an activity focused programme which has continued through this phase.

The working party has continued to meet with the assistance of external facilitation to explore the opportunities for resource sharing relating to the water supply and wastewater activities. If merit outcomes became apparent, a proposal or model was to be developed that could be pursued to establish a functioning resource sharing venture that would achieve enhanced outcomes for the community, without detrimental outcomes for either organisation or their staff.

The working party operated sometimes as a unit or by subgroups to consider specialised aspects and was often supplemented by staff from specific areas of both organisations.

Within this framework, options were considered which were predicated upon the belief that resource sharing in whatever form became the preferred proposal/model, would achieve enhanced performance of outcomes for the community and that staff would feel confident of working effectively under altered arrangements.

There is commitment from those who have been involved, that whilst recognising the independent role of both organisations, a constructive working relationship has been maintained based upon the values of :

*Co-operation
Honesty
Trust
Mutual respect
Openness, and
Professionalism*

There is an explicit undertaking that there shall be no staff redundancies nor reduction of duties. This process has continued and has been seen as complementary to the announcement of the Hon. Nathan Rees MP, Member for Water Utilities on October 12, 2007 of a review which, "aims to identify the most appropriate structural and regulatory arrangement for the provision of water supply and sewerage services in regional New South Wales".

This review and inherent consultation process will commence in early 2008 with a planned six month period, which would also seek to "identify an arrangement that will ensure that all customers of local water utilities in regional New South Wales benefits from a secure water supply, professionalism, cost effective service standards and regulatory safeguards in the provision of water supply and sewerage services that are well positioned to meet the growing challenges facing the industry".

For a number of years both Lismore City Council and Rous County Council have been active members of the Richmond, Tweed, Clarence Council Co-operation, an alliance with the aim of reducing costs of services to ratepayers through a consultative and co-operative approach.

The formation of the Resource Sharing Working Party has seen active participation by members drawing not only upon their own experience and skills, but that of their peers in the workplace by information sharing and other consultative processes.

The early work has established the framework to proceed given that there was belief that the ultimate outcome would yield enhanced operations.

Attachment 1 (Initial Considerations-Lismore City Council – Rous Water Operational Staff Resource Sharing) documentation demonstrates this. *In more recent times, opportunity has been taken with operational staff to contribute to the process of developing models for consideration and implication. Corporate support has been similarly examined by the practitioners in their fields from both organisations.*

Management have pursued collation of information and implications as scenarios are considered.

From the efforts of the working party and other support from within the organisations, it was determined that the core of the resource sharing would be the establishment of a combined operations (CO) organisation, and to particularly exclude Catchment Management considerations at this time, due to its complexity and spread of operations throughout numerous functions of both authorities.

In coming to this concept, there was significant consideration given to the people who will be expected to operate it at the highest level of effectiveness and efficiency on behalf of the local community. The organisation must take account not only of abilities, skill sets, drive, consideration of work as a necessary economic function as well as not exceeding staff perceptions of what is achievable.

Based upon this development, consideration was given as to how such activities could be formatted within an organisation and managed. Discussions were of a wide ranging nature, however three basic structures were given the most attention:

- New Company*
- Joint Venture*
- "Melded" organisation (Combined Operations).*

All of the above however, are premised upon the combined operations as the primary means of 'getting the work done'.

In regard of a “new company” for the provision of water supply and sewerage operations, it would be formed from the combined operations organisation and a corporate support organisation drawn from both organisations. There could be some variation to this by the use of contract services for any of the functions. This however, was not given serious consideration as it would have the tendency to defeat the stated aim of organisational and cost effectiveness and no staff redundancy or diminution of affected individuals’ duties.

The business structure would of necessity, be along statutory lines and therefore a Board Structure would undoubtedly be a requirement, made up at least by representatives of both organisations. A typical Board Structure discussed was :

Independent Chairman

<i>Mayor, Lismore City Council</i>	<i>Chairman, Rous Water</i>
<i>Deputy Mayor, Lismore City Council</i>	<i>Deputy Chairman, Rous Water</i>
<i>General Manager, Lismore City Council</i>	<i>General Manager, Rous Water</i>

A Joint Venture Arrangement would be a suitable mechanism for both parties to undertake the physical and economic activity. This would be the creation of a new entity (as described in the combined operations proposal), or a new entity worked from within existing organisation structures. This latter aspect would be complicated given that the new entity would be one where both parties contribute equity of a form and share revenues, expenses and control of the enterprise. Given that such a joint venture would be formed from two statutory authorities, some form of Board arrangement, possibly as described above, could be appropriate.

Given this, it was determined to move forward with the simple combined operations model.

Outcome

The proposal is a compilation of views forming a combined operations workforce under the control of Rous Water with corporate support to be provided from the joint resources of Lismore City Council and Rous Water in a manner yet to be determined, but based upon the principles employed in evolving the combined operations components. The proposal utilises all staff currently in each organisation.

This is shown diagrammatically in Attachment – Organisation Structure.

This outcome is the agreed position for this stage. There are no issues within this stage that require further action.

The further actions that need resolution are related to the next stage, should that be the continuing intent.

Potential Benefits and Proposal Viability

The reasons why this activity of examining resource sharing in regard of water supply and sewerage operations between Lismore City Council and Rous Water are contained within, but not exclusively, the following :

- 1. Opportunity to build upon the strengths of both organisations and the synergies of both operating in the same industry.*
- 2. Opportunity to access improved efficiency and effectiveness of both operational and corporate support activities.*
- 3. Spreading costs and risks.*
- 4. Economics of scale and advantages of size.*
- 5. Access to new technologies which may not necessarily be “affordable” to either partners and the transfer of technology/skills between organisations and individuals/teams.*
- 6. Access to more innovative management practices.*
- 7. Enhancing customer service.*
- 8. Improved agility through more responsive teams.*
- 9. Potential to influence the structural evolution of the industry, keeping in mind the current actions by the Minister for Water Utilities and a response to any blurring of industry boundaries that may be proposed.*

Whilst there is explicit commitment for staff that there would be no staff redundancy or diminution of affected individuals’ duties, the proposal opens up improved job opportunities and career progression due to exposure within larger specialist units of the organisations.

This further leads for skill development within an individual’s field of activity and improvement in experience providing readiness for change, given the current Ministerial review in the water utility field.

Lismore City Council, appropriately at this time, are examining the provision of improved communication links between facilities.

Rous Water within the next period of time, will need to install a new enhanced Information Technology system.

The resource sharing proposal would be greatly enhanced if a communication link involved the Rous Water and Lismore City Council facilities. Additional costing beyond whatever would need to be provided by Lismore City Council, would have a degree of offset by enabling all telephone calls and data transmission to take place through the system at no cost. Information Technology could be integrated between both organisations, again enhancing operations by Rous Water either using the same system as Lismore City Council or by interfacing different systems. The opportunity exists to reduce costing particularly of the most expensive aspect, the licensing fees. GIS can be readily accommodated between both organisations.

Because of the very nature of this resource sharing proposal, dislocation of activities during a period of transfer and establishment would be negligible; ie, people would be basically

carrying out the previous jobs at same work sites but working (for construction and maintenance activities) from another depot under a new regime.

The outworkings of the proposal would require the development of a range of service level agreements to operate between both organisations. It is suggested that the clerical/ financial functions associated with these would be minor and have little effect or cost on operations. This would be especially so with the most simplified form of agreements.

Whilst there are no empirical studies that address the direct financial savings possible achieved in the enlarging of work groups, heuristic judgement from similar experiential situations suggests the following.

If a work group is facing increased work load due to growth, a portion can be achieved by improved work methods and support from improved technology with a remainder being only satisfied by increasing both the human resource and the equipment necessary for the functions. Within certain limits, the larger the work group the smaller the percentage of resource growth is necessary ("the economy of scale").

In such circumstances as this proposal, it does not manifest itself in direct financial savings (and conversely does not increase costs) but defers to a later time at which increasing of the human resource and additional equipment takes place.

In this case, it would be expected that the collective increases that would normally be required for both organisations over the next five (5) year period, would take place over an eight (8) year period based upon today's technology and work arrangements.

Memorandum of Understanding

The work of the Working Party and others has led to the development of a Memorandum of Understanding, a copy of which is included in the Attachments to this report.

Further Actions

The proposal is predicated upon transference of a significant number of staff within the framework of no redundancies. This will require the development of agreements and given this type of transfer between authorities, is not captured within current local government legislation.

Part 2 would need to address this as well as requisite Service Level Agreements.

The Local Government Association have advised that they could provide advice and options in this regard.

The United Services Union have indicated a willingness to be involved as have the Local Government Engineers Association of NSW / Association of Professional Engineers Australia. The Department of Local Government have also advised of a willingness to provide assistance.

The other activities that would follow upon the successful conclusion of the organisational change across the Lismore City Council and Rous Water organisations are :

- a. *Preparation of documentation to ensure that ownership of assets and funding and holding of appropriate licences remain with the existing asset owner/licence holder*
- b. *Further detailed studies relating to :*
 1. *Information Technology (IT) support both for present operations and for the future*
 2. *Essential communication systems*

3. *Human Resources and Occupational Health and Safety support*
 4. *Records Management.*
- c. *Determination of plant and equipment transfer between the parties and fleet procurement, servicing and management options.*
- d. *Preparation of Service Level Agreements and Financial Arrangements for:*
1. *Water Supply and Sewerage Operations*
 2. *Customer Service Enquiries and Billing*
 3. *Geographic Information Systems*
 4. *Strategic Planning Liaison*
 5. *Laboratory Services*

incorporating also risk sharing, reporting, governance and dispute resolution mechanisms.

A copy of the Memorandum of Understanding is attached.

Staff Feedback

The most recent information session was held with operational staff of Lismore Water on November 29, 2007. The objectives of the meeting were to provide an update on the Rous Water resource sharing issue, discuss the issues raised in this report and answer any questions or concerns the staff may have.

As would be expected there is concern from staff regarding the proposed change due to the unknown nature of the future. However, there is not absolute opposition to the proposal. Many staff are interested in the detail which will become evident in the next stage of the investigation.

Issues raised by staff included; preservation of entitlements, redundancy arrangements, impact on overheads, the timing of transfer of staff, is the agreement permanent, will other councils participate, less sharing of plant within Lismore City Council, opportunity for career advancement, extra depot costs.

Comments

Financial Services

At this stage, the proposal has been developed on identifying and agreeing to potential benefits and opportunities. Based on an agreed Memorandum of Understanding, all planned outcomes will be thoroughly assessed from a financial perspective. The results will be factored into deliberations and final recommendations as part of Service Level Agreements.

Other staff comments

Manager - Human Resources and Organisational Development

A move forward to Stage 2 of the process is supported as outlined in the report and associated MoU.

There have been a number of opportunities for staff impacted by this potential change to have input and to share their feelings and views about the resource sharing proposal. The summary of issues under the 'Staff Feedback' heading of the report adequately covers the comments made by staff whilst the proposal has been under development and discussion. The feeling of uncertainty amongst staff is acknowledged and is a normal reaction when changes are proposed.

Council's Human Resources and Organisational Development Section is well placed to:

- Meet our organisational commitment to effectively manage the change process adhering to the principles of fairness and transparency, and with minimal disruption.
- Provide support, advice and assistance to individuals directly impacted by the change.
- Devise an appropriate framework for any transfer of staff that meets legislative requirements and take account of industrial expectations.

General Manager

There can be no denying that there is some duplication of resources when there exists two organisations providing similar services to the community of the same geographical profile. The consultant's report (Page 4) clearly reveals that the documented revision of the two Council's operational staff structures demonstrates where the overlaps occur and goes on to say how they can be eliminated. The same report succinctly summarises (Pages 7 & 8) the potential benefits and opportunities of the recommended model but no attempt has yet been made to quantify the financial outcomes. This has been a deliberate intention on the part of the Working Party for the reason that these calculations will require the application of significant time and effort to both assemble and negotiate equitable agreements. An investigation of resources in these negotiations will only be warranted if both Councils demonstrate a clear commitment to fully explore the key issues of:-

- Individual staff employment issues,
- Costs of service agreements,
- Detailed changes to work practices,
- Practical sharing arrangements for joint responsibilities
- Enforceable contractual documentation.

