

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **May 13, 2008** commencing at **6.00p.m.** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

May 6, 2008



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes
April 8, 2008

Disclosure of Interest

Public Access Session

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).

Reports

Lismore Cultural Precinct – The Margaret Olley Arts Centre	11
Operating Hours for Lismore Memorial Baths	15
Tree Preservation Order	17
Draft Nesbitt Park Master Plan	23
Reclassification of Certain Council properties from Community to Operational Report.....	25
Enhancement of Main Approaches to Lismore	36
Tregeagle Road - Proposed Reconstruction at Tregeagle	42
Application for Closure of Unformed Public Road – off Stony Chute Road, Nimbin	45
Revision of Strategic Business Plan and Development Servicing Plans for Water Supply and Wastewater Services	48
2008 Local Government Conference	51
NSW Planning Reforms – Request for Contribution	53
2006/07 Special Business Rate Variation Levy (SBRVL) – Acquittal of Promotion Fund	55
March 2008 Quarter Management Plan Review	58
Investments held by Council – April 2008	59
March 2008 Quarterly Budget Review Statement.....	64



Committee Recommendations Traffic Advisory Committee – April 16, 2008	68
Financial Assistance - Section 356	72
Documents for Signing and Sealing	73
Questions Without Notice	
Confidential Matters – Committee of the Whole	



Strategic Plan Summary

Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic development	<p>Build Lismore's reputation as a regional city for residents, businesses, education providers, health services and government.</p> <p>Increase regional economic development, tourism and job creating investments.</p>	<ul style="list-style-type: none"> ▶ Pursue ongoing CBD growth and development ▶ Develop and support cultural, sporting and tourism activities, services and facilities ▶ Foster the business climate to encourage business growth, investment and jobs ▶ Identify and support key industries that drive economic development in Lismore including existing industries ▶ Foster a co-operative and proactive approach on major regional development issues
Quality of Life	<p>Make Lismore a safe, healthy and caring community in which to live.</p>	<ul style="list-style-type: none"> ▶ Increase social cohesion ▶ Support villages ▶ Provide community services ▶ Encourage sustainable development ▶ Promote recreation and leisure
Leadership by Innovation	<p>Lead the region by demonstrating innovative practices in governance, customer service, communication, consultation, virtual amalgamation and financial management.</p>	<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	<p>Preserve and rehabilitate Lismore's natural environment.</p>	<ul style="list-style-type: none"> ▶ Provide sustainable land use planning ▶ Improve catchment management ▶ Conserve and repair the environment
Infrastructure	<p>Further enhance Lismore's transportation, parking and pedestrian networks.</p>	<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	<p>Educate our community and lead the state in water and waste-cycle management.</p>	<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:

Councillor Tomlinson moves I hereby give notice of my intention to move at the May 2008 meeting of Council the following motion:

1. *That Council form a taskforce of Councillors and senior management to review Council's financial priorities and strategic direction, with the overall aim of finding an extra \$2.5 million per year to spend on core infrastructure such as roads*
2. *The task force to meet in May and report to a Council workshop in June on opportunities to redirect funding by changing strategic direction and reviewing service level provision*
3. *That membership of the task force be self nominated Councillors and senior management.*

Councillor Tomlinson

Councillor Comment

Reasons:

1. Our consultants tell us we need to spend an additional \$2.2 million a year on our sealed road network just to prevent it from becoming worse. We have cut funding to gravel roads in real terms by more than 30 per cent since 2002 and \$300,000 a year in additional expenditure is required to just bring funding back to where it was at that time. This additional spending does not begin to address the \$79 million backlog of works required to bring the network to a satisfactory standard.
2. Council has not undertaken a comprehensive review of its operations for many years. The budget indicates there is very little discretionary funding available for any new works yet alone maintaining existing vital infrastructure. Over time priorities change.
3. The motion above is in line with the recommendations of the Percy Allen report into local government sustainability. It recommends amongst other things, that councils concentrate on core activities, resist the urge to provide new infrastructure and services until it can maintain existing services and that Councils review their current operations and cut some services if necessary.
4. Our own resident surveys show that roads are regarded as the most important item of expenditure by Council but that it is the area which attracts the most criticism. Sixty five per cent of residents are dissatisfied with urban roads and 79 per cent with rural roads. In addition 83 per cent of respondents want Council to spend more on roads. If we are serious about consultation, we should take action.
5. For many years now we have been cutting spending on our current operations including roads in order to fund new projects. Service levels in many areas of Council are falling as a result.
6. This review process allows staff to have first attempt at finding savings. Areas that might be examined include activities that are not closely linked with Council's strategic plan, areas where duplication of services has or will occur, overprovision of reserves, a bigger contribution from Council businesses and the elimination of inefficiencies.

Staff Comment

Acting General Manager

There is no capacity within Councils current budget and priorities to provide an additional \$2.5 million per year for road.

If Council considers this additional road funding a priority it will need to reconsider its strategic directions together with its prioritisation of the services it delivers to the community. The formation of the taskforce is supported as a body to undertake the review outlined in this Notice of Motion.

A preliminary report outlining both the process that could be followed by the taskforce and areas of review which could be considered could be prepared for a May 2008 workshop.

Executive Director - Infrastructure Services

Council has a huge backlog of road works which require attention to bring the road network up to a satisfactory standard. Additional funding for roads would be welcome and a good investment. However savings within existing budgets in the order of \$2.5million are not available.

Savings of this order would require Council to review its existing strategic direction and existing services would need to be drastically cut. To review all existing operations is a massive exercise and would require input from both staff and Council. It would be very difficult to produce a meaningful report in time for next years budget.

(S960)

Notice of Motion

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

That Council investigate the land it owns at the corner of King and Rural Streets to determine its suitability for a Homeless Shelter, as part of the Development Application process for the Shelter.

Cr Meineke

Councillor Comment

If a DA for a Shelter is to be comprehensive it should include an analysis of site options for the location of a Shelter.

The subject land is located close to the CBD, and is removed from any residentially zones areas, both attributes that favour the establishment of a homeless shelter. The most important aspect of the subject land is that Council owns the land.

Staff Comment

[Lismore Homeless Shelter Working Party \(Manager Community Services\)](#)

The site location on the corner of King Street and Rural Lane is not considered appropriate for the development of a homeless shelter. The block is in the central business district which is frequented by thousands of people every day. It was purchased as an option for the potential expansion of the Cultural Precinct if required (providing additional car parking for example), not to house homeless people. It is anticipated that business houses within the CBD would strenuously object to the presence of a homeless shelter in the CBD area. Most importantly, this location is far removed from the Soup Kitchen which will provide food and a venue for numerous services to visit their client base, i.e. mental health, drug and alcohol services, community health etc. Most shelters provide food and other key service delivery and without the close proximity of the Soup Kitchen, the needs of the homeless would not be adequately met.

[Executive Director – Development and Governance](#)

Every Development Application should include a comprehensive analysis of both the proposal under consideration and the suitability of the proposed site. It is not a requirement of the Environmental Planning and Assessment Act that an application explore (or assessing staff report) on alternative sites.

The same standards and considerations will be applied to any application which is received for a Homeless Shelter.

[Financial Services](#)

Council purchased this property in 2007 for approximately \$115,000. As it was purchased for car parking and proposed to be funded from available and future Section 94 Car Parking levies. If this property was used for the homeless shelter, Council would need to repay the Section 94 Car Parking levies and fully fund the property purchase from other sources. If this were loan funded, annual repayment costs would be approximately \$13,300 for 15 years.

(P5841)

Notice of Motion

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

That Lismore Council initiates a Public Hearing into issues raised in submissions to the Council in regard to proposed rezoning of land in McLeans Ridges prior to considering further any applications for rezoning.

Councillor Irwin

Councillor Comment

I have requested council to undertake a public hearing in regard to rezoning at McLeans Ridges because it is an issue of substantial public significance both now and in the future, and also because a large number of the individuals submitting objections to the rezoning have requested one. The process of conducting such a hearing is set out in the Environmental Planning and Assessment Act. Council is not compelled to agree to a hearing and I know that many of the issues that emerge at such a hearing will have been raised in the over 200 submissions received by Council. However, in the interests of accountability and transparency I believe such a hearing is warranted and that agreeing to hold one would convey clearly to the objectors that council takes their concerns seriously.

Environmental Planning and Assessment Act 1979 No 203

68 Consideration of submissions

(1) Where:

(a) a person making a submission so requests, and

(b) the council considers that the issues raised in a submission are of such significance that they should be the subject of a hearing before the council decides whether and, if so, what alterations should be made,

the council shall, in the prescribed manner, arrange a public hearing in respect of the submission.

(2) A report of the public hearing shall be furnished to the council and the council shall make public the report.

(3) The council shall consider the submission and the report furnished pursuant to subsection (2) and may make any alterations it considers are necessary to the draft local environmental plan arising from its consideration of submissions or matters raised at any public hearing.

(3A) An alteration made by a council pursuant to subsection (3) need not relate to a submission.

(3B) The council may (but need not) give public notice of and publicly exhibit, wholly or in part, a draft local environmental plan that has been altered pursuant to subsection (3). The provisions of this section and sections 66 and 67, with any necessary adaptations, apply to any such exhibition of a draft plan, but not so as to require a further certificate under section 65.

(4) The council shall, subject to and except as may be provided by the regulations, submit to the Director-General:

- (a) details of all submissions,
- (b) the report of any public hearing,
- (c) the draft local environmental plan and the reasons for any alterations made to the plan pursuant to subsection (3), and
- (d) a statement:
 - (i) to the effect that the provisions of sections 66 and 67 and this section relating to public involvement in the preparation of the draft plan have been complied with,
 - (ii) specifying the environmental planning instruments and directions under section 117 that have been taken into consideration,
 - (iii) giving details of any inconsistency between the draft plan and any instrument or direction referred to in subparagraph (ii) and the reasons justifying the inconsistency, and
 - (iv) giving details of the reasons justifying the exclusion of provisions of the draft plan under subsection (5) or the exclusion from the application of the draft plan of any land under that subsection.
- (5) In submitting the draft local environmental plan, the council may exclude certain provisions of the draft plan or exclude part of the land from the draft plan, or both (in this section referred to as the deferred matter) which, in its opinion, require or requires further consideration but which should not prejudice the consideration by the Director-General and the Minister of the draft plan as submitted.
- (6) The council may subsequently take action under this section in respect of the deferred matter, without having to publicly re-exhibit that deferred matter, as if it were a draft local environmental plan.
- (7) More than one public hearing may be held in respect of any submissions, and one hearing may be held in respect of more than one submission.
- (8) The regulations may make provision for or with respect to the conduct of a public hearing.
- (9) After a draft local environmental plan has been submitted to the Director-General under this section:
 - (a) the council and the Director-General may (on one or more occasions) agree to the council making changes to the draft plan and resubmitting it under this section, or
 - (b) the Director-General may (on one or more occasions) return the draft plan so that the council can make changes to accord with any applicable standard instrument under section 33A or to take into account any directions under section 117.

This subsection applies whether or not a report under section 69 has been furnished in respect of the draft plan.

Executive Director – Development and Governance

The rezoning proposal for McLeans Ridges has been in the public domain for several years. One proposal has already been advertised twice and the second will be placed on public exhibition again in the near future.

Notice of Motion

There have been several public meetings on the rezoning proposals and Council is in receipt of approximately 300 submissions regarding the rezoning proposal.

It is unlikely that any issues not already presented by the community to date will be revealed in a public hearing on the matter. In addition a public hearing would subject Council to additional costs associated with the engagement of an independent chair and additional delays in determination.

(S884)

Notice of Motion

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

That Council arranges a workshop to consider recognition of Local Government in the Australian Constitution and provide feedback to the NSW LGSA on our ideas, aspirations and desired outcomes.

Councillor Dowell

Councillor Comment

Background

The President of the Australian Local Government Association (ALGA), Cr Paul Bell has said, "Recognition in the Australian Constitution is one of the most important challenges facing local government today. It is an issue that we need to manage properly if we are to maximise our chance of success"

The achievement of formal recognition remains one of the main objectives of the ALGA. Having local government recognised in the Constitution has also been at the forefront of debate in successive National General Assemblies of Local Government. It was even the subject of an unsuccessful referendum. The constitution was raised at the recent Australia 2020 summit but it is unclear whether local government was a focus.