It can be said that until now the discussions and negotiations have been at the macro or broadest level - all parties will have a clearer understanding of the impacts of the proposed change if we can now focus on the micro issues. Until that is done the potential benefits will remain uncertain and thus the evaluation would be incomplete. Having said that, signing the Memorandum of Understanding does not in any way mean that the sharing proposal is a fait accompli, I would direct attention to an information sheet recently circulated to staff affected by the proposal. These so called **Frequently Asked Questions (Appendix 2)** accurately and unambiguously explain the current state of negotiations.

Councillors may care to note that the Union representing the majority of staff in both organisations has been kept informed of developments, attended the last staff meeting on November 29 and has openly expressed their support for their members interests whilst confirming that they will work with the Councils for positive outcomes, if there is any transfer of staff. Similarly, the Department of Local Government through their Strategic Alliance Project has expressed interest in this unique model, as has the Local Government and Shires Association Industrial Division.

It is possible to say without reservation that the proposal under evaluation is worthy of further support, but knowing that challenges will be found in negotiating the industrial issues and the service level agreements. Given that the current service delivery model between Lismore City Council and Rous County Council was developed in 1953 it must surely behove both Councils to fully explore the opportunities for creating more effective and efficient management systems for the local water cycle. Endorsing the Memorandum of Understanding will allow the unknown, the uncertainties, the benefits and the opportunities to be quantified and clarified.

I strongly support the RECOMMENDATIONS of the Executive Director – Infrastructure Services.

Public consultation

Not sought but would be appropriate during the Stage 2 negotiations.

Conclusion

Following Council's endorsement to hold resource sharing discussions with Rous Water in November 2006, the investigation has progressed to a point where there is broad general agreement on a number of areas. It is proposed to gain Council's endorsement at this stage by the signing of a Memorandum of Understanding between Lismore City Council and Rous Water. This will allow staff to move to the next stage of the investigation, which involves the development of Service Level Agreements.

The MoU sets out a proposed structure to allow the investigation to progress. Neither council is locked into any ongoing agreement at this stage. This will be subject to the development and acceptance of the Service Level Agreements for the various functions including; water and sewerage operations, customer service enquiries and billing, geographic information systems, laboratory services, information technology, human resources and occupational health and safety support and records management.

Recommendation (IS70)

1. Council endorse moving to the next stage of resource sharing with Rous Water which will involve the development of Service Level Agreements.
2. The Mayor and General Manager be authorised to sign the Water Services Resource Sharing - Memorandum of Understanding, on behalf of Lismore City Council.

WATER SERVICES RESOURCE SHARING

MEMORANDUM OF UNDERSTANDING

This document represents an agreement between

Lismore City Council
and
Rous County Council (trading as Rous Water)

1. THE PARTIES

Lismore City Council

1.1 Lismore City Council is a general purpose council which inter alia is the local water authority for its own area and provides the water and wastewater services to its local community. Principally, Lismore Water (a business unit of Lismore City Council) reticulates the water supplied to it by Rous Water, provides a reticulated sewerage service to the Lismore urban area and Nimbin, and also operates the headworks and water reticulation for Nimbin water supply. Lismore City Council will also be referred to in this document as LCC.

Rous County Council

1.2 Rous County Council is the regional water supply authority, supplying treated water in bulk, reticulation in rural areas and contract STP services to the local government areas of Ballina Shire, Byron Shire, Lismore City and Richmond Valley. Rous County Council will also be referred to in this document as RW.

2. THE PURPOSE

LCC and RW are individual Councils committed to improving service delivery to their communities by examination and introduction of innovative management and operational techniques that encourage this. It is seen that resource sharing presents opportunities to achieve enhanced outcomes. Both Councils have had an active role in researching and adopting where appropriate, resource sharing activities of local government functions in their region. Both Councils have determined that in the field of urban water supply and sewerage services, there is potential, through a resource sharing arrangement, to achieve over the longer term, a more effective outcome for consumers and stakeholders.

3. VALUES

Whilst recognising each organisations independent role, LCC and RW are committed to maintaining a constructive working relationship that is based upon the values of :

Cooperation
Honesty
Trust
Mutual respect
Openness, and
Professionalism

4. COLLABORATION

The management of LCC and RW have established a working party consisting of staff from both organisations and this group has been meeting with the assistance of both internal and external facilitation, to explore the opportunities of resource sharing relating to water supply activities. If merit outcomes were apparent action to develop a proposal or model would be pursued in detail to establish a functioning

resource sharing venture that would achieve enhanced outcomes for the community, without detrimental outcomes to either organisation or their staff. There is an explicit undertaking that there shall be no staff redundancies or reduced employment for the individuals as a result of shared arrangements.

The United Services Union and the Association of Professional Engineers/Local Government Engineers Association, have indicated positively, a willingness to provide assistance to establish an acceptable outcome. The Department of Local Government advised of a willingness to provide the appropriate legislative framework to similarly achieve an acceptable outcome. The Local Government and Shires Associations have indicated a willingness to provide advice on and support for appropriate courses of action to achieve acceptable employee outcomes.

The working party both with all members or in sub-groups, have established a proposal/model of an operational organisation structure and a corporate support structure that is considered at this time the most suitable arrangement to achieve effective resource sharing. This proposal evolved from discussions of the working party supported by their interactive communication relationships with their close colleagues, and is shown at the Appendix to this document – Operational Organisation.

It is within these structures that the resource sharing will be achieved. It is acknowledged that such a proposal with the organisation structure developed would be the key component of any proposal which would only vary by the management type employed and the legal framework that would envelop it. It is therefore considered that the best efforts should be made by both parties to bring such to fruition.

5. FUTURE ACTIVITIES

Adoption of this MOU means there are a number of activities that will need to be undertaken. The most immediate of these is to legally establish the organisation changes implicit in the proposal without redundancy or downgrade of positions.

Following upon the advices received from the Unions LGSA and the Department of Local Government, it is recommended that a specific working party be formed to address the implications and solutions that would develop and implement the proposal.

The other activities that would follow upon the successful conclusion of the organizational change across the LCC and RW organisations are :

- (a) Preparation of documentation to ensure that ownership of assets and funding and holding of appropriate licences remain with the existing asset owner/licence holder
- (b) Further detailed studies relating to:
 - 1. Information Technology (IT) support both for present operations and for the future
 - 2. Essential communication systems
 - 3. Human Resource and Occupational Health and Safety Support
 - 4. Records Management
- (c) Determination of plant and equipment transfer between the parties and fleet procurement, servicing and management options.
- (d) Preparation of Service Level Agreements and Financial

Arrangements for :

1. Water Supply and Sewerage Operations
2. Customer Service Enquiries and Billing
3. Geographic Information Systems
4. Strategic Planning Liaison
5. Laboratory Services

6. COMMUNICATION AND EXCHANGE OF INFORMATION

The parties will ensure the continuation of open communication and for the ready provision/exchange of information, taking into consideration confidentiality and privacy requirements.

7. DURATION

Should a resource sharing arrangement be formulated and initiated, this MOU would form the framework for a formal Agreement between the parties.

Should this MOU not be acted upon, either positively or negatively, it will lapse at the expiration of one (1) year from the time of execution by other parties.

However, amendments may be negotiated and agreed in consultation between the collaborating parties and the adoption of such would extend the time period for the currency of this MOU for one (1) year from the time of execution by both parties of any agreed amendment.

8. SETTLEMENT OF DISPUTES

Given that this MOU is a document of willing agreement and has no legal enforceability, settlement of disputation regarding any aspect of the content of the MOU shall be as determined jointly between the General Managers of both parties with the opportunity of utilising an independent mediator as decided by the General Managers. There shall be no arbitration on matters within the MOU.

9. BRIEFING AND CONTACT WITH THE MEDIA

This is to be determined by the General Managers of both parties.

10. FORMAL POINTS OF CONTACT

The General Managers of both parties shall be the formal points of contact for any issues contained within or emanating from the MOU. The General Managers may delegate to others for advice and/or action, to ensure compliance with and furtherance of this MOU.

11. COMMITMENT

Both LCC and RW will seek to uphold the principles and desired outcomes expressed in the MOU, and to fulfil their individual and collective commitments. However, both parties acknowledge that the MOU is not legally binding and nothing in this MOU can legally restrict the statutory discretionary powers and responsibilities of each organisation under relevant legislation.

12. RELATIONSHIP OF THIS MOU TO MINISTERIAL ACTIONS RELATING TO REFORMS OF WATER SUPPLY ACTIVITIES IN NEW SOUTH WALES

The actions and direction of the Minister for Water Utilities and or the Minister for Local Government, in regard of any aspects of this MOU shall take precedence over anything contained in this MOU.

Development and implementation of functions under this agreement, shall be completed in awareness of Ministerial actions and reviews.

Dated at Lismore this day of 2007

Mayor
Lismore City Council

Chairman
Rous County Council/Rous Water

General Manager
Lismore City Council

General Manager
Rous County Council

APPENDIX Operational Organisation
Support Services

Appendix 1

LISMORE CITY COUNCIL / ROUS WATER OPERATIONAL STAFF RESOURCE SHARING

1.0 INTRODUCTION

The proposed resource sharing between Lismore Water and Rous Water presents a number of opportunities to each organisation. The following notes review the opportunities in the operational area and are based on the attached draft organisational structure.

2.0 MANAGEMENT

Currently there is a chronic shortage of professional staff in the water industry. This has arisen due to a combination of the resources boom in Queensland and Western Australia, a buoyant economy featuring strong infrastructure investment and the prolonged drought which is driving considerable growth in the Water Industry. Against this background, Local Government has been unable to recruit adequately skilled engineering staff due to its reluctance to meet the market in terms of salary and its less than desirable image as a work area with career prospects. At Lismore City Council, this has resulted in a number of long-term vacancies with less than desirable pools of applicants contesting the position.

Rous Water has not been adversely affected by the market situation, having a more stable workforce, fortunate recruitment of a quality engineer and a succession plan to replace retirees. At present Rous Water has one vacancy in a temporary junior engineer's position.

The outcome of this situation is that Rous Water is well positioned to provide management expertise for Lismore Water. Rous Water's Wayne Franklin is a former Water and Sewerage Manager for Lismore City Council and Terry Gobbe is the former Operations Engineer for Lismore City Council's Water and Sewerage. Between these two staff there is approximately 16 years experience in the management and operation of Lismore Water. Rous Water's current Project Manager Ravi Ariyasinghe has previously been employed in the equivalent position at Lismore City Council and therefore is familiar with the Lismore Water staff and infrastructure. Rous Water is able to provide strong expertise in water treatment and catchment management which is valuable to Lismore City Council.

Rous Water 6

3.0 PROPOSED STAFF STRUCTURE

The proposed staff structure draws on the existing strengths of each organisation and creates the opportunity to recruit specialist staff that neither organisation can warrant in a stand alone approach. The result is a team capable of providing a better outcome for the community than each organisation can achieve individually.

The organisation structure is divided in four lines as set out below.

3.1 Distribution and Reticulation

The key responsibilities of this line are:

- i). Water trunk mains
- ii). Water reticulation including reservoirs
- iii). Sewer reticulation including pump stations
- iv). Customer service connections

This line would be headed by Terry Gobbe. This provides immediate experience in the operation, maintenance and forward planning for both Lismore Water and Rous Water infrastructure. The role would be supported by an additional professional engineer and experienced technical staff.

3.2 Process

The key responsibilities of this position are:

- i). Sewage Treatment

- ii). Water Treatment
- iii). Dams, Bores and Weirs
- iv). Recycled Water
- v). Mechanical and Electrical Services

This line would be headed by a new position of Process Manager with the key skills of the role being in Wastewater Management and Resource Organisation. This position would bring to Lismore Water and Rous Water specialist wastewater skills that would enhance the operation of public and private wastewater treatment plants. The role would be supported by one professional position to be filled with Rous Water's current water treatment expert.

3.3 Project Management

The key responsibilities of this line are:

- i). Design of water and sewerage infrastructure
- ii). Construction of infrastructure by day labour
- iii). Construction of infrastructure under contract

The line would be headed by Rous Water's current Project Manager who has experience in the role at both Lismore Water and Rous Water. The position would be supported by a further professional engineering position.

Rous Water 7

3.4 Catchment Management

The key responsibilities of this line are:

- i). Management of water storage land within the respective catchments
- ii). Public education in catchment and water supply issues
- iii). Negotiation with constituent councils on development matters in the respective catchments
- iv). Promotion of catchment enhancement.
- v). Overall environmental guidance and monitoring for Lismore Water and Rous Water.

This line would be headed by Rous Water's Catchment Assets Manager who is considered to be the leader in catchment management in the region and who is regularly called upon to provide advice to the constituent councils. The position would be supported by Rous Water's current Environmental Engineer.

4.0 BENEFITS OF THE PROPOSAL

- i). At least two professional officers in each area of the structure.

With the regular turnover of professional staff now being the normal employment mode, it is important to make provision for continuity of service to the community. This is best achieved by having a succession plan and an adequate number of staff to cover absenteeism due to holidays, sick leave and rostered days off. The proposed structure has at least two professional staff in each line plus a number of experienced technical positions to provide support to the professional staff.

- ii). Higher level of expertise and scope to continue to develop expertise.

The grouping of the four lines allows the development of higher levels of technical expertise in each line. An example is the Process Manager's position. Neither Rous Water nor Lismore Water has the depth of staff to allow a professional position dedicated to wastewater treatment.

This has resulted in the less than optimal management of wastewater plants. The proposed structure allows the creation of the position whilst maintaining Rous Water's current depth of experience in water treatment.

- iii). Better response to customers and greater support for staff in field delivering the services.

The increased number of field staff will ensure that there is always adequate skilled staff to attend to the priority work for the day. This will result in the timely delivery of services to customers. The field staff will be better supported by the professional

expertise and depth of staff again indicating a higher level of service to the customers.

Rous Water 8

iv). Coverage for holidays and other periods of absenteeism

Modern employment practices result in staff being absent from the workplace regularly due to annual leave, sick leave, public holidays, rostered days off and training and professional development. The proposed structure allows the arrangement of staff to ensure that there is sufficient staff on duty in each area to ensure continuity of service to customers.

v). No confusion about who is responsible for customer serviced requests i.e. Rous Water or Lismore City Council

The current arrangement of responsibilities between Rous Water and Lismore Water results in confusion over who is responsible for various aspects of the water cycle and duplication of services. A single operating authority will remove this confusion and ensure customers are provided prompt effective service.

vi). Greater career opportunities for staff who choose to be in the water industry.

The greater number of positions and greater depth of expertise and management responsibility will provide all staff with greater career opportunities should they wish to pursue them. It will also provide greater scope to employ trainees and apprentices therefore addressing the current skill shortages in the industry and providing employment to local young people.

vii). Working in an organisation focused on delivering water services.

viii). No redundancy in proposal.

The proposed structure results in all Lismore Water and Rous Water staff remaining employed without loss of conditions. The outcome of this is that there will be no adverse impact on the individuals or the community due to loss of employment.

APPENDIX 2

Rous / Lismore Resource Sharing**Fact Sheet and FAQ. – 23rd November 2007****1. What has been happening?**

Meetings have been held on 15/11/07 & 20/11/07. These meetings were attended by both GM's and other management staff as well as employee reps.

The meetings were designed to assist in the development of a Memorandum of Understanding (MOU) and agree on underlying design and structural principles for the initiative.

The first meeting concentrated on the operational aspects of the initiative while the second meeting looked at the support services (HR, finances, billing, IT, customer service etc).

2. What came out of the meetings?

Essentially the parties have agreed to continue with the initiative by first explaining the proposed MOU to staff and then taking the proposal to the respective councillors at a Council meeting for their endorsement. It is hoped to have the MOU signed off by the end of December. Following this a combined staff briefing is planned to occur early in 2008 to explain the next steps.

Sign off of the MOU will mean agreement to take the project forward to Stage 2 which will require detailed documentation of appropriate Service Agreements, including financial arrangements and agreed employment matters.

It is important to emphasise that no binding decision has been made to transfer any staff or make any changes at all. There is quite a lot more work to be done before there is a workable product.

3. What has this initiative been based on?

The following are the presumptions of this initiative

- that there is potential efficiency and effectiveness to be obtained,
- that customer service is not compromised,
- that unnecessary duplication of resources is avoided,
- that there is no unjustifiable additional cost incurred by either Council,
- that the impacts on individual employees are considered within the context of the wider organisational benefits,
- that all staff will have their personal employment rights preserved, and
- that there will be no redundancies

4. What will be in the MOU?

In simple terms the MOU will have all parties agree to move toward the following:-

- o **Operational Services**

25 of Lismore Water's operational staff transfer to Rous Water who would be contractually responsible for undertaking the greatest majority of the day-to-day field activities associated with water and wastewater in the Lismore LGA - **25 staff transfer, LCC to pay Rous for agreed services rendered.**

- o **Plant and Fleet Management**

LCC to provide plant and fleet management services to Rous Water for its mobile plant fleet - **Rous to pay LCC for service delivery and/or dry hiring current Lismore Water fleet.**

- **Water Billing**
LCC to undertake the full service of meter reading, water billing and revenue collection on behalf of Rous Water for its circa 2000 metered connections - ***Rous to transfer staff and/or pay LCC.***
- **Customer Service**
As a flow on from the billing process LCC to provide frontline customer service for this and other Rous activities, plus those associated with RRCC and FNCWeeds using the established LCC Customer Contact Centre model - ***Rous to transfer staff and/or pay LCC.***
- **Geographic Information Systems**
Link the essential asset management data derived through customer service activities and tasks to a suitable GIS either at Rous or Lismore or both as required - ***no staff transfer but both parties may incur costs to each other.***
- **Human Resource Management**
Continue negotiations to ensure that the existing HR resources available in both Council's organisation structures are deployed to optimum effect given that LCC has a range of specialist staff whose skills may be effective in offsetting the new demands placed on Rous' HR function through the addition of up to 25 extra staff now employed by LCC. The outcomes of any realignment of responsibilities should not come at extra cost to the joint venture on the grounds that there is no increase in the overall number of employees across the two Councils - ***transfer of staff not determined, more dialogue needed to achieve consensus over effective sharing of HR resources, cost adjustment is expected for services rendered both ways.***

Draft Structure Charts that describe the above arrangements have been prepared and are available to staff.

5. How does it affect me and what's in it for me?

The above concepts are at a high level and the detail will be the priority focus in the New Year. As a result, the specific details about individual impacts have not been exhaustively discussed however the following benefits for staff have been identified:-

- Improved job opportunities and career prospects due to exposure to a larger specialist organization
- Enhanced opportunities for skill development in areas not presently available.
- Improved experience and readiness for change especially in light of other proposed changes to Local Government Water Cycle Management.
- Maintenance of job security and employment conditions

6. When will these changes take place?

To allow for the Stage 2 negotiations, the earliest any staff transfers could occur would be July 2008.

It is appreciated that this initiative will involve change for staff that may be impacted. We all know that change can be difficult and stressful however it can also offer new opportunities. Change, which ever way you see it, is a reality for all of us and the working party and management team is committed to assisting all staff through this process in a constructive way.

Report

Subject	<i>Lismore Promotion Program - Advisory Group</i>
File No	S740
Prepared by	Manager – Economic Development
Reason	Response to Council resolution 466/07, part 1: <i>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 management of the SBRVL Promotional Fund.</i>
Objective	Council to take a proactive role in the management and administration of the SBRVL <i>Lismore Promotion Program</i>
Strategic Plan Link	Economic Development, through support for business
Management Plan Project	Economic Development

Overview of Report

This Report seeks Council endorsement of the formation and composition of the SBRVL *Lismore Promotion Program* Advisory Group.

Background

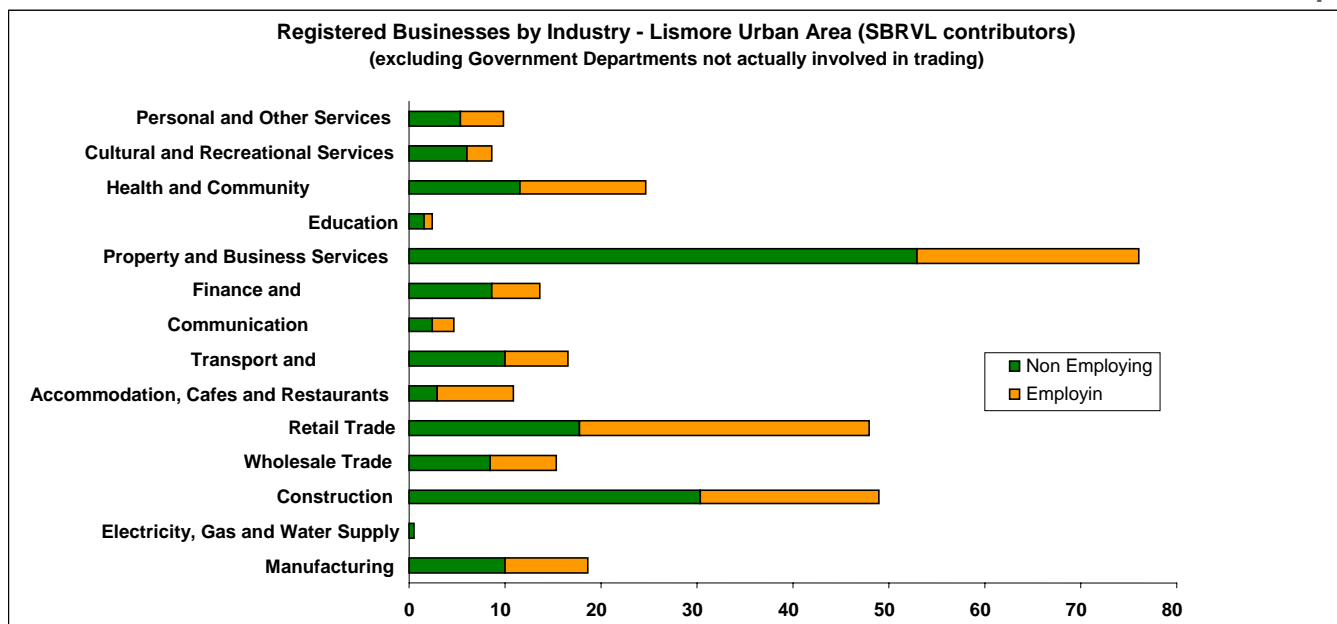
The Special Business Rate Variation Levy (SBRVL) *Lismore Promotion Program* has been levied annually as part of the Council rates on all business properties in the Lismore Urban Area since July 1, 1998.

At its inception, the stated purpose of the *Lismore Promotion Program* was to “Promote Lismore in a positive manner, which reinforces its position as the regional centre of the Far North Coast of NSW.” In a contemporary sense, the aim of the *Lismore Promotion Program* is to re-invigorate the City's status as a great place to visit, shop, do business, live, work and play.

In 2007/08 there were 1,089 rated property owners and an estimated 2,987 registered businesses in the Lismore Urban Area, directly and indirectly contributing to the \$189,800 comprising the Promotion Fund of the SBRVL (see Figure 1 below). This figure is a snapshot of the composition of contributors to the Fund, by industry breakdown and employing status.

Until recently, the Promotion Fund has been managed by Lismore Unlimited Opportunities (LUO). At a meeting on October 9, 2007 Council, with input from LUO, resolved that the management of the Promotion Fund be undertaken through Council's Economic Development Unit (EDU). In this way, more equitable representation across the 2,987 businesses in the Lismore Urban Area contributing to the Promotion Fund can be objectively sought, plus resources of both parties can be better co-ordinated and pooled, thereby saving costs and avoiding unnecessary duplication, to deliver promotional activities of benefit to Fund contributors. The SBRVL *Lismore Promotion Program* can more readily leverage off other available funds, thereby maximising Council's promotional budgets, together with leveraged investment from other Government funding programs.

Figure 1:



Source: ABS Counts of Australian businesses (including entries & exits) June 2003 – June 2006 (extrapolation)

The management of the *Lismore Promotion Program* and Fund in no way implies sole responsibility for the determination of the activity program. In a survey on the SBRVL *Lismore Promotion Program* conducted by the EDU on September 14, 2007 64% of respondents agreed or strongly agreed that they would like to contribute to the ideas and plans that Council develops for the SBRVL. Equally important, an overwhelming 90% of respondents agreed or strongly agreed that they would like feedback from Council on how this SBRVL money is being spent and the marketing results. This consultation with business contributors will remain an integral part of the process.