The ALGA has launched a special website dedicated to constitutional recognition. The website provides a range of material for councils including fact sheets, technical resources, a copy of the Australian Constitution and a CD with materials in electronic format. Over the next few months Councils have been asked to consider this important issue.

To formulate a considered position, I am advised that a workshop would need to be lead by an external facilitator well-versed in this area and there would be some costs. A modest financial outlay to discuss the most fundamental issue relating to the long term viability of this sphere of government would seem to be a small price to pay to develop a considered and informed position.

Staff Comment

Corporate Compliance Coordinator

The website developed by the ALGA (accessed via: www.alga.asn.au) is extensive and Councillors are encouraged to visit the site prior to the May Council meeting.

Given the crowded agenda of the Federal Government, it will not be easy to include the constitutional recognition of Local Government in any future Referendum. Should this be achieved, at best it would be a "symbolic" recognition.

The ALGA website identifies that it will not hold a debate on this matter until December 2008. Given the timing of the ALGA debate it would seem appropriate for Council to conduct a workshop prior to December 2008.

(S47)

Notice of Motion

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

That Council retain the name -The Goonellabah Recreation Centre "as the official name for the new emerging recreation facility in Goonellabah.

Councillor Swientek

Councillor Comment

The full Council has never determined to change the name of the facility that had been referred to and exhibited for public consultation as The Goonellabah Recreation Centre. The matter was raised at a Steering Committee on the 26th January 2008 and then shortly after at a Councillor Workshop on February 5th 2008.

Workshops and Steering Committees are information gathering and disseminating sessions which may advise council .They are not decision making bodies. The General Manager has determined that the naming of this facility is an operational matter and within his ambit and power to change and that he does not need to refer this to Council because he interprets this as operational matter and not a policy matter .

At the Workshop a Councillor had queried whether the proposed name change actually may be in conflict with Council's Naming Policy. There was some indication from the General Manager that he would investigate whether the proposed name change did in fact conflict with Council's current policies and whether this is entirely appropriate.

No further feedback was forthcoming from the GM and obviously instructions were given from the GM to henceforth to refer to the facility as the Lismore Sports and Aquatic Centre despite some serious misgivings from some Councillors at the Councillors Workshop. Not all Councillors were present at this workshop.

Arguments for change of name

1. At the Steering Committee and at the Councillor Workshop there was a recommendation by staff to change the name based on some advice that for marketing purposes this would be advantageous for the operation of the centre.

No evidence of any market research was provided to demonstrate that this was a fact rather than an opinion of a person with "some marketing background".

2. The General Manager put forward the view that all Lismore ratepayers are contributing towards this facility and therefore it should have Lismore in the name.

This is a rather flimsy and inconsistent argument when one considers all the other resources and facilities that Lismore ratepayers contribute towards (capital and recurrent) are named by their readily identifiable locale for instance Brunswick Street Depot ,The Wyrallah Road Waste Facility, Goonellabah Community Center ,Nimbin Sewerage Treatment Plant or some other readily identifiable and differentiated name such as Memorial Baths, City Hall, Works Depot Wyrallah Road, Visitor Information Centre, Northern Rivers Quarry and Asphalt Centre, Koala Child Care Centre, Gingerbread House Occasional care etc need I go on.

3. It was also put that including the name "Lismore" would some how make it more accessible to everyone in Lismore and that by having the name Goonellabah would some how limit the facilities

use exclusively to Goonellabah residents .This is also fanciful .Are we to assume then that Hepburn Park is likely not to attract people other than the people who live in its immediate vicinity of the park or people who are connected with that family name? Or that the Goonellabah Community Centre is only used by residents of Goonellabah?

People from even beyond the confines of Lismore will come and use the Goonellabah Recreation Centre as they currently use existing facilities when they have a need to do so.

Why retain the name The Goonellabah Recreation Centre

1. The facility is being built in the very heart of Goonellabah Lismore's largest and fastest growing suburb. That name reflects its surroundings, is readily identifiable and is definitive in its location. It will be much easier to identify and locate.
2. Goonellabah is one of Lismore's more prominent Aboriginal names and one of the few major population centres in this area with an Aboriginal name. It means place of the Goonell (or native coral tree) and it is very appropriate that such a significant facility such as this recreation centre reflects its indigenous and preEuropean heritage .
3. Since this facility was first mooted in the early 1990's in its present configuration as a Goonellabah aquatic and leisure facility it has always been prefaced as Goonellabah .In its various permutations over the years and its exhibition and presentation to the Lismore community it has always been referred as the Goonellabah facility whether as the Goonellabah Aquatic and Leisure Facility or the Goonellabah Sports and Leisure Centre or more recently as the Goonellabah Recreation Centre. Never has there been any objection from anybody in the community or on Council to the appellation of Goonellabah.
4. The Goonellabah community are making a significant contribution towards the capital cost of this facility through the Section 94 Developer contributions. As we all know developers pass on development costs on to the consumers in this case residents who have purchased land in Goonellabah. Each Goonellabah resident has already made a contribution towards the capital costs of this facility and will continue to contribute to this and many other facilities throughout the city through their rates. Goonellabah being the largest residential suburb of Lismore is and will continue to contribute the largest residential rate contribution of any suburban or community area in the city of Lismore. It is more than appropriate to recognise this extra contribution by acknowledging the name of the community that has put in the most towards this facility that is in fact located in the very heart of this community.
5. This facility has been a long term expectation by the community of Goonellabah who have contributed resources of their own towards this facility. This Goonellabah community has long been waiting for a Council to construct this facility and at long last provide a major piece of infrastructure that addresses the long term needs of this community. This will provide the community with a significant facility that will encourage social interaction and community development-a community focus.

The Goonellabah name is a very important part of this focus it is defining and it is important.

This Council can be very proud of making the dream of this facility become a reality but lets please ensure it reflects the community and its location appropriately .Lets make it easier for people to find it and identify it let's maintain the name The Goonellabah Recreation Centre.

Manager Community Services

The opportunity to change the name of the centre was discussed at a Project Steering committee meeting on 30 January 2008, and again at the Council Workshop held on 5 February 2008. Staff proposed changing the name of the centre for the following reasons:

- The centre has grown from the original concept beyond providing an indoor facility for the Goonellabah community to one that will cater for the entire Lismore community, i.e. major elements including two multi-purpose courts, a fitness centre, youth activities space, recreation pool with water slide.
- The Lismore Sports and Aquatic Centre will be the single largest development undertaken by Lismore City Council. The facility will be funded by all ratepayers and this should be reflected in its title. The facility is situated in Goonellabah, but will be used by people across the local government area and beyond.
- “Recreation Centre” is an outdated term usually referring to a small one to two court facility, that does not adequately describe the wide range of activities to be undertaken in a new, modern leisure facility.
- Goonellabah remains in the title on all signage and formal publications, and will resemble the following:

Lismore Sports & Aquatic Centre
Goonellabah

- Council staff have not received any negative feedback regarding the name change since the erection of construction signage and local newspaper articles in April 2008.
- Important civic buildings such as the Lismore City Library, Lismore Regional Gallery, Lismore Airport have not been subject to Council’s Naming of Public Places Policy, as this relates more so to naming places after prominent or otherwise appropriate people.

(P30259)

Report

Subject	Lismore Cultural Precinct – The Margaret Olley Arts Centre
File No	S857
Prepared by	Manager Community Services
Reason	To outline a new option for the development of a new Gallery (The Margaret Olley Arts Centre) within the Cultural Precinct
Objective	To gain Council endorsement to fund and develop a new Gallery building
Strategic Plan Link	Quality of Life
Management Plan Project	Cultural Precinct development

Overview of Report

This report outlines progress to date on the development of a new Gallery building within the Cultural Precinct, and recommends the pursuit of an affordable building to be constructed within a three year timeframe.

Background

At the December 2006 Council meeting regarding the Regional Gallery and Exhibition Centre (The Margaret Olley Arts Centre) and the Richmond River Historical Society (Museum), the following resolutions were recorded:

Resolved that the report be received and Council:

1. Commit \$6 million in its future capital works financial plan towards the construction of the Lismore Regional Gallery, Regional Museum Exhibition Area and Multi Usage Exhibition area on the Cultural precinct site on the understanding that the balance of equal or matching funds will be secured from external sources.
2. Continue to support the RRHS other activities at 165 Molesworth Street, Lismore.
3. Assist in undertaking a strategic review of the future direction of the needs of the RRHS which incorporates the provision of items such as internal lift, air conditioning and additional ground floor space at 165 Molesworth Street, Lismore.
4. Continue to develop the architectural schematic drawings to a level of detail and presentation suitable to attract external funding and provide certainty for interested parties.
5. Call for expressions of interest for the lease and/or sale of “accommodation area” identified in the Lismore Development Control Plan (Part B, Chapter 3 – Cultural Precinct) and that a further option report be brought back to Council.
6. Invite Michael Goss, Program Manager for Community Cultural Development, Museums and Capital Infrastructure, in NSW Ministry for the Arts, local politicians and representatives of other funding bodies to meet with Councillors and staff to discuss the Cultural Precinct, its inclusions and funding opportunities.

To this end, staff have continued to progress the conceptual planning of a new Gallery building which initially encompassed the Art Gallery (1,600m²); People’s Gallery (370m²); workshop/function area (260m²); and Southern Cross University exhibition space (200m²) together with all the necessary amenities. An impressive building design was prepared and costed at an estimated \$17 million.

Senior Council staff and Council representatives then embarked upon a lobbying campaign, focusing on the Federal Government to provide significant funding for the project. Although the project met with approval from a number of Ministers and senior staff, it was not funded prior to the November election and subsequent change of government. The NSW State Government has indicated that it is limited to the capital infrastructure programs already in place, and that it would be unlikely for the project to be funded in excess of \$250,000.

Notwithstanding the lack of government grants, there is a great need to continue to develop The Margaret Olley Arts Centre, taking into account the following considerations.

- The existing art gallery is inadequate and substandard. It cannot attract major exhibitions due to its small size and lack of climate control. Extensive refurbishment will be required to correct faults and deterioration in the short to medium term if it is to continue to function as a gallery.
- Significant momentum and goodwill has been developed during the planning and conceptual design stage of the new gallery building, including sponsorship and donations, especially the support, assistance and influence of Margaret Olley.
- Margaret Olley has signed a Memorandum of Understanding with Lismore City Council, agreeing to the use of her name on the new gallery building (The Margaret Olley Arts Centre). Ms Olley is an enthusiastic and passionate supporter of the new building and would like to see it completed in her lifetime.
- Southern Cross University has committed financial support for their inclusion in a new building and has indicated that further financial support including operational support will follow. SCU is currently renting exhibition space in the central business district, awaiting development of The Margaret Olley Arts Centre.
- The site holds a unique and strategic position within the city centre, linking key elements: it occupies approximately 30% of the central business district, is adjacent to Lismore Park and its extensive sporting fields and open space, links the central business district and Lismore Shopping square, provides a cultural destination together with the Library and Conservatorium.
- As part of the Cultural Precinct, The Margaret Olley Arts Centre will create a vibrant and attractive destination within the centre of Lismore and will be the cultural focus for the city. It will become a vital component for revitalising the Lismore city centre, enhancing its regional infrastructure and commercial strengths.

The proposal

The modified building design is proposed, located close to Keen Street to optimise access and exposure, and relying on partial reuse of 'C' Block for several Art Gallery functions. The design will be modular and provide for future stage development of both the site and the Gallery. It is proposed that the Gallery building will be of a robust yet lightweight structure designed to include the following essential elements:

- reception foyer and ground floor gallery space
- exhibition space
- permanent collection space
- Southern Cross University exhibition space
- offices, amenities and essential gallery infrastructure e.g. loading dock
- space within neighbouring C block will be used for storage, workshop administration and other secondary purposes.