Progress with formation of the SBRVL *Lismore Promotion Program* Advisory Group

Council previously resolved that this Advisory Group comprise “members from ... the Lismore Unlimited Opportunities, the Economic Development Unit and two Councillors” (466/07). This accounts for a minimum of four (4) members. The balance of members has been sought from the Lismore Urban Area “business community”.

To facilitate the co-ordination and establishment of an Advisory Group to develop a framework for the EDU’s management of the *Lismore Promotion Program* and Fund, on October 24, 2007 the EDU wrote to all property and business owners in the Lismore Urban Area requesting nominations for the *Lismore Promotion Program* Advisory Group. To be eligible, nominees were required to be registered businesses, contributing to the *Lismore Promotion Program* Fund either directly as property owners, or indirectly as business owners.

By the closing date for nominations (November 13, 2007) a total of twenty-four (24) enquiries had been received and eighteen (18) valid nominations submitted. Nil invalid nominations were received. The nominations are listed below in Table 1 below in alphabetical order, by company name.

Table 1: Nominations received for *Lismore Promotion Program Advisory Group*

	Name	Company	Industry Sector	Geographic Location of the Business	Business or Property Owner
1.	Gillian Jones	ACE North Coast	Education	Inner CBD	Business
2.	Alister Somerville	Alister Somerville - Solicitor	Other – Law	Inner CBD	Business
3.	Bill Sheaffe	Caddies Coffee Co	Accommodation, Cafes & Restaurants	Inner CBD	Business
4.	Jon Paterson	The New Camera House	Retail	Inner CBD	Property & Business
5.	Michael Haddin	Chandlers	Retail	Inner CBD	Business
6.	Julie Dickson	Fire in the Belly	Accommodation, Cafes & Restaurants	Outer CBD	Business
7.	James Clarke-Williams	Goonellabah Veterinary Hospital	Other – Veterinarian	Goonellabah	Business
8.	Kaylene Hopf	Harvey World Travel	Retail + Finance & Insurance	Inner CBD	Business
9.	Lexie Hurford	Hurford Sawmilling Hurford Steel	Manufacturing + Construction	South Lismore	Property & Business
10.	David Martin	Instyle Sleepcentre	Retail	Inner CBD	Business
11.	Geoffrey Gooch	Lismore Shopping Square	Retail + Property & Business Services	Outer CBD	Business
12.	Michael Timbrell	Lismore Turf Club	Other – Sporting & Function Centre Services	North Lismore	Business
13.	Lucinda Dyason	Pets & Saddles	Retail	Inner CBD	Business
14.	John Robinson	RJR Nominees	Retail	Inner CBD	Property
15.	Barry Robinson	Rosada Pty Ltd	Property & Business Services	Lismore - various	Property & Business
16.	Lindsay Doust	Suffolks Outdoor Sports	Retail + Other – not specified	Inner CBD	Business
17.	Andrew Tucker	The Summerland Credit Union	Finance & Insurance	Lismore - various	Property & Business
18.	Heather Williams	The Northern Rivers Echo	Communication Services	Inner CBD	Business

Given the large response from the business community and the accepted view that a workable size for a well-functioning and responsive committee is a maximum of eleven (11) members, Council will need to select and approve the community members of the Advisory Group.

The business community nominees have been assessed according to their stated interest in the initiative, their alignment with the stated purpose of the *Lismore Promotion Program*, strengths or qualities which can be brought to the process, together with reference to the geographic location of their business and representative industry sector.

Listed below in Table 2 are the recommended six (6) candidates from the business community for the SBRVL *Lismore Promotion Program Advisory Group*.

Table 2: Recommended candidates for the SBRVL *Lismore Promotion Program* Advisory Group

	Name	Company	Industry Sector	Geographic Location of the Business	Business or Property Owner	Interest in the initiative and strengths to be brought to the process
1.	Bill Sheaffe	Caddies Coffee Co	Accommodation, Cafes & Restaurants	Inner CBD	Business Owner	<ul style="list-style-type: none"> • Past President of LUO and part of the amalgamated group that saw the introduction of the Special Rate in 1998 • Owned and operated several businesses in Lismore's CBD since 1975 • Member of several Lismore City Council citizen based committees • Belief that "A strong business community can only come from the business community, along with the entire community being healthy and feeling good about itself – the Promotion Program is an important part of this process"
2.	Lexie Hurford	Hurford Sawmilling Hurford Steel	Manufacturing + Construction	South Lismore	Property & Business Owner	<ul style="list-style-type: none"> • Held a range of Executive positions on relevant Boards in the immediate past, requiring strategic visioning and direction: Chair of Northern Rivers Regional Development Board, Invest Northern Rivers, Northern Rivers Tourism, NSW Forest Products Association, NSW Small Business Development Corporation
3.	Julie Dickson	Fire in the Belly	Accommodation, Cafes & Restaurants	Outer CBD	Business Owner	<ul style="list-style-type: none"> • Keen interest in seeing Lismore's potential realised, "We have much to offer as a city; art, music, hospitality, plus small unique businesses and I would like to play a part in seeing this showcased" • Relevant qualifications with a Bachelor of Business Communication (QUT)
4.	Geoffrey Gooch	Lismore Shopping Square - representing 88 retail outlets	Retail + Property & Business Services	Outer CBD	Business Manager	<ul style="list-style-type: none"> • "The growth of Lismore is the most important part of this initiative to produce a strong economy and work opportunities" • More than 35 years in sales and marketing, with the last 20 years in the shopping centre industry • Company's senior Centre Manager & Training Manager • Previously held executive positions on Port Macquarie, Grafton & Townsville Chambers of Commerce & related city promotion committees
5.	Michael Timbrell	Lismore Turf Club	Other – Sporting & Function Centre Services	North Lismore	Business Manager	<ul style="list-style-type: none"> • Direct experience in relation to tourism, promotion and event management • Organiser of one of Lismore's annual premier events, The

	Name	Company	Industry Sector	Geographic Location of the Business	Business or Property Owner	Interest in the initiative and strengths to be brought to the process
						<p>Lismore Cup</p> <ul style="list-style-type: none"> • "I am passionate about making Lismore a more popular place for tourists to visit"
6.	Andrew Tucker	The Summerland Credit Union	Finance & Insurance	Lismore - various	Property & Business Manager	<ul style="list-style-type: none"> • Executive Manager, with responsibility for promotion of the Credit Union and marketing the range of bank products • The Credit Union owns 3 properties in the Lismore Urban Area, as well as operates their finance business here • Strengths as a strategic thinker, but also someone that has lived here all their life and has an ability to understand the needs of the community • "With Business Owners, Land Owners and Council all working together, success can be achieved in promoting business activity and in turn economic development in the Lismore Urban Area"

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

All property owners and business owners in the Lismore Urban Area have been canvassed for their views and nomination for the Advisory Group.

Conclusion

A workable size for a well-functioning and responsive committee is a maximum of eleven (11) members. Council previously resolved that the SBRVL *Lismore Promotion Program* Advisory Group comprise “members from the Lismore Unlimited Opportunities, the Economic Development Unit and two Councillors” (466/07). This accounts for a minimum of four (4) members. The balance of six (6) members has been selected from the eighteen (18) nominations that came forward from the business community in the Lismore Urban Area.

Recommendations

1. That Council invite two (2) representatives of LUO, plus six (6) business community representatives to join the Manager - Economic Development and the two (2) Economic Development Policy Advisory Group (EDPAG) Councillors, in forming the SBRVL *Lismore Promotion Program* Advisory Group.
2. That the following six (6) business community candidates:
 - a) Bill Sheaffe
 - b) Lexie Hurford
 - c) Julie Dickson
 - d) Geoffrey Gooch
 - e) Michael Timbrell
 - f) Andrew Tucker

be endorsed as the business community representatives for the initial year of the *Lismore Promotion Program* Advisory Group.

3. That the Advisory Group develop a strategically focussed Promotion Program for the balance of the 2007/08 period and report its recommendations to Council in February 2008.
4. That the Advisory Group recommend a suitable Promotion Program for 2008/09 and submit those proposals for consideration during the forthcoming Budget development period.

Report

Subject	PAG Review Implementation Plan
File No	S36
Prepared by	Executive Services Coordinator
Reason	To outline how the initiatives emanating from the PAG review processes will be implemented.
Objective	To provide details of how and when the PAG review initiatives will be implemented
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Communication and Corporate Management

Overview of Report

This report outlines how the initiatives within the PAG Review report are to be implemented. This plan contains seven steps which are listed here in chronological order.

- Improve PAG Resourcing Arrangements
- Formalise Structural Changes
- Develop PAG Scope and Objective Statements
- Undertake a PAG Promotion Media Campaign
- Organise PAG Events
- PAG Training
- Development of the Delivery Plan

Background

The current arrangement which established 7 Policy Advisory Groups was implemented to replace the previous committee structure in July 2005. The status quo comprises:

- Arts and Culture Policy Advisory Group.
- Community Services Policy Advisory Group.
- Economic Development Policy Advisory Group.
- Public Transport Policy Advisory Group.
- Roads Policy Advisory Group.
- Public Transport Policy Advisory Group.
- Sustainable Environment Policy Advisory Group.

The PAGs comprise of either 2 or 3 Councillors, and up to 13 members of the community, who are appointed by Council. Membership of the PAGs is for the term of the Council.

At the time of the establishment of the PAGs, a commitment was made to review the PAG structure once it had been in operation for a sufficient time to ascertain its ability to meet the needs of the Council.

At a Councillor workshop on 25th September 2007 Councillors were presented with the findings of the review process. At this workshop most discussion centred on the role of PAGs with general consensus reached on the recommendations. There were a number of changes and additions made to the initial report and these will be included in the implementation.

Further discussion regarding the role of the PAGs should be reserved for the future Councillor workshop which is outlined within this report. This workshop will be designed to facilitate consensus on the Scope and Objectives of the PAG process in its entirety and each of the PAGs individually.

Introduction

This implementation plan outlines seven steps to be taken to implement the initiatives of the PAG review process. The table below outlines the steps, the tasks and time line. The remainder of the plan provides details of how these steps and tasks will be implemented.

Step	Target Date
Implement PAG Resourcing Changes	December 07
Formalise Structural Changes	December 07
Develop PAG Scope Statements	July 08
Media Campaign	October 08
Organise Events	October 08
PAG Training	December 08
Development of the Delivery Plan	March 09

The plan is divided into two phases. In order that the changes are in place for the new PAGs at the beginning of the Council term, all the tasks which set out the scope, objective and policy need to be completed before September 2008. This will make up phase 1. The remaining tasks can only be completed in conjunction with, or after, the completion of the recruitment of new PAG members. This will make up phase 2.

Implementation Plan

Step 1 Implement PAG Resourcing Changes

A task management process is being developed to ensure that the work that the PAGs generate is properly managed. Once this process is completed all the PAG support officers will be trained, with the revised process adopted from this point on. The work to complete this step has already begun and will be complete before the end of the year.

Step 2 Formalise Structural Changes

Two of the recommendations contained within the PAG review report require a Council resolution to implement, these are as follows:

- The Strategic Plan Steering Committee be retired.
- The Road Policy Advisory Group be incorporated into a PAG covering all Council Assets.

The following section provides further details on the creation of an Infrastructure Assets PAG:

Infrastructure Assets PAG

Council has established the Policy Advisory Group (PAG) structure as a mechanism to facilitate community input across the full range of services that Council provides. Public input to asset related issues is currently handled in an ad-hoc manner with roads covered very thoroughly through the current Roads PAG and other assets only covered intermittently as required via other PAGs, eg, infrastructure for sporting fields through the Sport and Recreation PAG. Some assets are not exposed to this process at all, eg, water and sewer, buildings.

The possibility of expanding the role of the current Roads PAG to incorporate all Council assets was canvassed and recommended to Councillors at the workshop in September. It was recommended that the Roads PAG be incorporated into an Assets PAG covering all Council assets.

This proposal was considered by the Roads PAG at its meeting on November 21, 2007. Two options to progress the formation of an Assets PAG were presented and discussed. The Roads PAG unanimously supported the formation of an Assets PAG with the current Roads PAG to be absorbed into the proposed Assets PAG immediately. Membership of the new Assets PAG will be the membership of the former Roads PAG for the remainder of the current Council term with members able to retire if they are not comfortable with the expanded role of the PAG. The Roads PAG also recommended that membership of the Assets PAG following the Council elections in 2008 be reviewed with a model based on population rather than Section 94 catchment areas to be investigated.