The design will be modular allowing additional elements to be included within or adjacent to the main building when funding becomes available. It is envisaged that the above elements could be provided within a \$3 million contribution from Council, together with the funding commitment from Southern Cross University (minimum of \$500,000), Gallery generated fundraising (\$500,000 - \$1 million anticipated), and possible assistance from the state and federal governments.

The anticipated timeframe for planning, development and construction is 3 years, however the first financial commitment from Council to its construction would not be until the 2009 - 2010 financial year.

Potential donors, sponsors and government funding programs require a firm commitment from Council that identifies a planning and construction timeframe in order to commit funds and other essential support.

Council commitment

Council's commitment is sought to develop an appropriate design for this modified proposal, which includes the construction of a purpose built gallery building and the re-use of C block, together with 'in principle' agreement to commit an estimated \$3 million towards the building's construction. A specific memorandum of understanding with Southern Cross University regarding their financial commitment and the extent, positioning and management of their exhibition space is also required.

Comments

Financial Services

Council has committed \$6 million in its future capital works program to construct this facility and associated spaces on the understanding that the balance of equal or matching funds will be secured from external sources. This proposal is similar except the commitment from Council is for \$3 million in the future capital works plan with an expectation that this will be required in 2009/10.

The modified proposal is more achievable from a financial perspective as Council's capital contribution is halved to \$3 million. The funding source is most likely to be from borrowings and as has always been the case, Council will need to consider options to increase revenue, decrease expenses or a combination of the two, to fund loan repayment costs (\$300,000 per annum) and increased operating costs as they cannot be simply absorbed into recurrent operations. If the project proceeds as the timetable indicates, a process to achieve this outcome will be need to be undertaken during 2008/09.

On the basis of Council's existing commitment, and recognising the need to generate a significant amount of funding from external sources, \$30,000 has been recommended for inclusion in the draft 2008/09 Budget to facilitate fundraising of between \$500,000 and \$1 million.

Other staff comments

Not required.

Public consultation

ACPAG

Lismore City Council's Arts and Culture Policy Advisory Group supports the staging and immediate development of the new Margaret Olley Arts Centre. The revised plans aim to realise the project now, and this is to be commended. The new Margaret Olley Arts Centre will position Lismore as the cultural and creative hub of the Northern Rivers, bring national attention to Lismore, create economic benefits for the city and deliver much needed revitalisation of our city centre.

Arts Northern Rivers

Arts Northern Rivers commends Council and staff for the work that has been done to develop the concepts and partnerships for the Margaret Olley Arts Centre. The existing gallery building is substandard and possibly one of the worst Regional Gallery buildings in NSW. It is not appropriate for a city the size of Lismore with a proud history as the cultural and business centre of the region, and which is widely recognised for its artists and its creative communities. The need for a new gallery building is urgent. However the previous model for the Centre was ambitious and would have been very difficult to finance.

Arts Northern Rivers strongly supports the recommendation to Council to commit \$3 million to a new achievable model for the Margaret Olley Arts Centre. Support for the new model will ensure that:

- the new Arts Centre can be realised within the urgent time frame required to maintain momentum, support and partners (and before the existing building becomes uninhabitable);

- the immediate needs of the community will be met – both in terms of appropriate gallery and exhibition space and stimulus for the cultural and business revitalisation of the Lismore CBD;
- there is space and scope for the Centre to be expanded in the future; and
- Lismore can reclaim its position as a cultural hub for the region.

Conclusion

The construction of The Margaret Olley Arts Centre is vital for the revitalisation of Lismore's central business district. It will create a more attractive place to live and work, will establish Lismore as the Northern Rivers cultural hub, supporting and developing arts and culture within the community, and will provide an economic development boost for the city. Significant progress has been made to date, including Development Control Plan 49, the Cultural Precinct Master Plan, the Cultural Precinct Positioning Paper, and Margaret Olley's support, influence and name. Failure to capitalise on the progress and momentum gained to date could result in the project stalling indefinitely and loss of goodwill and commitment from our project partners and supporters.

Recommendation

That Council:

1. Continue to develop architectural schematic drawings to a level of detail and presentation that will attract philanthropic and Government funding.
2. Develop reuse proposals for 'C' Block that will accommodate Gallery usage, Conservatorium usage and other essential community occupancies.
3. Publicly exhibit architectural schematics of modified the Margaret Olley Arts Centre prior to bringing a further report back to Council.
4. Enter into a specific Memorandum of Understanding with Southern Cross University outlining the University's funding support, joint administrative arrangements and the University's space and utilities requirements within the proposed Margaret Olley Arts Centre.
5. Make a commitment of \$3 million in its future capital works financial plan toward the development of the Margaret Olley Arts Centre on the understanding that additional funding will be available from Southern Cross University, private benefactors and State or Federal Government.

Report

Subject	Operating Hours for Lismore Memorial Baths
File No	P6768
Prepared by	Lismore Memorial Baths Aquatics Manager
Reason	To seek Council's endorsement
Objective	Determine operating hours for Lismore Memorial Baths for June, July and August 2008
Strategic Plan Link	Community Services
Management Plan Project	Lismore Memorial Baths

Overview of Report

This report recommends opening and closing hours for the Memorial Baths during June, July, and August 2008.

Background

At the December 2006 Council meeting, the following opening hours were adopted for the Lismore Memorial Baths, serving as a trial period over the winter months to inform future opening hours:

Pool	Month	Opening Hours
25 metre	June July August	Monday – Friday: 6.00am – 9.00am 4.00pm – 7.00pm Weekends: closed

These hours were amended in light of customer requests and pool staff feedback concerning program development opportunities to:

Pool	Month	Opening Hours
25 metre	June July August	Monday – Friday: 6.00am – 9.00am 12.00pm – 7.00pm Weekends: closed

Learn to Swim and squad training programs were initiated in the afternoon session, however the initiative was not successful in terms of revenue generation.

The Centaman software system (admissions and financial management program) provided visitation records for this period. 3,359 visits were recorded in the three month period, comprising 1,615 visits from casual users and 1,744 visits by members. Distribution of the visits is tabled below:

Pool Visits Distribution

Time	6.00am	7.00am	8.00am	12.00pm	1.00pm	2.00pm	3.00pm	4.00pm	5.00pm	6.00pm
Percentage	41.4%			24.14%			34.46%			

Income

Total income for the period was \$10,131 excluding GST. The major income streams are detailed below:

Stream	Amount	Percentage
Programs	\$2,930	29%
Casual entry	\$4,098	40%
Memberships	\$2,625	26%
Merchandise	\$ 409	4%
Miscellaneous	\$ 69	1%
Total	\$10,131	100

Expenses

The majority of expenses are non-discretionary and remain static regardless of the operating hours. The only variable is wages, which amounted to \$38,000 for the same period, delivering a total loss of almost \$28,000 for the period.

Discussion

Following analysis the visitations occurred in three main time periods: 6.00am - 8.00am, 12.00 noon - 2.00pm, and 4.00pm - 6.00pm, aligning with employment and school patterns.

The main income areas were entry fees from members and casual users along with programs (learn to swim, squad swimming). However the programs which occurred during the afternoon periods failed to return a profit when the cost of providing instructors/lifeguards is taken into account.

Comments

Financial Services

From a financial perspective, the recommended opening hours are supported as they do reduce discretionary operating costs and are highly likely to not reduce revenues.

Public consultation

Pool staff have advised regular users of the proposed opening hours over the winter period, and have not received any objections to date.

Conclusion

The first session of limited trading during the winter period was exploratory. However, the extension of hours failed to produce a significant increase in patronage to justify the expanded hours and delivery of programs. The trial winter period highlighted the significant additional wages cost associated with extended hours. Regardless of operating hours, non-discretionary spending on chemicals and utilities etc remains unchanged. It is proposed to keep the 25m pool open for three main periods throughout the day to accommodate the needs of dedicated patrons and casual users.

Recommendation

That Council endorse the pool operating hours for the period June, July and August 2008, with opening hours of:

25 metre pool

Weekdays	6.00am - 8.00am 12.00pm - 2.00pm 4.00pm - 6.00pm
Weekends	Closed

Report

Subject	Tree Preservation Order
File No	S453
Prepared by	Development Assessment Planner
Reason	Review of Tree Preservation Order
Objective	Respond to a Council Resolution
Strategic Plan Link	Natural Environment
Management Plan Project	Strategic Planning

Overview of Report

At its meeting held February 12, 2008 Council resolved that staff prepare a report outlining an amendment to the Tree Preservation Order which may allow for the voluntary removal, without fees, of large, invasive to local surroundings, potentially hazardous and generally unsuitable trees from residential areas on the understanding that any trees removed for these reasons are compensated for by replacement with species suited to the particular location.

The TPO already provides that:

- Dead trees are exempt under the Tree Preservation Order (TPO) (no application required).
- If a tree is considered dangerous or a hazard, this is reasonable grounds for removal or pruning.
- If a tree is considered unsuitable, in a given situation, this is considered a reasonable reason for removal or pruning.

This report identifies that:

- In 2007 92% of applications for removal were approved, with a further 2.5% of removal applications being approved for pruning.
- In 2007 all applications for pruning were approved.
- In 2007 32 applications were refused for removal of which only 4 resulted in complaints which lead to them being reviewed by the Parks Coordinator. Two (2) of the four (4) were approved by the Parks Coordinator.

This report:

- Outlines proposed changes to the exemption list and criteria for removal in the TPO.
- Proposes an internal assessment procedure to ensure human safety is the primary consideration when assessing an application for tree removal or pruning on private land, using two methods for hazard assessment.

Background

Lismore City Council has had an adopted Tree Preservation Order (TPO) since 1994. The TPO was amended in 2002 and 2005 to ensure compliance with State Legislation and Council Policies.

Land to which the Tree Preservation Order Applies

Consent is required from Council to remove, prune or destroy tree(s) in the following zones identified in the Lismore LEP 2000:

- Zone No 2(a) - Residential Zone
- Zone No 2(f) - Residential (Flood Liable) Zone
- Zone No 2(v)- Village Zone
- Zone No 3(a) – Business zone
- Zone No 3(b) - Neighbourhood Business Zone
- Zone No 3(f) - Services Business (Flood Liable) Zone
- Zone No 4(a) - Industrial Zone
- Zone No 5 - Special Uses Zone
- Zone No 5(b) - Special Uses (Technology Park) Zone
- Zone No 6(a) - Recreation Zone
- Zone No 6(b) - Private Recreation Zone
- Zone No 7(a) - Environment Protection (Natural Vegetation and Wetlands) Zone
- Zone No 7(b) - Environment Protection (Habitat) Zone

Under the *Native Vegetation Act, 2003*, the Northern Rivers Catchment Management Authority is the Authority for native vegetation removal and the Department of Environment and Climate Change is the compliancy Authority for the following zones in Lismore City Council's Local Government Area:

- Zone No 1(a)-(General Rural Zone).
- Zone No 1(b)-(Agricultural Zone)
- Zone No 1(c)-(Rural Residential Zone)
- Zone No 1(d)-(Investigation Zone)
- Zone No 1(f)-(Forestry Zone)
- Zone No 1(r)-(Riverlands Zone)

The TPO defines **Trees** as a woody stem of any plant species which:

- has a height of more than 5 metres; or
- has a girth (circumference) of 500mm or greater at a height of 1 metre above the natural ground surface: or
- has a branch spread of 4 metres or more.

Exempt Trees

The following situations are currently defined as being exempt from requiring consent under Council's Tree Preservation Order.

- Removal of dead branches including palm fronds.
- Any tree(s) grown specifically for its edible fruit.
- Any dead tree(s).
- Any tree(s) identified as a Noxious Weed under the Noxious Weeds Act, 1993.
- Any tree(s) listed as an Environmental Weed.
- Tree(s) authorised for removal under the Rural Fires Act, 1949.
- Tree(s) required to be pruned in accordance with the Electricity Supply Act, 1995, No.94.
- The partial or total destruction of a tree(s) by a Public Authority for the purposes of air navigation.
- Any tree(s) within a State Forest or on land reserved for sale as a timber forest reserve under the Forestry Act, 1916.
- Tree(s) within an approved plantation meeting the criteria of the Timber Plantations (Harvest Guarantee) Act, 1995.
- Plantations established by State Forests on purchased lands and on private or public land under the Joint Venture or Farm Forestry Schemes.
- Pruning or removal of a tree(s) authorised by a development consent issued by Council. The tree(s) must have been identified for removal within the development application.
- Tree(s) on Council owned/managed land authorised by Lismore City Council's (LCC) Parks

Section after consultation with local residents.