Step 3 Develop PAG Scope and Objectives.

This step is a key element of this project and will begin in the New Year. A skilled facilitator will be employed to plan and conduct the initial workshop and assist in the development of the scope, objectives, goals and key performance indicators. In order that the recommendation in the PAG review be implemented, care must be taken, during the development of the scope and objectives, to ensure the following:

- The Council's expectations of the PAG and the PAG structure are defined within the scope and objectives statements.
- The scope and objectives are developed for the PAG structure as a whole as well as for the individual PAGs.
- The scope and objectives are aligned to the strategic plan.
- The scope statements include objectives to enhance community involvement
- That the scope and objective statements focus the PAGs away from the operational and toward the strategic.

Step 4 Media Campaign

A media campaign should be developed in order that the PAGs and their role in Council's affairs are more widely known and understood within the community. This will coincide with the recruitment of new PAG members for the next Council term. This step will both raise the profile of the PAGs within the community and potentially widen the pool of candidates for membership.

Step 5 Organise PAG Events

The two PAG events listed in the PAG review report are designed to improve the way in which the PAGs work together, and to recognise PAG members for their contribution each year. These events will be organised a year in advance for each year of the Council term.

Step 6 PAG Training

The PAG training will be largely based on the scope and objectives statements. Once these scope statements are complete, a training package will be developed. The training package will be delivered to all PAG members, Councillors and support staff shortly after recruitment and before the first meeting of each PAG post the 2008 Council elections.

The training will include the following:

- Development of the policy and strategy.
- The difference between strategic and operational and the importance of focusing on the strategic envelope.
- Training in the scope and objectives statements
- Training in PAG policies

- The roles and responsibilities of PAG Chairs, Support Officers and PAG members
- The strategic planning process.

In order that PAG integration be encouraged the training, where possible should include all PAG members, PAG chairs and PAG Support staff within the one session. This session should then be split into the PAGs to cover the PAG specific information.

Step 7 Development of the Delivery Plan

As outlined in the PAG review report, the PAGs will have a role in the creation of the four year Delivery Plan which outlines the activity of Council for the life of the Council term. This step will be completed within the first 6 months of the new Council term.

Comments

Financial Services

Not required

Conclusion

The implementation of the PAG review recommendations has already started and will carry through 2008. The adoption of the recommendations of this report will see the retirement of the Strategic Plan Steering Committee and the creation of an Infrastructure Assets Policy Advisory Group.

Recommendation

1. That Council endorse the PAG review implementation plan outlined in this report.
2. That the Strategic Plan Steering Committee be retired.
3. Council endorse the recommendations of the Roads PAG at its meeting on November 21, 2007 and immediately create an Infrastructure Assets PAG incorporating the former Roads PAG.
4. Membership of the new Infrastructure Assets PAG be the same as that of the former Roads PAG for the remainder of the term of the current Council.
5. Council investigate a model based on population rather than Section 94 catchments for membership of the Infrastructure Assets PAG beyond the Council elections in 2008.

Report

Subject	September Quarter Management Plan Review
File No	S952
Prepared by	General Manager
Reason	Requirement of Local Government Act S.407(1)
Objective	Information of Councillors
Strategic Plan Link	Leadership by Innovation
Management Plan Project	This is a report on the progress of the management plan.

Overview of Report

This report relates to the performance of programs and activities highlighted in the 2007/08 Management Plan during the quarter ended September 2007.

Background

The General Manager is required under Section 407 (1) of the Local Government Act, 1993 to report quarterly on the performance targets outlined in the Management Plan. Councillors will note a new format which is intended to provide appropriate progress reports against targets recorded in the 2007/08 Management plan.

Recommendation

That the report be received and noted.

Report

Subject	Councillors Expenses and Facilities Policy
File No	S43
Prepared by	Corporate Compliance Co-ordinator
Reason	Decision by Australian Tax Office
Objective	To vary Council's Policy
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Councillors

Overview of Report

A recent review by the Australian Tax Office has allowed Councillor's fees to be paid into a superannuation fund. To allow this Council will need to amend its Expenses and Facilities Policy.

Background

Council was recently advised by the Local Government Association that the Australian Tax Office had reversed its decision that Councillors could not reduce their assessable income by foregoing a portion of their fees in lieu of superannuation contributions. Part of this advice is reproduced below:

*The effect of this arrangement is that a Councillor can agree to forego part of their fees in return for contributions made to a superannuation fund for their benefit. In such a case, contributions made by the Council will **not** be taken to have been derived by the Councillors and will, therefore, not be classed as assessable income.*

To reflect the requirements of Section 252 of the Act, Councils will need to provide a superannuation facility to its Councillors whereby part of their Councillor fees are paid to a complying superannuation fund.

The Section 252 referred to about is that part of the Local Government Act that makes provision for payment of expenses and provision of facilities to Councillors.

The concept of contributions is commonplace amongst salaried workers and covers such diverse areas from superfunds to union fees to tea funds. To include the facility for Councillors to make contributions in its Expenses and Facilities Policy will require only a minor adjustment to the payment process.

The amendment of the Policy requires public notice of at least 28 days unless the Council is of the opinion that the proposed amendment is not substantial.

It is considered that the proposed amendment is minor.

Comments

Financial Services

Not required

Public consultation

Not required as the change is not considered substantial.

Recommendation

That Council amend without public notice its Councillor Expenses and Facilities Policy by the addition of sub clause 4.2(m) as follows:

- Capacity to have part or all of their Councillor fees paid direct to third parties such as superannuation funds, charities or the like.

Report

Subject	Council Meetings and Public Contact Forums for 2008
File No	S43
Prepared by	Corporate Compliance Coordinator
Reason	Council Policy
Objective	Determine schedule and Meeting locations
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Corporate Management

Overview of Report

Schedule of meetings and public contact forums for 2008 as required under Policy 1.2.7.

Background

Council Meeting Schedule

Council has resolved that ordinary meetings will be held on the second Tuesday of each month. The first ordinary meeting of the year will be held on February 12, 2008.

Rural Contact Meetings

At its November 2006 meeting Council resolved to replace the concept of two Council meetings held in rural areas with two additional Contact Forums, one of which to be held in Nimbin. The view was that Contact Forums provided a better venue for the public to raise issues with Councillors.

No research has been conducted into the relative effectiveness of the additional contact forums but anecdotal evidence is that they have been more effective than Council Meetings for the public, McLeans Ridges Contact Forum being a prime example.

Accordingly it is proposed that meetings be held at:

Dunoon Public Hall	March 17, 2008
Corndale Public Hall	June 16, 2008
Ruthven Public Hall	August 18, 2008
Nimbin School of Arts	November 17, 2008

Councillors will note that the meeting to be held at Ruthven has been brought forward one month to provide some distance from the election. The new Council will also be given the opportunity to visit Nimbin and listen to their concerns.

City Contact Forums

Two of these are held each year and it is suggested that these be held at the following locations:

South Lismore Bowling Club	April 11, 2008
Lismore Heights Bowling Club	July 21, 2008

Comments

Financial Services

Not requested

Public consultation

The contact forums continue to provide the public with an opportunity to raise issues with a group of Councillors.

Recommendation

1. That the first meeting for 2008 be held on February 12, 2008.
2. That Rural Contact Forums be held at:

Dunoon Public Hall	March 17, 2008
Corndale Public Hall	June 16, 2008
Ruthven Public Hall	August 18, 2008
Nimbin School of Arts	November 17, 2008
3. That City Contact Forums be held at:

South Lismore Bowling Club	April 11, 2008
Lismore Heights Bowling Club	July 21, 2008

Report

Subject	Air-Cooled Chiller Replacement – Corporate Centre, Goonellabah
File No.	RD:VLC:T2008-09 (T27027)
Prepared by	Contracts Administration Officer
Reason	The air chiller in the air-conditioning unit at Council's Goonellabah Corporate Centre is due for replacement.
Objective	To gain Council approval for the purchase of a sustainable replacement chiller unit for the air-conditioner in the Corporate Centre.
Strategic Plan Link	Infrastructure
Management Plan Project	Properties

Overview of Report

This report outlines the tender process for the scheduled replacement of the air-cooled chiller unit used in the air-conditioning system at Council's Corporate Centre, Goonellabah. The report recommends the engagement of a local contractor to supply, install and commission an industry recognised sustainable solution for the air-conditioning system.

Background

The existing air-conditioning system was installed during the construction of the Corporate Centre in 1994-95 and has been continuously operating for 13 years. The air-conditioning system operates by circulating chilled water from the outside chiller units via plumbing, to heat exchangers located in and around the building ducting, therefore providing cool air within the office spaces.

An assessment of the system in 2006 found the chiller unit is suffering from advanced coil corrosion and is close to mechanical failure. It was also noted that in recent years breakdowns and maintenance costs have increased. It was assessed that the existing chiller unit is operating at maximum capacity and is at the end of its useful life. To prevent a major failure of the system, resulting in the Corporate Centre losing air-conditioning for an unknown period, the chiller unit should be replaced. A budget amount of \$150,000 for replacement of the existing chiller unit was provided in the 2006/07 budget, based on replacing the unit with similar technology. This funding is currently held in reserves.

In 2006 investigations were undertaken into replacing the chiller unit with a similar type of system. However, as the project progressed, it was determined that Council should consider a more energy efficient and sustainable system.

Council engaged Peter Eustace and Associates to review the required capacity and prepare the technical specification and requirements for the supply, installation, and commissioning of a new system. It was recommended that Council investigate two options for the project:

- to investigate the latest energy efficient chiller units available on the market;
- to replace the existing chiller with a similar updated unit.

The PowerPax range of chillers was identified as the leading technology for energy efficient air-conditioning suitable for Council's application.

Request for Tender – Submissions and Analysis

A Request for Tender document was assembled by Council's Contracts Administration Officer and advertised in the 'Northern Star', 'Brisbane Courier Mail' and 'The Sydney Morning Herald', in October 2007. The tender called for submissions from suitably qualified contractors for the supply, installation and commissioning of the new chiller unit, with two options as follows:

- **Option 1** - a newer technology PowerPax chiller unit manufactured by Air Conditioning Products Pty Limited Australia, incorporating the latest technology, energy efficiency and low maintenance.
- **Option 2** - to replace the existing unit with a similar technology chiller unit manufactured by Carrier Air-Conditioning.

A total of eight submissions were received on the closing of the tenders on October 4, 2007 as follows:

1. Dalkia Tech Services
2. Wild Pty Limited
3. Northernair
4. Frigid Air
5. Hastie Emac (non-conforming)
6. Coolmaster
7. Carrier (non-conforming)
8. Langfield

Note: Hastie and Carrier were determined as non-conforming tenders as they had not provided a price for both Option 1 and Option 2 in their tender submissions. Carrier had only supplied a price for Option 2, and was the third highest price. Hastie Emac had only supplied a price for Option 2, which was an alternative brand to a Carrier, and was considered not comparable.

There were therefore six tenders considered in the assessment. An evaluation panel consisting of Council's Contracts Administration Officer, Asset Engineer, Manager-Environmental Health & Building Services, and consultant Peter Eustace of Peter Eustace and Associates, assessed the six conforming tenders.

Northernair was found to be the winning tenderer. This company offered a very competitive price for Option 1 and Option 2; it is a local company with knowledge of Council's system; and has the technical capability to install, commission and maintain the system. Northernair is a good corporate fit for Lismore City Council.

Please refer to **Appendix 1 - Raw Score Spreadsheet** (attached hereto) and **Appendix 2 - Price Comparison** (enclosed separately to this report)), for a summary of the tenders and prices.

Report from Peter Eustace and Associates

Peter Eustace was requested to make his own independent assessment of the tender submissions. Peter's conclusion states the following:

"We therefore are recommending that the Option 1 tender of \$200,480.00 plus GST of 10% submitted by Northernair Pty Ltd be considered favourably by the Lismore City Council".

This report agrees with Council's staff assessment of the six conforming tenders.

A copy of the report is provided in **Appendix 3 – Report** enclosed separately to this report.

Power Use Calculations - Peter Eustace and Associates

A power consumption cost calculation from Peter Eustace revealed the PowerPax A0460-2C-3F air-cooled chillers use \$6,813.00 less electrical power annually than the Carrier 30RB0462 units.

It is Council staff's opinion that the figures used in the calculations by Peter Eustace are conservative. The report calculated a pay back period of 11 years. Further, the calculations from Peter Eustace do not include reduced maintenance costs associated with the PowerPax unit. Council staff have made their own assessment of the payback period and estimated eight (8) years would be closer to the real figure. Please refer to the Asset Engineer's calculation and comments in the 'Other Staff' section of this report.

Comments

Financial Services

A total of \$150,000 is available in reserves for this project. Based on the recommendation, a further \$50,480 will be required to install the preferred PowerPax unit. It is proposed to utilise part of the Council's CCP Implementation Fund (Fund) to fund this shortfall.

The Fund is sourced from Council's reserve funds that would otherwise be invested in managed funds or direct securities. It is not specifically attributable to any one of the many reserves held, however due to financial reporting requirements must be attributable to at least one as at June 30 each year.

The use of the Fund is supported as the PowerPax unit is more energy efficient than the alternative; assists Council to achieve its greenhouse gas emission reduction targets, and has a payback period less than ten years.

For Councillors' information, the payback period is calculated using the difference in capital costs (\$68,830) between the two options *{not the additional funding required (\$50,480)}*, divided by the savings in energy/maintenance costs. Even after factoring in borrowing costs equivalent to lost interest revenue, the repayment period is approximately 10.2 years. The PowerPax system has a life expectancy of between 15-25 years, so after 10.2 years, Council will effectively receive a positive return from Option 1 compared to Option 2.

In regards to the 2007/08 Budget, using \$50,480 from the Fund for this project will result in interest on investments revenues being reduced by approximately \$1,178 and energy and maintenance expenses being reduced by approximately \$3,224. The surplus of \$2,046 will be used to make a loan repayment to the Fund.

Other staff comments

Manager - Environmental Health & Building Services

The replacement of the existing air-conditioning system provides Council with the perfect opportunity to investigate the installation of a system that is more energy efficient in regard to green house gas emissions and therefore complementing Council's initiatives in regard to the Cities for Climate Protection (CCP) program and Local Action Plan. As a result, investigation by Council's consultant has identified that the energy efficient unit incurs a higher purchase price. The additional funds required to purchase the more energy efficient unit indicate a payback period of between seven to ten (7-10) years. The purchase of the energy efficient PowerPax unit would appear most appropriate for utilisation of Council's established CCP implementation fund for the additional cost above the standard replacement tender price. It is recommended that Council utilise this established funding source, which ultimately will be advantageous to Council in regard to energy running costs and greenhouse gas emissions.

Assets Engineer

Peter Eustace and Associates has provided operating parameters and made assumptions regarding heating and cooling loads, which enables the calculation of the "Simple Payback Period (T)". This calculation reflects, in simple terms, the economic attractiveness of an energy option.

$$T = C / S$$

Where C = extra capital cost, and
S = estimated savings in first year.

Using this formula and the assumed average cost of electricity = 11 cents per kilowatt-hour gives a Simple Payback Period of 10.1 years or 8.8 years when reduced planned maintenance costs are factored in.

The average electricity cost used by Peter Eustace contains a large component of "Off Peak" tariff rate (10pm to 7am everyday). In practice this is not when the chiller unit operates and the tariff for the normal hours of operation has been calculated to be approximately 14 cents per kilowatt-hour. Using 14 cents per kilowatt hour reduces the Simple Payback Period to 7.9 years or 7.1 years when reduced planned maintenance costs are factored in.

The reduced maintenance costs are due to the different technology utilised in the PowerPax unit. It is an air-cooled unit as opposed to the oil-cooled system utilised in the Carrier model. The air-cooled technology also generally has a longer life than the oil-cooled system.

The table below summarises the potential savings and payback periods for the proposed PowerPax unit versus the Carrier unit.

Option		powermax	Carrier	difference	Simple Payback Period (years)
Capital Cost (\$)		\$ 200,480.00	\$ 131,650.00	\$ 68,830.00	
Electricity Cost (\$/kWh)	\$ 0.11	\$ 15,881.70	\$ 22,695.50	\$ 6,813.80	10.1
Planned Maintenance (\$/yr)		\$ 5,500.00	\$ 6,500.00	\$ 1,000.00	8.8
Electricity Cost (\$/kWh)	\$ 0.14	\$ 20,213.07	\$ 28,885.18	\$ 8,672.11	7.9
Planned Maintenance (\$/yr)		\$ 5,500.00	\$ 6,500.00	\$ 1,000.00	7.1

Conclusion

The installation of a sustainable, energy efficient chiller unit will require a higher upfront capital investment. However, the unit has reduced running and maintenance costs and the payback period for the initial investment is conservatively estimated at approximately 7.1 years.

Both Council's staff evaluation, and Peter Eustace's independent assessment, agrees the solution tendered by Northernair would be of benefit to Lismore City Council.

Northernair has offered a very competitive price for Option 1 and Option 2. It is a local company with knowledge of Council's existing air-conditioning system and has the technical capability to install, commission and maintain the system. Northernair is a good corporate fit for Lismore City Council.

An additional advantage with Northernair is that when the warranty concludes one year after commissioning, the company will continue with maintenance of the system under its current contract with Council. Northernair is currently Council's air-conditioning maintenance service provider and therefore this adds a degree of self-regulation to the replacement process.

Recommendation (IS69)

That :

1. Council accept the tender from Northernair Pty Limited for the replacement of the air-cooled chiller for the air-conditioning system at Council's Corporate Centre, Goonellabah, on the basis of Option 1, being the PowerPax unit, for the estimated cost of \$200,480.00 plus GST.
2. The funding for this project come from the Asset Management reserve (\$150,000) and CCP Implementation Fund reserve (\$50,480).
3. The Mayor and General Manager be authorised to execute the Contracts on Council's behalf and attach the common seal.

Report

Subject	Richmond Tweed Regional Library – Audit Tender
File No	S120
Prepared by	Manager – Finance
Reason	Council is required to determine tenders as Executive Council for Richmond Tweed Regional Library
Objective	Council accept a tender on behalf of Richmond Tweed Regional Library for audit services
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Lismore City Library

Overview of Report

Richmond Tweed Regional Library (RTRL) is created under agreement between Ballina, Byron, Tweed and Lismore Councils. As RTRL is not a separate legal entity, the agreement provides that the Executive Council, being Lismore City Council, must determine matters that are not delegated to RTRL such as the tenders.

Background

In April/May 2007 the Regional Library liaised with Byron Shire Council, Clarence Valley Council, Lismore City Council, Rous Water, Tweed Shire Council and Richmond River County Council to tender for Audit Services for the period July 1, 2007 to June 30, 2013.

Responses were received from: four firms:

1. Thomas Noble & Russell,
2. WHK Rutherfords,
3. UHY Haines Norton, and
4. EIS

Of these, EIS had misread the tender document and did not make submit a complying tender. A summary of the submitted tenders follows:-

Company Name	Cost ex GST	Average cost per hour ex GST	Additional hours to quoted amount ex GST	Estimated No. of hours to undertake
Thomas Noble & Russell	\$6,600	\$86.00	\$60 to \$220	75
WHK Rutherfords	\$10,000	\$142.00	\$75 to \$250	70
UHY Haines Norton	\$5,000	Av. \$90.00	\$50 to \$250	35.5
EIS	N/A			

The lowest tender price of \$5,000 was offered by UHY Haines Norton, however the number of hours they estimated for their work was only 35.5 hours, just half the number of hours estimated by the other firms. From previous experience it is evident this would not allow sufficient time. Moreover, this is a

Sydney-based firm, and staff would have to travel from Sydney to undertake the work. Given their average hourly rate of \$90, an additional 35 hours would make their price approximately \$8,150. They did not provide written references.

Thomas Noble and Russell's offered the next lowest tender price of \$6,600 with annual increases adjusted by the movement in average weekly earnings for the private sector as published by the ABS. They also provided two up to date written references of a very high standard. Thomas Noble & Russell have audited the Regional Libraries accounts for many years, are familiar with the organization, and have demonstrated competence and efficiency over this time.

WHK Rutherfords provided offered the highest tender price of \$10,000 and just the names of potential referees.

Comments

Financial Services

Not required

Other staff comments

Not required

Public consultation

The tender was advertised in the Northern Star and Sydney Morning Herald

Conclusion

After considering the tenders, the preferred tenderer for RTRL audit services was Thomas Noble and Russell as they clearly demonstrated a) a more economic price, b) provided written references of a very high calibre, c) have in the past proven competent and efficient, and d) are a local firm with staff readily accessible for any necessary consultation.

The RTRL Committee considered a report on Audit Service Tenders at its November 30, 2007 committee meeting and unanimously resolved:-

"That the Richmond-Tweed Regional Library Committee recommend to the Lismore City Council that 'Thomas Noble & Russell', 31 Keen St., Lismore, be appointed as the Auditors for the Regional Library for the period 1st July 2007 – 30th June 2013."

Recommendation

That Council on behalf of Richmond Tweed Regional Library accept the tender from Thomas Noble and Russell to provide audit services to the Regional Library for the period July 1, 2007 to June 30, 2013.

The Mayor and General Manager be delegated authority to execute the contract and attach the Common Seal of the Council.

Report

Subject	Investments held by Council – November 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 30 November 2007 are estimated to be \$33,636,211 subject to the final value of funds held under separate management being advised shortly.

The interest rate reported over the period of November 2007 is estimated to be 7.42% in comparison to 6.9% for November 2006. Council's return of 7.42% is above the Bank Bill Swap Rate for the same period of 7.18%. 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.

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 – 31 October 2007</i> | \$32,925,687 |
| • <i>Estimated Investments – 30 November 2007</i> | \$33,636,211 |

The current rate of return on investments for November 2007 is estimated to be 7.42% compared to 6.9% for the same period last year. Council's return of 7.42% is above the Bank Bill Swap Rate for the same period of 7.18%. 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- for long term investments and A1+ to A2 for short term investments) 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

Individually Managed Portfolio

Part of Council's investment portfolio has been under advice and management by Grange Securities (Grange). As with other parts of Council's investments, the Individually Managed portfolio (IMP) has been adversely affected by the recent investment market volatility. Grange have now written to Council advising that due to their aligning of business practices with owners Lehman Brothers, they are no longer able to offer the IMP service to clients and the service will terminate from December 31, 2007. This means that all investments in the IMP will need to be directly managed by Council. To assist in the future management of these investments, Council will seek advice from Grove Research and Advisory, who already provide independent advice on the remainder of Council's investment portfolio.

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 30 November 2007, estimated investments total \$33,636,211 and the annualised rate of return was 7.42%.

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.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON NOVEMBER 21, 2007, AT 10.00 AM.**

	Present	Councillor Merv King (<i>Chairperson</i>), Bronwyn Mitchell (<i>on behalf of Thomas George, MP</i>), Liz Smith (<i>RTA</i>), Snr Const Rob Clark (<i>Lismore Police</i>).
	In Attendance	Councillors Jenny Dowell and John Hampton, Garry Hemsworth (<i>Executive Director-Infrastructure Services</i>), Scott Turner (<i>Manager-Assets & Support Services</i>) and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>).
TAC51/07	Apologies	An apology for non-attendance on behalf of Thomas George, MP, was received and accepted.
TAC52/07	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on October 17, 2007, were confirmed by Council on November 13, 2007.

Disclosure of Interest

Snr Const Rob Clark declared an interest in Item TAC54/07 and abstained from voting on this matter.

Part 'A' – Committee Recommendations

Southside Pharmacy – Disabled Parking – Casino Street, South Lismore
Requesting consideration of introducing a parking bay for people with disabilities in front of the South Lismore Pharmacy at No. 13 Casino Street.

Although the parking in front of the pharmacy is already time limited, due to the large proportion of the clientele with mobility problems it was agreed that a disabled parking bay is warranted.

TAC53/07 Recommendation: That one parking bay for people with disabilities be introduced on Casino Street in front of the South Lismore Pharmacy.
Voting unanimous (07-9217:R6907)

Maxwell & Co. Solicitors – Onstreet Parking - Zadoc Street, Lismore
Raising concerns about the loss of parking on Zadoc Street in front of their premises on the corner of Molesworth Street due to the area being signposted exclusively for Police or authorised vehicles.