- Tree(s) growing within the Road Reserve where it can be shown that such tree(s) present a serious hazard to motorists.

In addition to the above exemptions it is proposed to add the following exemptions:

- Trees located within 2m from a Dwelling.
- Tree(s) required to be pruned and/or removed in accordance with the Electricity Supply Act, 1995, No.94

Criteria for Removal

In accordance with the provisions of the Tree Preservation Order, Council currently takes into “**consideration**” the following criteria when addressing an application to prune and/or remove tree(s):

- Whether the tree(s) is dead, dying, dangerous or diseased.
- Whether the tree(s) is within six metres of a dwelling (dependent on tree(s) species and soil type).
- Whether the growth habit or mature size of a tree(s) is undesirable in a given situation (eg under powerlines, root interference with services, or buildings).
- Whether the tree(s) is interfering or likely to interfere with the provision of a public road, provided that in the design and location of work, all effort has been taken to avoid the destruction of tree(s).
- Whether the tree(s) is interfering or likely to interfere with public or private utilities and services and corrective action is not practical.
- Whether the tree(s) is in an overcrowded situation and judicious removal of tree(s) will result in improved growth of other trees.
- Whether the tree(s) is interfering or likely to interfere with the efficiency of a solar heating appliance, natural light or energy efficient house design. This clause does not extend to clotheslines.
- Whether the tree(s) is causing illness or a severe allergic reaction to a person and such claim can be substantiated by medical evidence from a registered medical practitioner.
- Whether the tree(s) shows poor form and shape and/or vigour typical to species
- A tree(s) that is overhanging the boundary and creating a public nuisance will be considered for pruning.

The heading for this section should reflect that the criteria listed above is suitable for both removal and pruning therefore it is recommended that the following modification be made to the TPO:

- Modify the title of this section from Criteria for Removal to **Criteria for Removal and Pruning**

A more reasonable, equitable and safe outcome would be to amend the criteria for removal by replacing the second dot point with following:

- Any tree(s) which is causing structural damage to a dwelling. Please note that evidence may need to be provided by a suitably qualified person if the damage is not evident.

In addition it is recommended that the following definition be added to the criteria list:

- Branches which are overhanging a dwelling will be considered for pruning.

Current Situation

Application Form

The application form is divided into 7 sections.

- Section 1: Address
- Section 2: Owners details and signatures
- Section 3:
 - Tick box for prune or remove.
 - Number of trees to be pruned or removed.

- Species name (if known) if they don't know the name there is a section for a description of the tree.
- Tick Yes or No box for Heritage Conservation Area or listed as a Heritage Item.
- Provided information on what method they used to mark the tree such as pink tape.
- Section 4: Tick box for reason for removal or pruning of a tree with the final option being *OTHER*.
- Section 5: Notes, general information for the applicant
- Section 6: A diagram showing the location of the tree on the property.
- Section 7: Staff reports or recommendations

Statistics from the Applications of 2007

- Total number of application **155**
- Total number of individual trees **411**
- Total number of trees for removal **393**
- Total approved tree removals **361 (92%)**
- Total number trees refused **32** of these **10** were approved for pruning
- Total number of applications for pruning **13 all were approved**
- Total of **4** applicants out of the 32 refused registered a complaint. The Parks Coordinator reviewed all 4 applications resulting in **2 more approvals** following further evidence provided.

Number of Applications for 2005 and 2006

- Average number of applications **138**
- An average of **7** complaints were referred to the Parks Coordinator, with an average of **2.3** being later approved following further evidence provided.

In the past 3 years a total of 5 tree determinations have been reviewed by Council's Management, just over 1.5 a year. This equates to just over 1% of the total applications received.

Fees

It is considered that LCC fees for variations to the TPO are appropriate for the level of service and not excessive in comparison to adjoining LGA's. Table 1 outlines the fees applicable to the respective Council areas.

Table 1: Fee Comparison

Council	Cost for Tree Removal Applications
Lismore City Council	\$55 per application (irrespective of number of trees)
Byron Shire Council	<ul style="list-style-type: none"> ▪ \$75 for up to 6 trees. ▪ \$170 for more than 6 trees ▪ Plus \$60 advertisement fee if the tree is located within 2m from a boundary
Ballina Shire Council	An arborist report must be provided with each application (usually about \$400) <ul style="list-style-type: none"> ▪ \$15 per application for Lennox Head area ▪ \$110 for all other areas within the Shire (as there is no TPO for the remainder of the shire the applications are considered as Development applications).

Application Timeframes

The service provided by Lismore City Council for a \$55 fee takes approximately 7-14 days to inspect, assess and determine depending on the application and any research or second opinions required.

Proposed Assessment Procedure for Private Trees

- Proposed Tree Assessment Procedure

1. Receive Application.
2. Checks are made including Heritage Item, Heritage Conservation Areas, species exemptions, zoning of property, owner's signature and form completed correctly.
3. On-site Inspection includes:
 - a. Tree Identification
 - b. Preliminary Tree Assessment Form (PTAF) is completed
 - c. If the Tree Officer determines that the application is to be approved, the approval process is outlined in Approval Process below.
 - d. If the Tree Officer determines that the application may be refused the process which is to be followed is outlined below in '**Hazard Assessment Process**'.

Approval Process

For approvals, the Tree Officer is to document the inspection using the Preliminary Tree Assessment Form (*within Attachment to Business Paper*). Applicants are notified of approved tree removals or pruning with a determination letter including conditions of the approval. Conditions generally include replanting, use of competent and insured Arborists and taking care of surrounding vegetation of neighbouring property.

Hazard Assessment Process

If the Tree Officer determines that an application may be refused after completing the 'Preliminary Tree Assessment Form' the '**Comprehensive Tree Assessment Form**' (CTAF) must be completed prior to a final determination (*within Attachment to Business Paper*).

The objective of the 'CTAF' is to ensure human safety when assessing an application for tree removal or pruning on private land.

To determine any potential hazard, a thorough investigation into the health and condition of the tree(s) must be undertaken (sections 1 to 6). The data collected in sections 1 to 6 of the CTAF are used to determine the **Failure Potential** in accordance with Matheny & Clark, 1994, *A Photographic Guide to Evaluation of Hazard Trees in Urban Areas 2nd edition*.

To ensure a comprehensive review of any potential hazard the CTAF also includes a **Risk Assessment Matrix** (developed in accordance with Occupational Health and Safety Standards). The data collected in sections 1 to 6 of the form are used to determine the categories in the matrix.

The results of both the Failure Potential and the Risk Assessment Matrix must be consistent for the Tree Officer to determine that the application is to be refused. If the results are inconsistent or are both high, the application must be approved.

All refusal letters are to acknowledge the applicants right of appeal and clearly state that the assessment used Visual Tree Assessment (VTA) techniques only. Any requests for re-determinations must be directed to, and assessed by, the Parks Coordinator. All re-determination requests should provide more specific and accurate reasons for removal, preferably with the inclusion of an Arborist Report.

Re-determination Procedure:

1. Application received with additional information and the applicable fee (currently \$75). Additional information may include a comprehensive history of the tree, more specific and accurate issues or problems experienced, or an Arborist Report.
2. Parks Coordinator completes an assessment using the CTAF.
3. Approvals and refusals to follow the procedure above.
4. Further objections are to be referred to the Manager, Operations for resolution.

Comments

Financial Services

N/A

Other staff comments

Administration staff have been consulted with regarding the functioning of the Tree Removal or Pruning Application Form. The Administration Staff reported no complaints or reported difficulties with completing the current form.

Parks Coordinator - Infrastructure

The assessment of all private trees is undertaken by trained and experienced staff qualified in Arboriculture. Ballina Council requires the applicant to provide an arborist report, Lismore City Council provides this service with the Tree Officer.

The objective of every tree assessment by the Tree Officer is to ensure the preservation of healthy safe trees that have benefit and value to the community and the environment. However, the emphasis in every assessment is to identify tree defects and other removal criteria that would otherwise determine the tree to be not worthy of preservation. Other removal criteria include landscape constraints, tree health, imminent or visual property damage, public nuisance, neighbour disputes and the suitability of the tree to its position.

The attached Comprehensive Tree Assessment Form has been developed to provide consistency with tree assessments and documentation. The form will also provide for a universal understood method of risk assessment, being the risk matrix method as seen in Occupational Health & Safety methodology. The form is modified from the Tree Hazard Evaluation Form developed by Matheny & Clark (1994) and is recognised by the International Society of Arboriculture (ISA). Two risk assessment methods are provided for on the form that allows an emphasis to be placed on health, safety and property.

It is anticipated that with the addition of the Comprehensive Tree Assessment Form and minor alterations to the Tree Preservation Order, transparency and consistency will be achieved together with an increased weighting on safety and hazard assessment.

Public consultation

Alteration to Chapter 14 of the Lismore Development Control Plan (Tree Preservation Order) will require public exhibition for 28 days.

Conclusion

Council's Notice of Motion highlights inconsistencies with the implementation of the TPO, which do not demonstrate fundamental flaws in the TPO itself. The proposed internal assessment procedure demonstrates Council's focus to ensure human safety when assessing an application for tree removal or pruning on private land, using two methods for hazard assessment.

The proposed amendments to the Lismore DCP and proposed assessment forms outlined in this report will ensure a reasonable, equitable and safe outcome for private tree removal or pruning.

Recommendation (PLA2)

- 1 Council resolve to exhibit the proposed amendments to the Lismore Development Control Plan (Amendment No. 4), as described above, and exhibit it for a period of 28 days.
- 2 Council endorses the use of internal assessment procedures based on risk management and OHS principles.

Report

Subject	Draft Nesbitt Park Master Plan
File No	P19781
Prepared by	Sport and Recreation Project Officer
Reason	To update the Council on the draft Nesbitt Park Master Plan
Objective	To seek endorsement of the draft Nesbitt Park Master Plan
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services

Overview of Report

In principle approval is sought for the endorsement of the draft Nesbitt Park Master Plan.

Background

A draft Nesbitt Park Master Plan has been completed which proposes a number of developments in various sections of the Park. The Park is considered to be significantly underdeveloped by the South Lismore community compared to parks in other sections of the City, and that the South Lismore area lacks any appropriately developed parkland space.

The draft Master Plan was developed following community consultations together with concept drawings submitted by community members. The Sport and Recreation Policy Advisory Group endorsed the draft Master Plan at its 2 April 2008 meeting and has requested the redevelopment to be included in the 2008-2009 Management Plan.

The Urban Sportsground Development Fund has provided \$30,000 towards the project from its 2007/08 allocation and approximately \$30,000 is available through the Nesbitt Family Trust (capital works). In addition, during the implementation phase submissions will be made to relevant government departments for grant monies.

It is proposed to commence work on the Master Plan as soon as practical following its adoption and to continue with the implementation process as funding becomes available. It is estimated that approximately \$500,000 will need to be sourced to ensure the total project is delivered. The components of the draft Master Plan include a children's playground, sport court facility, BMX Track, jogging track, formal entrance, park amenities, a car park, and general landscaping.

Currently \$50,000 has been secured to commence the project (\$50,000 comprises \$30,000 from the Nesbitt Family Trust + \$30,000 from the Urban Sportsground Development Fund less \$10,000 for planning and development), with an ongoing consultation process directing prioritisation of the various elements.

Priorities resulting from community consultation indicated the highest priorities will be the development of a family friendly area in the space directly behind the former tennis club house and the BMX track. The family space will feature a children's playground, sports court facility, parking and a barbeque area with seating and shade. Concept plans have already been created for the BMX elements within the overall design. It is proposed that the track will be developed as a bush track with a jumps section within the

north eastern section of the park.

As further funds become available they will be used to complete the family area, provide a 1.2 kilometre jogging track around the park, and improve landscaping and park amenities in general.

Comments

Financial Services

Council allocated \$30,000 to the draft Nesbitt Park Master Plan in 2007/08 from the Urban Sportsground Development Fund and approximately \$10,000 has been used in the planning and development of the draft document. The residual (\$20,000) plus what is held in the Nesbitt Park reserves (\$35,000) is available to commence these works once the final master plan is adopted.

As for future funding of the adopted Master Plan, it is recommended that Council consider this as part of the annual management plan process so its priority can be assessed in light of all other priorities and the available funding.

Public consultation

A number of meetings have been held with South Lismore residents over the past 18 months culminating with the presentation of the draft Nesbitt Park Master Plan at a public meeting in the Park in December 2007. Several written submissions were subsequently received from interested community members. Prior to this meeting, copies of the draft Master Plan were mailed to all residents and businesses in South Lismore, and copies of the Plan were displayed in several locations in South Lismore, the CBD Office, and Council's Administration Centre at Goonellabah.

The formation of the Nesbitt Park Community Advisory Group is currently being finalised and it is proposed that this group will advise staff on the Plan's implementation to reflect community requirements and preferences. The draft Master Plan was presented to the Council Contact Forum at South Lismore on 21 April 2008, inviting feedback and representation on the Advisory Group.

There has been a significant level of positive support for the implementation of the draft Master Plan during this time with surveys revealing that the playground area and the BMX track are clearly the most favoured elements in the draft Master Plan. Some concerns have been raised with respect to traffic flow, perceived anti-social behaviour and environmental issues, which will all be addressed in the Development Application.

Although there is no legal requirement to place the draft Nesbitt Park Master Plan on public exhibition, it is recommended that it is displayed for a further fourteen days prior to its adoption.

Conclusion

The need to improve community facilities for residents in South Lismore is well recognised and has been documented and supported in Council's Social and Community Plan 2005-2009. The development of Nesbitt Park will create a range of facilities that will go some way toward meeting the diverse needs of a wide section of that community.

The draft Nesbitt Park Master Plan is attached to this document.

Recommendation

That:

1. Council place the draft Nesbitt Park Master Plan on public exhibition for a period of fourteen days.
2. following the exhibition the draft Nesbitt Park Master Plan together with comments received be brought back to Council for adoption.

Report

Subject	Reclassification of Certain Council properties from Community to Operational
File No	P27463, P27464, P28026, P10379, P27381, P22522, P27380/P30259, P27383, P27382, P13978, P5841, P5595, P25791, P6185.
Prepared by	Malcolm Scott (Consultant) in collaboration with Council's Executive Director of Development and Governance
Reason	To instigate and co-ordinate the arrangements for the reclassification of certain Council properties from Community to Operational
Objective	To obtain Council's resolution to commence the exhibition of a draft LEP
Strategic Plan Link	Quality of Life
Management Plan Project	Review and update planning controls

Overview of Report

Fourteen individual lots, which have recently been purchased by Council require reclassification from "Community" to "Operational" land before Council can undertake activities for which they were purchased. This report identifies these parcels and seeks a resolution to commence reclassification.

Background

Malcolm Scott, Consultant Town Planner, has been requested by Council's Executive Director of Development and Governance to investigate and prepare an amendment to the Lismore Local Environmental Plan to reclassify certain community lands (identified below) from community to operational as it would appear that in a number of instances Council either did not resolve to reclassify land within three months of its purchase or the correct administrative processes were not concluded in accordance with the requirements of the Local Government Act 1993.

The lands are identified in Table No. 1.

Table No. 1 The lands

Item	Property no.	Real Prop. description	Street address	Name / purpose	Land area
1	P27463	Lot 200 DP 1013944	550B Nimbin Rd Blakebrook	Blakebrook Quarry	9980m ²
2	P27464	Lot 201 DP 1013944	550C Nimbin Rd Blakebrook	Blakebrook Quarry	2205m ²
3	P28026	Lot 1 DP 1036569	144 Caniaba St South Lismore	Land adjoining the South Lismore Leveee	6.24ha
4	P10379	Lot 32 DP 622328	126 Woodlark St Lismore	John Crowther Car Park	927m ²
5	P27381	Lot 6 DP 1011282	20 Simeoni Dr Goonellabah	Lismore Recreation and Sports Centre lands	614m ²
6	P22522	Lot 631 DP 810600	21 Gordon Blair Dr Goonellabah	Lismore Recreation and Sports Centre lands	8114m ²
7	P27380 / P30259	Lot 4 DP 1011282	2 Simeoni Dr Goonellabah	Lismore Recreation and Sports Centre lands	4418m ²

8	P27383	Lot 3 DP 1011282	44 Oliver Ave Goonellabah	Lismore Recreation and Sports Centre lands	1.028ha
9	P27382	Lot 5 DP 1011282	44B Oliver Ave Goonellabah	Lismore Recreation and Sports Centre lands	6004m ²
10	P13978	Lot 2 DP 701097	130 Gundurimba Rd Lismore	Land adjoining Lismore Landfill	37.89ha
11	P5841	Lot 9 DP 565871	18 King St	CBD parking	316m ²
12	P5595	Lot 2 DP 532545	43 Keen St Lismore	Clive Campbell Car Park	620m ²
13	P25791	Lot 11 DP 859167	126 Magellan St Lismore	Harold Fredericks Car Park	9612m ²
14	P6185	Lot 1 Sec 33 DP 758615	36 Orion St Lismore	Public Car Park adjoining Trinity College	1703m ²

Summary description of Council's interest in the land

A summary description of the history of Council's nature of interest in the lands and current status of the lands classification under the Local Government Act 1993 follows.

1. **Lot 200 DP 1013944 - 550B Nimbin Rd Blakebrook**

The land is a former Crown road reserve purchased by Council from NSW State Govt 2/11/00 with Lot 201 DP 1013944. Land forms part of the access road to Blakebrook quarry.

In accordance with Section 31(2A) of the Local Government Act 1993 any land acquired by Council that is not classified under subsection (2) is, at the end of the period 3 months, taken to be have been classified under a local environmental plan as community land.

Before Council acquires land, or within 3 months after it acquires land, Council may have resolved that the land be classified as community land or operational land.

Council did not resolve that the land be classified as community land or operational land therefore it is currently classified as community land.

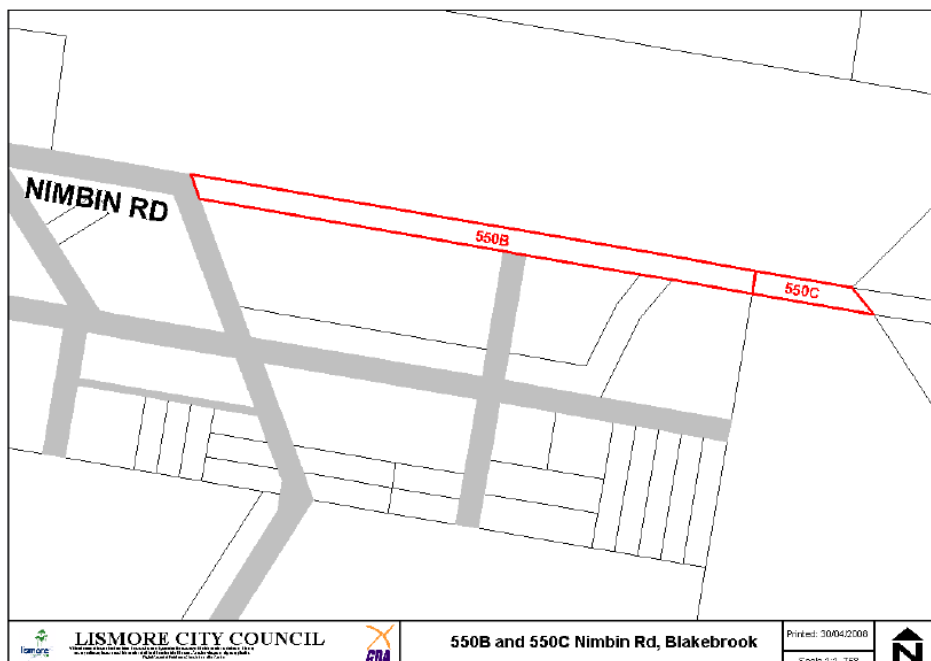
2. **Lot 201 DP 1013944 - 550C Nimbin Rd Blakebrook**

The land is a former Crown road reserve purchased by Council from NSW State Govt 2/11/00 with Lot 200 DP 1013944. Land forms part of the access road to Blakebrook quarry.

In accordance with Section 31(2A) of the Local Government Act 1993 any land acquired by Council that is not classified under subsection (2) is, at the end of the period 3 months, taken to be have been classified under a local environmental plan as community land.

Before Council acquires land, or within 3 months after it acquires land, Council may have resolved that the land be classified as community land or operational land.

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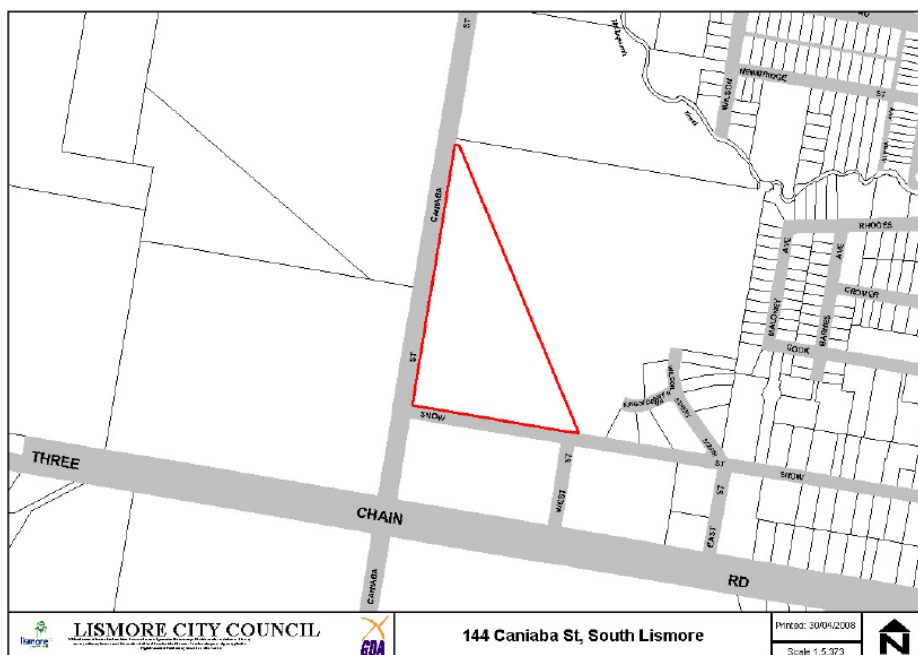
3. Lot 1 DP 1036569 - 144 Caniaba St South Lismore

The land was identified as being required for and is part of the South Lismore floodway and levee system. The acquisition of the land was reported to Council 10 July 2001.

In accordance with Section 31(2A) of the Local Government Act 1993 any land acquired by Council that is not classified under subsection (2) is, at the end of the period 3 months, taken to be have been classified under a local environmental plan as community land.

Before Council acquires land, or within 3 months after it acquires land, Council may have resolved that the land be classified as community land or operational land.

Council did not resolve that the land be classified as community land or operational land therefore it is currently classified as community land.