Mr Maxwell had forwarded a copy of a plan which showed five (5) designated bays directly in front of the new Police Station at Zadoc Street with remaining parking to be reinstated as it was prior to the new development. The Local Area Command had already raised concerns about the lack of adequate parking in the vicinity of the new station for their staff. It was noted that this issue had been raised very early on with the developers when Council pointed out that additional onsite parking would be required. This had been only marginally addressed by the provision of approximately 26 onsite bays which have yet to be completed. The Local Area Command had requested consideration of issuing individual officers with a permit to allow them to park in the Clyde Campbell Carpark.

Maxwell & Co. Solicitors – Onstreet Parking - Zadoc Street (Cont'd)

- TAC54/07 Recommendation:** That the number of bays on Zadoc Street designated for exclusive use of Police be reduced to five (5) and the balance of onstreet parking be reinstated as it was previously. Also that further discussions take place with the Local Area Command in an effort to come to an agreement in relation to their parking requirements.
Voting for: Merv King, Liz Smith and Bronwyn Mitchell
Abstained: Snr Const Rob Clark (07-9798:R7330)

Part 'B' – Determined by Committee

Lee Wright – Intersection of Craiglea Court / Dunoon Road, Modanville
Raising concerns regarding the poor visibility of oncoming traffic from Dunoon when turning out of Craiglea Court onto Dunoon Road and requesting consideration of reducing the speed on Dunoon Road in this vicinity down to 60 kph.

- B-07-11:1 The Committee was advised that an inspection had revealed approximately 100m-150m sight distance is available and this was considered adequate provided due care is taken when turning out of Craiglea Court. The intersection was already controlled by a Give Way sign. There is no accident history to indicate there is a serious issue at the location. Generally speaking, speed limits are not reduced to address isolated problem areas. It was noted that it was still critical that the grass and vegetation on the roadside, to the left of Craiglea Court, be kept low to maintain sight distance.
It was agreed that the writer be advised the area has been inspected and it is felt adequate sight distance exists and a reduction in speed limit is not considered warranted.
Voting unanimous (07-9208:R3407,R4363)

Dr Chris Ingall – Time-Limited Parking – Orion Street, Lismore
Requesting consideration of introducing time-limited parking in front of his premises at No. 129 Orion Street.

- B-07-11:2 The Committee was advised of an onsite meeting held with Dr Ingall when it was noted that much of the current demand for onstreet parking would significantly reduce over coming months with the completion of the first stage of the hospital redevelopment. Dr Ingall undertook to review his existing onsite parking with a view to providing additional parking for those of his clients with mobility problems. It was agreed that with the above in mind there was not a need at present to impose further restrictions on onstreet parking.
It was agreed that the above be noted.
Voting unanimous (07-9321:R6051)

Thomas George, MP (*on behalf of Peter Olson*) – Cullen/Cecil Streets Intersection, Nimbin
Raising concerns about the lack of signage at the above intersection.

- B-07-11:3 The Committee was advised that an onsite inspection and further discussion with the local Police representative, Sgt Matt Johnson, had confirmed that Mr Olson had been involved in an accident at the intersection. However, its configuration is a T-intersection and no additional signage was considered warranted. Sgt Johnson advised there had been other accidents in the general vicinity of the intersection but the intersection layout was not related.
It was agreed that the writer be advised the area has been inspected and no additional signage is considered warranted.
Voting unanimous (07-9801:R1701,R1704)

Cr Jenny Dowell (on behalf of John Scantleton) – Howards Grass Road
Again requesting consideration of reducing the speed limit on Howards Grass Road.

- B-07-11:4 This matter had recently been dealt with by the Committee with the result that it had been determined that the status quo should remain. Warrants for a reduction in speed limits generally related to roadside development. It was noted that the majority of road users would be locals and generally would be aware of prevailing conditions and drive accordingly. The RTA had also advised that it would generally not consider reducing the speed limit on a gravel road.

It was agreed that the existing speed limit on Howards Grass Road should remain.

Voting unanimous

(07-9802:R4401)

Snr Ranger Stuart Thomson – Onstreet Parking - High Street
Raising concerns about dangerous parking habits being exhibited by some parents of children who attend Lismore Heights Primary School and requesting consideration of installing parking restrictions on the northern side of High Street.

- B-07-11:5 A morning and afternoon inspection had been carried out and whilst parents are parking on the northern side of the road in High Street, there appeared to be adequate room for through traffic as well. It was noted that discussions had been held with the Principal with a view to encouraging the School to further develop the area at the rear of the School off Milton Street into a more formalised parking area.

It was agreed that the area be monitored and reassessed should the need arise.

Voting unanimous

(R7117)

Snr Const Robert Clark – Intersection of Magellan / Dawson Streets
Raising concerns on behalf of a community member regarding the restrictive nature of the right and left-turn area into Magellan Street from Dawson Street.

- B-07-11:6 Whilst it was agreed that the gap in the centre median on Dawson Street to allow turning movements into Magellan Street was narrow, it was noted that motorists generally took adequate care when negotiating the area. There is no accident history to indicate otherwise. Council has already developed a proposal for a roundabout at the intersection and this had been submitted to the RTA for consideration of approval and funding. Mr Hemsworth pointed out that the intersection would likely be included in the current review being carried out by TTM consultants.

It was agreed that the above be noted.

Voting unanimous

(R6017,R7319)

Closure

This concluded the business and the meeting terminated at 10.45am.

Chairperson

Traffic and Emergency
Services Coordinator

Documents for Signing & Sealing

The following documents have been prepared in accordance with previous resolutions of 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

Linen Plan: subdivision of Lot 202 DP 1076367 – 40 Three Chain Road, South Lismore

Lismore City Council recognised some time ago the need to upgrade the city's airport. This led to the construction of the passenger terminal and taxiway at the southern end of the existing runway.

Coupled with this was the recognition that the relocation of this terminal would allow an expansion of light aircraft movements associated with the General Aviation (GA) operations conducted at the northern end of the airport. To support this increase in light aircraft activity, Council gained consent for and constructed a service road to the aircraft hangars. Demand for hangars, both for commercial and private use, has continued to grow resulting in an undersupply of GA hangar space.

Council endorsed future investigations and feasibilities into development of the GA area, subject to the sale of airport land in this year's and last year's Management Plan.

Lot 21 is the newly created hangar lot in the GA area (being a subdivision of Lot 202 in DP1076367), currently being prepared for sale or lease, as per the Management Plan.

Lease to Basketball Association Inc – part Lot 237 DP 755718 (P16914)

Lease to Lismore Basketball Association Inc for a term of three years for part Crown Reserve No. 89503 (Albert Park). Lease is also to be signed by the Crown.

Lease to Lismore Racing Pigeon Club Inc – part Lot 237 DP 755718 (P16984)

Lease to Lismore Racing Pigeon Club Inc for a term of three years for part Crown Reserve No. 89503 (Albert Park). Lease is also to be signed by the Crown.

ACE North Coast – part Lot 1 DP 776471 (P28293)

A lease to ACE North Coast Inc for a period of two years with a two year option.

Open Air Cathedral – Bexhill – part Lot 204 DP 755686 (P22062/P11133)

Licence for a period of three years to the Uniting Church in Australia for Crown land to be used as an entrance to the Open Air Cathedral at Bexhill. The licence is also to be signed by the Crown.

Financial Assistance - Section 356

a) Development & Other Application Fees – Policy 1.4.7 (GL390.200.15)

Budget: \$300 To date: \$0

Interchange Respite Care Inc, Lismore – installation of external life and disabled shower/bath
In accordance with policy. \$567.15

g) Miscellaneous Donations

The Lismore & District Junior Cricket Association requesting a donation to the sum of \$1,998.90 being for 90% of the normal fee for hiring of 5 sporting fields over a four day period in early 2008 for the U12 Junior Cricket Carnival. The sum they will be requested to pay should this 356 Donation not be approved is \$2,221.00. This donation has been a traditional annual donation to the organisers of the event in recognition of the important regional significance and income from the families that come from all areas of NSW to participate (S164 & S157:07-9923)

Comment: Council has supported this event for many years with the cost of the donation has been absorbed within the Parks & Recreation Budget. Given the relatively large cost of \$1,998.90, it is suggested that it be treated the same as most other Section 356 Donations with the cost coming directly from General Fund, not the Parks & Recreation Budget.

If approved, this would reduce the 2007/08 General Fund surplus to \$600.

Recommendation: Support the request for a donation of 90% of the normal hiring costs for this event with the donation of \$2,000 to come from the 2007/08 General Fund surplus.

Recommendation

In accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, NOVEMBER 13, 2007 AT 6.00PM.

Present

Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager Finance, Strategic Planner, Communications Co-ordinator, Corporate Compliance Officer and General Manager's Personal Assistant.

**Apologies/
Leave of
Absence
Minutes**

Nil

487/07

The minutes of the Ordinary Meeting held on October 9, 2007 were confirmed subject to it being noted that Councillor Ekins voted against minute number 464/07

488/07

(Councillors Irwin/Hampton)

The minutes of the Extraordinary Meeting held on October 30, 2007 were confirmed.

(Councillors Hampton/Crimmins)

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:

Brother Peter – Public Carpark Sign

Brother Peter spoke in support of the retention of the Trinity Sign citing historical significance of the site, previous Council agreement and the community significance of the Catholic education system to Lismore and district.

Father Denis Carroll – Dawson/Leycester Streets Roundabout

Father Carroll spoke to the offer by the current Bishop to provide a life size bronze statue of Bishop Doyle. He cited the contribution of Bishop Doyle to the early development of Lismore in support of the placement of the statue in the roundabout.

Barbara Kerle – Draft Amendment No 36 Pineapple Road

Mrs Kerle requested that consideration of the report be deferred to early 2008 to allow further negotiation on the land dealings.

John Gibson – Lismore Showgrounds

S451

The Mayor, Councillor King declared an interest in this matter vacated the chair and left the Chamber during the discussion.

In his absence the Deputy Mayor, Councillor Chant chaired the meeting.

Mr Gibson reiterated the position of the Trust to continue to negotiate with the Council over the future of the Lismore Showgrounds. He stressed that the Show Society wished to focus on running the North Coast National Show.

At this juncture, Councillor King rejoined the meeting and resumed the chair.

Disclosure of Interest

S451

Councillor Chant declared an interest in Provision of Laying of Asphalt report as he is a part owner of one of the tenderers.

Councillor King (Mayor) declared an interest in Lismore Showgrounds report as he is a member of the Show Society Management Committee and the Trust.

Councillor Meineke declared an interest in Draft Amendment No 38 to Lismore Local Environment Plan – 237 Gungas Road, Nimbin report as he prepared the rezoning application.

Notice of Motions

Sign on Public Carpark

Formal notice had been given by Councillor Irwin to move 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

In lieu of this motion Councillor Irwin MOVED that Council express its concern at the way staff have handled the negotiations in respect to the sign.
(Councillor Irwin/Dowell)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors King, Chant, Crimmins, Graham, Hampton, Henry and Meineke.

Renaming of public carpark cnr Dawson and Leycester Streets

Formal notice had been given by Councillor Irwin to move that the public car park on the corner of Dawson and Leycester Streets be identified as the Bob Gates Car Park.

In lieu of this motion Councillor Irwin MOVED 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.
(Councillors Irwin/Dowell) (R6017)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Swientek, King, Chant, Crimmins, Graham, Hampton, Henry and Meineke.

Installation of public art on the roundabout cnr Dawson and Leycester Streets

Formal notice was given by Councillor Irwin of her intention to move 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.
(R6017)

At the request of the mover the Notice of Motion was WITHDRAWN.

Altering Order of Business

489/07 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

- Draft Amendment No 36 Pineapple Road
- Lismore Showgrounds
- Dawson/Leycester Street Roundabout

(Councillors Irwin/Chant)

Reports

Draft Amendment No 36 to Lismore Local Environmental Plan – Pineapple Road

490/07 **RESOLVED** that the Report be deferred until early 2008 to allow for further negotiations on this issue.
(Councillors Irwin/Crimmins)(S950)

Lismore Showgrounds

S451

The Mayor, Councillor King declared an interest in this matter vacated the chair and left the meeting during the discussion and determination.

In his absence the Deputy Mayor, Councillor Chant chaired the meeting.

A MOTION was MOVED that Council defer the decision on this item until a workshop was held on this issue.

(Councillors Irwin/Swientek)(P331)

AN AMENDMENT WAS MOVED that the report be received and –

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.
4. That Council hold a workshop and report to Council at an appropriate time prior to a joint submission to the Minister for Lands.