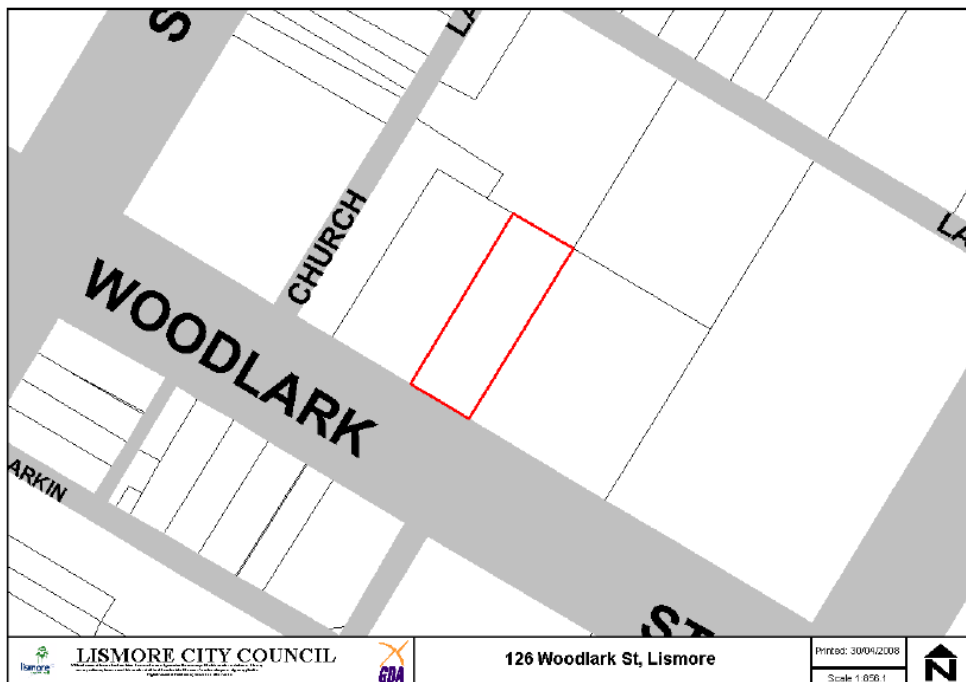


4. **Lot 32 DP 622328 - 126 Woodlark St Lismore**

The land was previously a car sales yard and was purchased for car parking. It adjoins the John Crowther Car Park and has been developed for car parking. The acquisition of the land was reported to Council 12 August 2003.

In accordance with Section 31(2) of the Local Government Act 1993 Council at the meeting of 12 August 2003 resolved to classify the land operational. However, it appears the administrative process and finalisation of the matter was not concluded.

The land is therefore currently classified as community land.



5. **Lot 6 DP 1011282 - 20 Simeoni Dr Goonellabah**

The land was purchased together with Lots 3, 4 & 5 DP 1011282 & Lot 631 DP 810600 for the Lismore Recreation and Sports Centre. The acquisition of the land was reported to Council 24 January 2006.

Council has received and resolved certain actions in regards the land and the purchase and development of the land for the Lismore Recreation and Sports Centre in reports dated; 14/8/01, 12/2/02, 14/5/02, 11/6/02, 9/7/02, 10/12/02, 9/12/03 and 8/6/04.

In accordance with Section 31(2) of the Local Government Act 1993 Council at the meeting of 24 January 2006 resolved to classify the land operational. However, it appears the administrative process and finalisation of the matter was not concluded.

The land is therefore currently classified as community land.

6. **Lot 631 DP 810600 - 21 Gordon Blair Dr Goonellabah**

The land was purchased together with Lots 3, 4, 5 & 6 DP 1011282 for the Lismore Recreation and Sports Centre. The acquisition of the land was reported to Council 24 January 2006.

Council has received and resolved certain actions in regards the land and the purchase and development of the land for the Lismore Recreation and Sports Centre in reports dated; 14/8/01, 12/2/02, 14/5/02, 11/6/02, 9/7/02, 10/12/02, 9/12/03 and 8/6/04.

In accordance with Section 31(2) of the Local Government Act 1993 Council at the meeting of 24

January 2006 resolved to classify the land operational. However, it appears the administrative process and finalisation of the matter was not concluded.

The land is therefore currently classified as community land.

7. Lot 4 DP 1011282 - 2 Simeoni Dr Goonellabah

The land was purchased together with Lots 3, 5 & 6 DP 1011282 & Lot 631 DP 810600 for the Lismore Recreation and Sports Centre. The acquisition of the land was reported to Council 24 January 2006.

Council has received and resolved certain actions in regards the land and the purchase and development of the land for the Lismore Recreation and Sports Centre in reports dated; 14/8/01, 12/2/02, 14/5/02, 11/6/02, 9/7/02, 10/12/02, 9/12/03 and 8/6/04.

In accordance with Section 31(2) of the Local Government Act 1993 Council at the meeting of 24 January 2006 resolved to classify the land operational. However, it appears the administrative process and finalisation of the matter was not concluded.

The land is therefore currently classified as community land.

8. Lot 3 DP 1011282 - 44 Oliver Ave Goonellabah

The land was purchased together with Lots 4, 5 & 6 DP 1011282 & Lot 631 DP 810600 for the Lismore Recreation and Sports Centre. The acquisition of the land was reported to Council 24 January 2006.

Council has received and resolved certain actions in regards the land and the purchase and development of the land for the Lismore Recreation and Sports Centre in reports dated; 14/8/01, 12/2/02, 14/5/02, 11/6/02, 9/7/02, 10/12/02, 9/12/03 and 8/6/04.

In accordance with Section 31(2) of the Local Government Act 1993 Council at the meeting of 24 January 2006 resolved to classify the land operational. However, it appears the administrative process and finalisation of the matter was not concluded.

The land is therefore currently classified as community land.

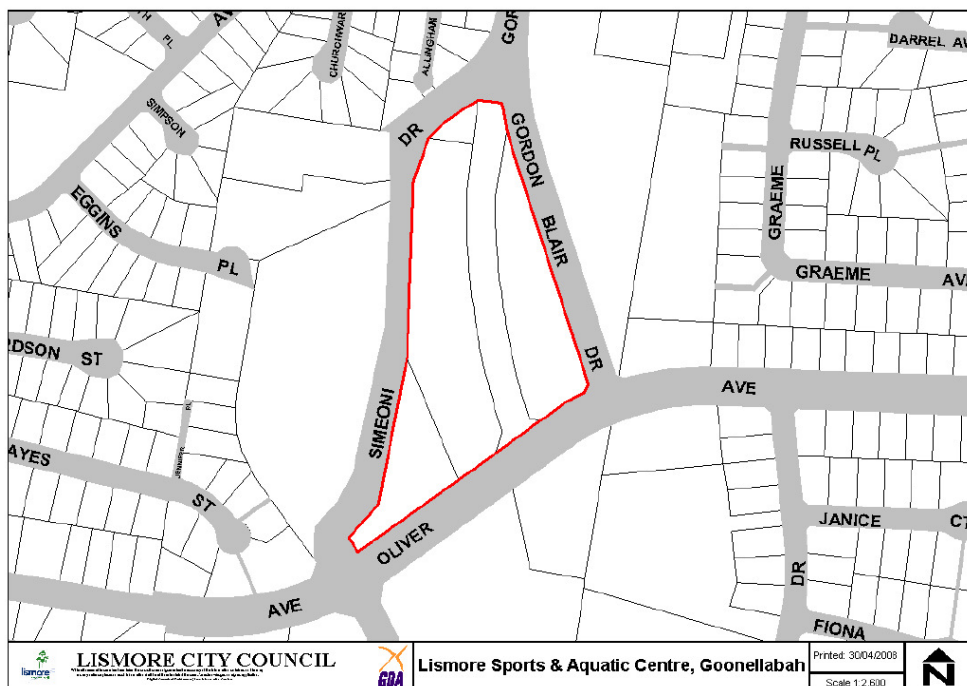
9. Lot 5 DP 1011282 - 44B Oliver Ave Goonellabah

The land was purchased together with Lots 3, 4 & 6 DP 1011282 & Lot 631 DP 810600 for the Lismore Recreation and Sports Centre. The acquisition of the land was reported to Council 24 January 2006.

Council has received and resolved certain actions in regards the land and the purchase and development of the land for the Lismore Recreation and Sports Centre in reports dated; 14/8/01, 12/2/02, 14/5/02, 11/6/02, 9/7/02, 10/12/02, 9/12/03 and 8/6/04.

In accordance with Section 31(2) of the Local Government Act 1993 Council at the meeting of 24 January 2006 resolved to classify the land operational. However, it appears the administrative process and finalisation of the matter was not concluded.

The land is therefore currently classified as community land.



10. Lot 2 DP 701097 - 130 Gundurimba Rd Lismore

The land was purchased as it is considered to be in a strategic location in regards the Lismore Landfill and East Lismore Sewage Treatment Works. The acquisition of the land was reported to Council 8 February 2005.

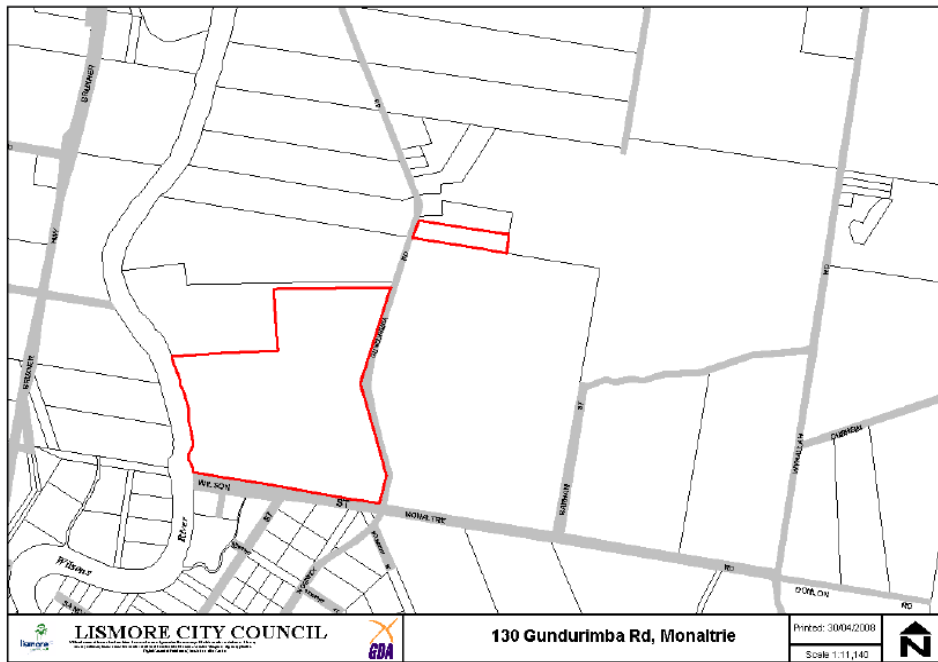
There is a house on a 2ha severed part of the land that adjoins the landfill and the site of the proposed 3rd cell. The land was purchased in order to provide a buffer distance and 'remove' the nearest neighbour from future landfill activities.

The majority of the land comprises river flats which are below East Lismore Sewage Treatment Works which currently discharge into Monaltrie Creek. Securing the land provided Council with options to possibly cease discharge from STP into Monaltrie Creek and to develop a re-use scheme using the land.

Ownership of the land by Council also provides opportunities for future drainage improvements to Monaltrie Creek to improve flood impacts to East Lismore.

In accordance with Section 31(2) of the Local Government Act 1993 Council at the meeting of 8 February 2005 resolved to classify the land operational. However, it appears the administrative process and finalisation of the matter was not concluded.

The land is therefore currently classified as community land.

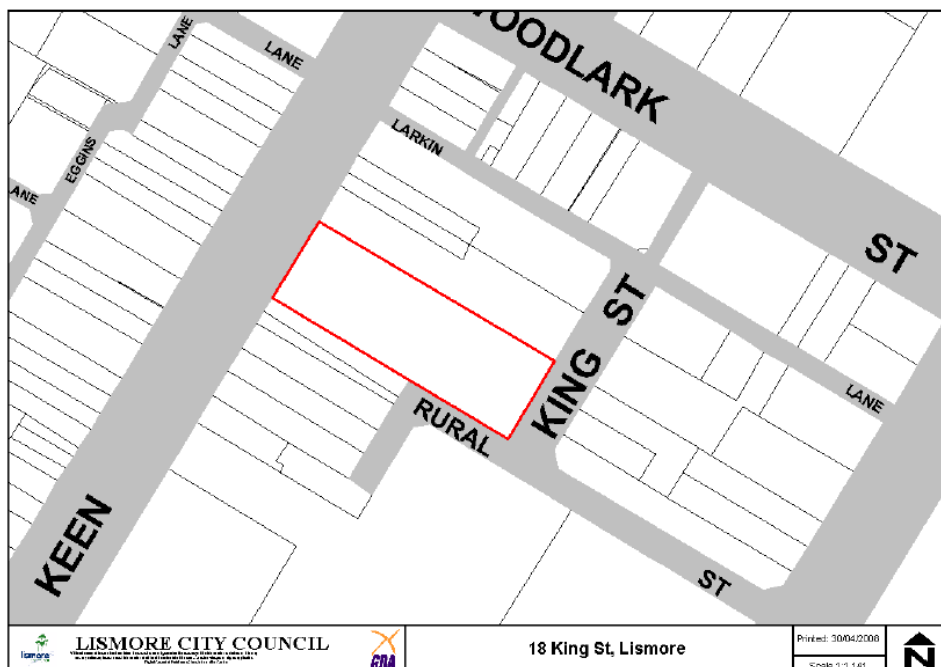


11. Lot 9 DP 565871 - 18 King St Lismore

The land was purchased to provide additional car parking spaces in the CBD and near the cultural precinct. The acquisition of the land was reported to Council 14 June 2007 & 13 November 2007.

In accordance with Section 31(2) of the Local Government Act 1993 Council at the meeting of 14 June 2007 resolved to classify the land operational. However, it appears the administrative process and finalisation of the matter was not concluded.

The land is therefore currently classified as community land.

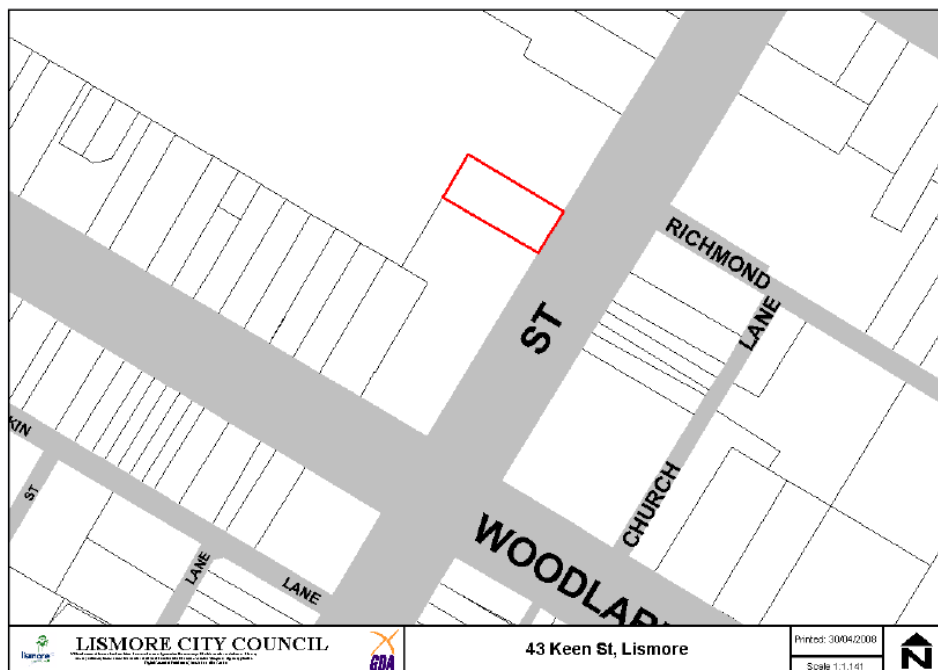


12. Lot 2 DP 532545 - 43 Keen St Lismore

The land was purchased under the Lismore Voluntary Purchase Project (floodplain management program) as it had been identified as being in a major overland flow path (floodway). The acquisition of the land was reported to Council 8 July 2003.

In accordance with Section 31(2) of the Local Government Act 1993 Council at the meeting of 8 July 2003 resolved to classify the land operational. However, it appears the administrative process and finalisation of the matter was not concluded.

The land is therefore currently classified as community land.

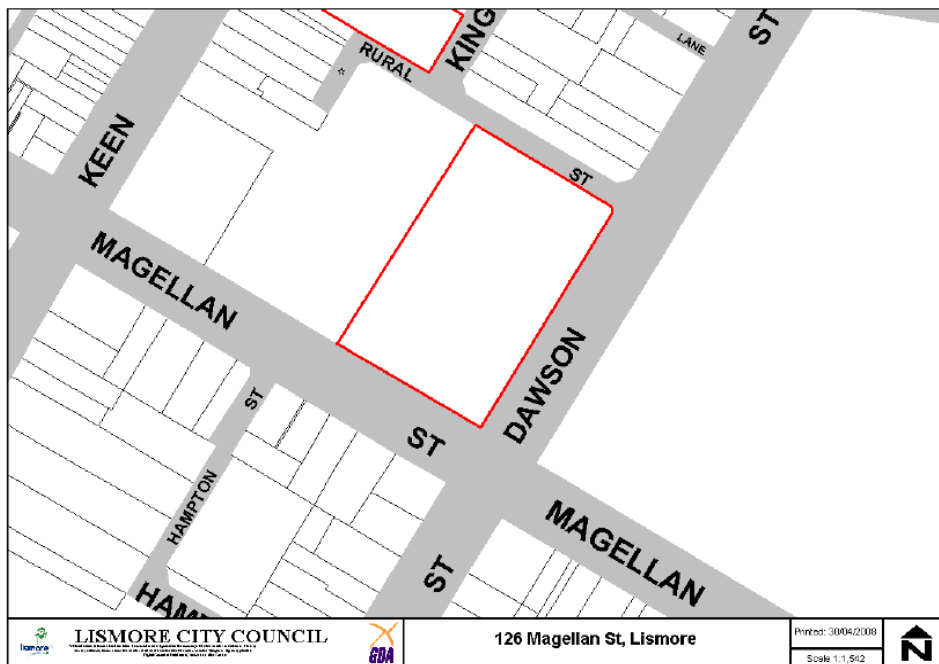
**13. Lot 11 DP 859167 - 126 Magellan St Lismore**

The land comprises Harold Fredericks Car Park which was purchased by Council from the Dept. of Education and Training following Ministerial approval notified to Council on 1 October 1999.

The acquisition of the land and that currently containing the Library was reported to Council on Report to Council 1 February 2000, 6 June 2000, 8 August 2000 and 12 December 2000.

Council at the meeting of 1 February 2000 resolved to acquire the land as operational land. However, it appears the administrative process and finalisation of the matter was not concluded.

The land is therefore currently classified as community land.



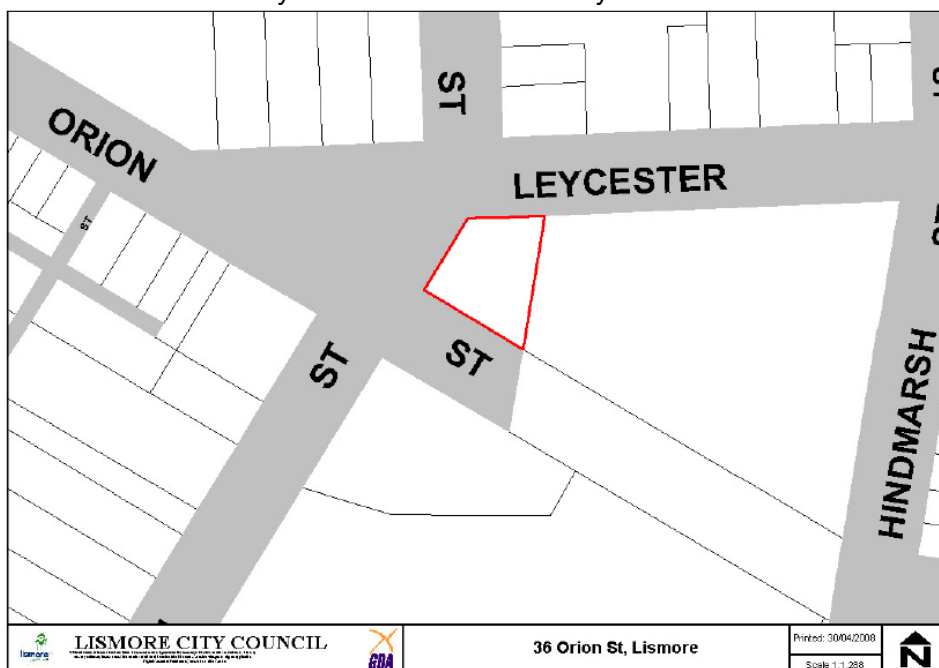
14. Lot 1 Sec 33 DP 758615 - 36 Orion St Lismore

The land was purchased from the Roman Catholic Church and has been developed as a public car park in conjunction with the development of the Trinity Catholic College sports and swimming pool complex. The acquisition of the land was reported to Council 10 February 2004.

In accordance with Section 31(2A) of the Local Government Act 1993 any land acquired by Council that is not classified under subsection (2) is, at the end of the period 3 months, taken to be have been classified under a local environmental plan as community land.

Before Council acquires land, or within 3 months after it acquires land, Council may have resolved that the land be classified as community land or operational land.

Council did not resolve that the land be classified as community land or operational land therefore it is currently classified as community land.



Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

The proposed reclassifications will be the subject of a public exhibition period of twenty eight (28) days and an advertised public hearing if Council resolves to adopt the recommendations.

Conclusion

The classification of the lands the subject of this report has not properly occurred as required under the Local Government Act 1993.

The lands are currently classified as community land and in order for Council to lease or enter into commercial arrangements in regards existing or future development on the lands they should be reclassified as operational land.

Council needs to resolve its intentions to reclassify the lands and prepare and exhibit a draft Local Environmental Plan (LEP) under the Environmental Planning and Assessment Act 1979 with all relevant information to ensure public transparency and accountability as intended and required by the Local Government Act 1993 and other relevant guidelines.

The minimum statutory public exhibition period for the draft LEP is 28 days. As the LEP amendment involves Council owned land the public exhibition must be conducted in accordance with the 'Best Practice Guideline for LEPs and Council owned Land' issued by the Dept. of Planning.

In accordance with Section 68 of the Environmental Planning and Assessment Act 1979 and Section 47G of the Local Government Act 1993, Council must also arrange a Public Hearing following the period of public exhibition of the draft LEP. The intention of the Public Hearing is to allow members of the community to make submissions on the proposed classifications to an independent party, who must then report on these submissions to Council.

Recommendation

That Council:

1. pursuant to Sections 27 and 31 of the Local Government Act 1993 and Section 54(1) of the Environmental Planning and Assessment Act, Council resolves to prepare a draft Local Environmental Plan to amend the Lismore Local Environmental Plan 2000 to reclassify from community to operational land the land known as:
 - Lot 200 DP 1013944 - 550B Nimbin Rd Blakebrook
 - Lot 201 DP 1013944 - 550C Nimbin Rd Blakebrook
 - Lot 1 DP 1036569 - 144 Caniaba St South Lismore
 - Lot 32 DP 622328 - 126 Woodlark St Lismore
 - Lot 6 DP 1011282 - 20 Simeoni Dr Goonellabah
 - Lot 631 DP 810600 - 21 Gordon Blair Dr Goonellabah
 - Lot 4 DP 1011282 - 2 Simeoni Dr Goonellabah
 - Lot 3 DP 1011282 - 44 Oliver Ave Goonellabah
 - Lot 5 DP 1011282 - 44B Oliver Ave Goonellabah
 - Lot 2 DP 701097 - 130 Gundurimba Rd Lismore
 - Lot 9 DP 565871 - 18 King St Lismore
 - Lot 2 DP 532545 - 43 Keen St Lismore
 - Lot 11 DP 859167 - 126 Magellan St Lismore and

- Lot 1 Sec 33 DP 758615 - 36 Orion St Lismore.
- 2. Request a “Written Authorisation to Exercise Delegation” from the Department of Planning with respect to the use of delegations under Section 65 and Section 69 of the Environmental Planning and Assessment Act.
- 3. Advise the Dept. of Planning that Council considers that the preparation of a Local Environmental Study is not necessary.
- 4. Consult with relevant government and other agencies pursuant to Section 62 of the Environmental Planning and Assessment Act.
- 5. Upon receipt of a “Written Authorisation to Exercise Delegation”, exhibit the draft amendment for a period of twenty eight days in accordance with the Best Practice Guideline ‘LEP’s and Council Land’.
- 5. Arrange a Public Hearing in the reclassification following the public exhibition period of the draft LEP.