(Councillors Meineke/Graham)(P331)

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

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

491/07 **RESOLVED** that the report be received and –

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.
4. That Council hold a workshop and report to Council at an appropriate time prior to a joint submission to the Minister for Lands.
(Councillors Meineke/Graham)(P331)

Voting Against: Councillors Irwin, Tomlinson, Ekins, Swientek.

Councillor Irwin – **dissenting vote** *"this is an improper way of dealing with this matter"*

At this juncture, Councillor King rejoined the meeting and resumed the chair.

Dawson / Leycester Street Roundabout

A MOTION WAS MOVED that the report be received and that Council endorses the Catholic Church community of Lismore working/liaising with Council's Parks Department to beautify the Dawson/Leycester Street roundabout in a contemporary manner that reflects the religious nature of the precinct.

(Councillors Meineke/Hampton)(R6017)

An AMENDMENT was MOVED this report be received and noted and that Council follow its normal policy in regard to what is placed in a roundabout.

(Councillors Irwin/Ekins)(R6017)

Motion Be Put

492/07 **RESOLVED** that the MOTION be put.
(Councillor Tomlinson)

Voting Against: Councillors Swientek.

On submission to the meeting the AMENDMENT was DEFEATED

Voting Against: Councillors Irwin, Ekins, Dowell and Swientek.

FORESHADOW AMENDMENT was moved that the report be received and:-

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.

(Councillors Swientek/

The amendment lapsed for want of a seconder.

493/07 **RESOLVED** that the report be received and that Council endorses the Catholic Church community of Lismore working/liasing with Council's Parks Department to beautify the Dawson/Leycester Street roundabout in a contemporary manner that reflects the religious nature of the precinct.
(Councillors Meineke/Hampton)(R6017)

Voting Against: Councillors Irwin, Tomlinson, Ekins and Dowell.

RESUMPTION OF STANDING ORDERS

494/07 **RESOLVED** that Standing Orders be resumed.
(Councillors Irwin/Chant)

Development Application No 2006/07 – Lismore City Council, Three Chain Road & Caniaba Street, Lismore

A MOTION was MOVED that Council suspend standing orders for ten minutes to allow questions on this application.
(Councillors Irwin/Ekins)

On SUBMISSION to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Swientek, King, Chant, Crimmins, Graham, Hampton and Meineke.

495/07 **RESOLVED** that the report be received and:-

- 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;
- 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:

$$\begin{aligned} & (\$369,000/6.74 \times 10^6) \times 2.5 \text{km} \times (\text{Annual tonnage extracted} - 7000) \times 1.025 \times \text{CPI} \\ & = (\$369,000/6.74 \times 10^6) \times 2.5 \text{km} \times (68,600 - 7,000) \times 1.025 \times 1.06 \\ & = \$9,160 \end{aligned}$$

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

L.1.1 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
	$L_{Aeq(15\text{ minute})}$, 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

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Stormwater/sediment control

O3.1 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.

O4. Pollution of Waters

O4.1 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.

(Councillors Swientek/Meineke) (DA 2006/672)

Voting Against: Councillors Irwin, Dowell and Ekins.

Draft Amendment No 38 to Lismore Local Environmental Plan – 237 Gungas Road, Nimbin

S451

Councillor Meineke declared an interest in the matter and left the meeting during the discussion and determination.

496/07 **RESOLVED** that the report be received and 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.

(Councillors Irwin/Hampton) (S955)

Voting against: Councillors Swientek and Ekins.

At this juncture Councillor Meineke rejoined the meeting.

Unfunded Budget Items 2007/08

A MOTION WAS MOVED that the report be received and:-

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 Initiatives - \$100,000

(Councillor Irwin/Tomlinson)

AN AMENDMENT WAS MOVED that the report be received and:-

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.

Council Minutes

November 13, 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.
(Councillors Graham/Hampton)(S952)

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

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell and Henry.

497/07 **RESOLVED** that the report be received and:-

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.
(Councillors Graham/Hampton)(S952)

Voting Against: Councillors Irwin and Ekins.

Lismore Development Control Plan – Amendment 1

- 498/07 **RESOLVED** that the report be received and that Council resolve to exhibit Lismore Development Control Plan Amendment 1 for a period of 28 days and during the exhibition Council clarify the carparking and access arrangements in Clause 3.3.
(Councillors Meineke/Hampton)(S924)

Development Control Plan for Public Art

At this juncture Councillor Tomlinson left the meeting.

- 499/07 **RESOLVED** that the report be received and 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.
(Councillors Dowell/Chant)(S836)

At this juncture Councillor Tomlinson rejoined the meeting.

Social Impact Assessment Policy and Guidelines

A MOTION WAS MOVED that the report be received and:-

1. That Council include Lismore City Council's Community Consultation Policy 1.2.15 on Page 2.
2. That Council endorse the proposed Social Impact Assessment Policy and SIA Guidelines for Public Exhibition.
3. That the Social Impact Assessment Policy and SIA Guidelines be placed on public exhibition for comment for a period of twenty eight (28) days.
(Councillors Dowell/Irwin)(S640)

AN AMENDMENT was MOVED that the report be received and:-

1. That Council include Lismore City Council's Community Consultation Policy 1.2.15 on Page 2.
2. That Council endorse the proposed Social Impact Assessment Policy and SIA Guidelines for Public Exhibition.
3. That the Social Impact Assessment Policy and SIA Guidelines be placed on public exhibition for comment for a period of twenty eight (28) days.

4. That the Policy be changed to stipulate that Council take responsibility for preparing the report with the costs to be recovered from the proponent.
(Councillor Tomlinson/Dowell)(S588)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors King, Chant, Crimmins, Graham, Hampton, Henry and Meineke.

500/07 **RESOLVED** that the report be received and:-

1. That Council include Lismore City Council's Community Consultation Policy 1.2.15 on Page 2.
2. That Council endorse the proposed Social Impact Assessment Policy and SIA Guidelines for Public Exhibition.
3. That the Social Impact Assessment Policy and SIA Guidelines be placed on public exhibition for comment for a period of twenty eight (28) days.
(Councillors Dowell/Irwin)(S588)

Nomination of funding source for the Small Business Incubator in South Lismore

501/07 **RESOLVED** that the report be received and 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.
(Councillors Henry/Hampton)(S640)

Lismore Continental, Music, Sports and Recreation Club

502/07 **RESOLVED** that the report be received and that 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.

(Councillors Hampton/Graham)(P29521)

Voting against: Councillor Ekins

No 18 King Street, Lismore

503/07 **RESOLVED** that the report be received and that 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.
(Councillors Meineke/Graham)(P5841)
Voting against: Councillor Ekins

State of the Environment Report 2007

504/07

RESOLVED that the report be received and noted and that Council's Supplementary State of the Environment Report 2007, be noted and accepted as satisfying the reporting requirements of the *Local Government Act*.
(Councillors Irwin/Dowell)(S900)

Sport and Recreation PAG Recommendations

An MOTION was MOVED that the report be received and:-

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 Belelvue 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 \$17 000 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 \$20,000 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.
(Councillor Swientek/Crimmins)

An AMENDMENT WAS MOVED that the report be received and:-

A

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 Belevue Park beside the Nimbin Showground (Total value of project \$45 000)
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 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.
- B That for future years, Council consider applications for the RSGCIP and the USGDF as a part of the Management Plan and budget process.
(Councillors Dowell/Irwin)(S36)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors Ekins, Swientek, King, Chant, Crimmins, Graham, Hampton and Meineke.

505/07 **RESOLVED** that the report be received and that:-

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 Belevue 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)

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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. (Councillor Swientek/Crimmins)(S36)

Concreting Works

506/07 **RESOLVED** that the report be received and that Council adopt the following order of priority for the engagement of concreting works Contractors:

1. MWL & Co Pty Ltd

2. Stephen Saunders
(Councillors Mineke/Hampton)(T2008-06)

Sprayed Bituminous Surfacing Works

507/07

RESOLVED that the report be received and 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
(Councillors Graham/Meineke)(T27015)

Provision for Laying of Asphalt

S451

Councillor Chant declared an interest in this report and left the meeting during the discussion and determination.

A MOTION WAS MOVED that the report be received and 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. Tropic Asphalt
(Councillors Dowell/Henry)((T2008-07)

An AMENDMENT was MOVED that:

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

2. That the Council in making its decision notes that Boral Asphalt have provided timely and quality service to Lismore City Council for several years. Clark have recently undertaken work for Council which was delivered on time to a high quality standard.

(Councillors Irwin/Graham)(T2008-07)

ON SUBMISSION to the meeting the AMENDMENT became the MOTION.

508/07

RESOLVED that the report be received and:-

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

2. That the Council in making its decision notes that Boral Asphalt have provided timely and quality service to Lismore City Council for several years. Clark have recently undertaken work for Council which was delivered on time to a high quality standard.
(Councillors Irwin/Graham)(T2008-07)

At this juncture Councillor Chant rejoined the meeting.

Pavement Stabilisation Works

509/07 **RESOLVED** that the report be received and 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
- (Councillors Irwin/Dowell) (T2008-05)

2006/07 Financial Reports

510/07 **RESOLVED** that the report be received and that Council acknowledge the presentation of the audited 2006/07 Financial Reports to the public.
(Councillors Irwin/Graham)(S929)

Voting against: Councillor Ekins

September 2007 Quarterly Budget Review Statement

511/07 **RESOLVED** that the report be received and that:-

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.

(Councillors Dowell/Irwin)(S(929)

Voting against: Councillor Ekins

Continuation

512/07 **RESOLVED** that the time being 10.30pm the meeting continue for another 15 minutes to complete the Business Paper.
(Councillors Irwin/Graham)

Investments held by Council – October 2007

513/07 **RESOLVED** that the report be received and noted and that:-

1. Council accept the offer from the Summerland Credit Union in principle subject to the General Manager negotiating acceptable terms.
2. Council delegate authority to the Mayor and the General Manager to sign the necessary legal instruments under the common seal of the Council.
(Councillors Irwin/Meineke)(S178)

Committee Recommendations

Traffic Advisory Committee October 17, 2007

- 514/07 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Dowell/Crimmins) (S352)

Financial Assistance - Section 356

- 515/07 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

b) City Hall Reductions in Rental – Policy 8.4.2 (GL390.125.15)

Budget:\$11,700 To date:\$10,716.40

Lismore Symphony Orchestra requesting Council provide a further discount of the fees (\$415), in addition to the 20% (\$83) approved at the October 9, 2007 meeting, for the use of the City Hall on June 16, 2007 and November 17, 2007. This request stems from the fact that all charges, including hall hire and additional services, have approximately doubles from previous years due to NORPA not subsidising these events to historical levels. An entrance fee is to be charged (S164 & P6816:07-8566).

Recommendation: Confirmation that in accordance with Clause 2 of the policy, a maximum donation of 20% of the hire fee applies \$83.00

City Church Lismore requesting Council discount the fees (\$110) for the weekly use of the City Hall for services during 2007/08. No entrance fee is to be charged (S164 & P6816:07-9214).

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies \$27.50

c) Development and Other Applications – Policy 1.4.7 (GL390.200.15)

Budget: \$300 To date: \$0

YWCA NSW requesting Council waive all fees (\$169) for a Section 68 application to hold the “Christmas for under 5’s” event at Heritage Park on 6 December, 2007 between 10am and 2pm (P6772, S164:07-9055).

Recommendation: In accordance with the policy, a donation of 30% of the fees applies. \$50.70

d) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget:\$6,000 To date:\$2620.40

Council Minutes November 13, 2007

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

e) 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

(Councillors Irwin/Dowell)(S164)

Documents for Signing and Sealing

516/07 **RESOLVED** that the following documents be executed under the Common Seal of Council:

Extension to right of carriageway - Lot 202 DP 1076367 - 40 Three Chain Road, South Lismore (P28928)

Section 88B instrument to extend the right of carriageway 15 wide to provide access to Lot 21, being the newly created hangar lot for the General Aviation area at the airport.

Sub-Lease - Lot 21 DP 634080 (P6683)

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.

(Councillors Dowell/Graham)

Closure

This concluded the business and the meeting terminated at 10.45 pm.

CONFIRMED this 11th day of December 2007 at which meeting the signature herein was subscribed.

MAYOR