Report

Subject	Enhancement of Main Approaches to Lismore
File No	S73
Prepared by	Strategic Planner
Reason	Response to Council's resolution of December 12, 2006
Objective	Council endorsement of an internal City entrances project team
Strategic Plan Link	Economic Development
Management Plan Project	Review and update of planning controls

Overview of Report

The aim of this report is to identify the options available to Council for improving the main approaches to Lismore. A range of problems and solutions have been identified at the main approaches and are attached to this report. The report recommends that Council resolve to implement a staff Project Team to develop opportunities, and a consistent and integrated approach to improving the main City entrances.

Background

At its meeting December 12, 2006 Council resolved that a report be prepared identifying measures that could be taken to enhance the main approaches to Lismore and avoid poorly designed development in these areas. A study of the main approaches to the City was undertaken with the identified problems and proposed solutions outlined within this report.

The study was an important step in assessing the current standard of the main approaches and investigating some of the various measures that may be implemented to improve them. It is vital that any strategy or policy for improving the entrances is integrated and consistent across all sections of Council. A clear image and theme needs to be developed and applied at all the main approaches.

The most effective approach for the development of an entrance strategy of improving the City entrances is the implementation of a project team within Council. The aim of the project team will be to devise a range of options and solutions for improving the City entrances. This would provide guidance and policy proposals for Council to consider in relation to development initiatives at City entrances.

Goals

- Devise a clear and appropriate image for Lismore that can be communicated at main entrances through signage and landscaping.
- Increase the attractiveness of main entrances and ensure that main approaches maintain high aesthetic value.
- Explore the use of creative and innovative design techniques at main approaches to reinforce community pride and sense of place.

Study Area

The study area incorporates the six main approaches to Lismore from surrounding towns and villages. The main approaches identified in the study area are:

- Kyogle Road
- Bruxner Highway
- Nimbin Road
- Wyrallah Road
- Bangalow Road
- Ballina Road

The main approaches to Lismore have been determined by the start of the 60kph speed limit, with the exception of the Bruxner Highway.

Current Planning controls

Although there is no overarching policy for development at City entrances, current planning controls have provisions for streetscape design. Development at the urban fringe is predominately of an industrial or residential nature and streetscape design standards for this type of development is currently covered in the Lismore Development Control Plan.

The following is a list of chapters in the Lismore Development Control Plan that promote street design standards:

- Part A Chapter 1: Residential Development
- Part A Chapter 3: Industrial Development Standards
- Part A Chapter 5: Urban Subdivision
- Part B Chapter 4: Airport Industrial Estate
- Part B Chapter 5: Wyrallah Road Industrial Land

The above chapters of the Lismore DCP provide design standards and landscaping requirements for residential and industrial development throughout Lismore, including development at City entrances. This aims to ensure consistent outcomes for residential and industrial development, and ensures consistency across all areas.

Characteristics of main City entrances

Approach	Current Condition	Opportunity
Kyogle Road	<p>The approach is characterised by light industrial and residential development.</p> <p>This approach exhibits the following characteristics:</p> <ul style="list-style-type: none"> ○ There are no line markings on the edge of the road ○ There is a lack of street lighting ○ Limited signage ○ Vegetated reserves, but predominately mature trees ○ Inadequate provision for cyclists and footpath is in need of repair. 	<p>The approach may be improved by:</p> <ul style="list-style-type: none"> ○ Road line markings ○ Increased signage ○ Increased street lighting ○ The provision of an on-road cycleway ○ Improvements to the footpath ○ Landscaping to screen existing land uses and create formal entrance (avenue planting).
Bruxner Highway (from the west)	<p>The approach from Bruxner Highway is well maintained and provides an attractive entrance to Lismore. The road is in good condition with clear road markings. There are adequate street lights and some existing landscaping. The approach is attractive due to the rural landscape, lake and swimming pool.</p>	<p>The approach is characterised by industrial development, however it is still visually appealing and offers an attractive entrance to Lismore City.</p> <p>Improvements may be achieved by:</p> <ul style="list-style-type: none"> ○ Increased signage. The approach is a major entrance and signage should be enhanced. ○ Further landscaping to provide a visual screen to existing development and create a more formal entrance (avenue planting) ○ Provision of footpath ○ Provision of on-road/off-road cycleway

Approach	Current Condition	Opportunity
<p>Nimbin Road</p>	<p>The approach from Nimbin is a major tourist road and provides the primary route to The Channon and Nimbin. The approach is characterised by industrial and residential development. There are sporting fields and farmland which create a scenic entrance.</p> <p>This approach exhibits the following characteristics:</p> <ul style="list-style-type: none"> ○ There is inadequate signage ○ The road surface is rough and there are no line markings on the edge of the road. ○ The existing footpath is in need to repair. ○ Landscaping consists of mature trees in road reserve, but no planned landscaping. 	<p>The Nimbin Road approach is a flood affected area and this needs to be taken into consideration.</p> <p>The approach may be improved by:</p> <ul style="list-style-type: none"> ○ Road resurfacing ○ Increased signage. ○ Public art as this is a tourist route. ○ Increased landscaping. The area would benefit from increased and organised landscaping. ○ Improvements to existing footpath.
<p>Wyrallah</p>	<p>The Wyrallah approach is predominately industrial and residential development. The approach has scenic qualities that should be enhanced.</p> <p>This approach exhibits the following characteristics:</p> <ul style="list-style-type: none"> ○ There are no line markings on the road edge and the road surface is rough ○ There is only mature vegetation and limited landscaping ○ The road is narrow ○ There is limited signage ○ Footpaths are in need to maintenance 	<p>The approach is not a major road into Lismore and some simple measures will improve the approach.</p> <p>The measures that may be of benefit include:</p> <ul style="list-style-type: none"> ○ Line markings of the edge of the road ○ Increased signage ○ Improvements to footpath ○ Formal landscaping

Approach	Current Condition	Opportunity
<p>Bangalow Road</p>	<p>The entrance from Bangalow Road is an important approach because it is a tourist route and has a high volume of traffic. Bangalow Road is one of the main approaches to Lismore and should have a high level of presentation.</p> <p>The approach is characterised by light industrial and residential development. The approach is in relatively good condition with well maintained road surfaces, adequate lighting and vegetation.</p> <p>This approach exhibits the following characteristics:</p> <ul style="list-style-type: none"> ○ line markings on edge of road ○ Lack of signage ○ Lack of formal landscaping ○ Inadequate provision for cyclists and pedestrians 	<p>Bangalow Road is a tourist road into Lismore City and it is important that is an attractive entrance because it will help attract people to the City centre.</p> <p>The approach may be improved by:</p> <ul style="list-style-type: none"> ○ Line markings on the edge of the road ○ Increased signage ○ Public art may be appropriate. ○ Provision of an on-road cycleway ○ Provision of footpath ○ Landscaping to create a consistent theme.
<p>Ballina Road</p>	<p>The Ballina Road approach is one of main entrances to Lismore and is an important approach due to the high traffic flow and the access it provides from the coast. The approach is generally in good condition and provides an attractive entrance to Lismore.</p> <p>This approach exhibits the following characteristics:</p> <ul style="list-style-type: none"> ○ Inadequate signage and inconsistency in signage ○ Reserves are vegetated with mature trees, but there is a lack of formal, planned landscaping. 	<p>Ballina Road is an important approach and needs to be well presented. There are only a few problems with the approach which can be easily addressed.</p> <p>Some measures to increase attractiveness include:</p> <ul style="list-style-type: none"> ○ Need to have increased signage that is consistent. ○ Landscaping to create an entrance corridor. ○ Public art may be utilised at this approach. ○ Extension of footpath ○ Provision of on-road/off-road cycleway

Comments

Financial Services

As this is an internal project team, the cost of salaries and administration will be funded from existing budgets.

Other staff comments

Roads & Parks

1. Any works proposed to be carried out on the State Road network will need to be ratified by the RTA. This was a problem when Council tried to install signage at the new Holland Street/Ballina Road roundabout.
2. All proposed enhancement measures will require funding, which is currently not available through our existing Roads & Parks Budget.

Conclusion

This report highlights the various characteristics of the main approaches to Lismore and provides suggested measures to improve the overall appearance of the City entrances. Council currently has a number of DCP's, which provide consistent standards for the various types of development that occur at the main entrances. The preparation of new DCP specifically for City entrances is not warranted, given most land at the main approaches is already developed and current planning controls provide adequate design standards and landscaping requirements.

Predominately the land at the main approaches is owned by Council, notably roads and road reserves, which means that the most effective measure for improving these areas is a Council project team to provide an integrated approach and to identify the factors that need to be considered and implemented by Council. Measures to improve the main approaches will need to consist of urban design initiatives and a quality landscaping program coupled with improved design and placement of signage.

The implementation of a project team is recommended as it will be able to coordinate an integrated response from all sections of Council, including Planning Services, Roads and Parks and EDU. This will result in a whole of Council approach in regards to the range of measures that can be delivered at City entrances. The project team will develop a range of options and measures, with the outcomes being reported to Council in eight (8) months.

Recommendation (PLA3)

That Council note the suggested opportunities outlined in the report and endorse the formation of an internal project team, comprising appropriate staff from relevant sections, to bring forward design solutions for the improvement of Lismore's major vehicular gateways.

Report

Subject	Tregeagle Road - Proposed Reconstruction at Tregeagle
File Nos.	R5301, P15018, P15020, P14360
Prepared by	Property Officer
Reason	To acquire land for the realignment of Tregeagle Road, Tregeagle.
Objective	To seek Council's approval for the purchase of land.
Strategic Plan Link	Infrastructure
Management Plan Project	Roads

Overview of Report

To enable the realignment of Tregeagle Road, Tregeagle, approval is sought for the purchase of land for this purpose. As part of the adopted 2007/08 works programme, Council has allocated funding to reconstruct a section of Tregeagle Road, Tregeagle.

Background

Council has allocated funding for the staged reconstruction of a section of Tregeagle Road from 1.6km to 2.5km south of its intersection with Rous Road. The first stage involves realigning sharp corners that affect three landholdings and the parties are in agreement with the proposed acquisitions as detailed below. All land proposed to be acquired is zoned Rural 1(b), Agricultural Zone under the Local Environmental Plan 2000 and is utilised for grazing/ horticulture. Please see aerial image (Attachment 1), land acquisition plan (Attachment 2) and concept design (Attachment 3).

It should be noted that the land acquisitions are being undertaken on the basis of negotiated agreements with the relevant property owners, and not on the basis of compulsory acquisition.

First Parcel - Lot 1, DP 965924

A total area of 757.1m² (marked yellow on attached concept design) is to be acquired for the realignment. In accordance with the valuation obtained on December 6, 2007, it is proposed to compensate the owners the sum of \$8,571.00 (+GST if applicable). This amount also includes compensation for loss of a tree and injurious affection/less betterment.

Second Parcel - Lot 1, DP 614467

A total area of 232.4m² (marked red on attached concept design) is to be acquired for the realignment. In accordance with the valuation obtained on December 6, 2007, it is proposed to compensate the owners the sum of \$14,324.00 (+GST if applicable). This amount also includes compensation for loss of trees and shrubs and injurious affection/less betterment (loss of buffer between driveway and roadway).

Third Parcel - Lot 4, DP 614467

Areas of 272.1m² and 1,427m² (marked blue on attached concept design) are to be acquired for the realignment. In accordance with the valuation obtained on December 6, 2007, it is proposed to compensate the owners the sum of \$20,791.00 (+GST if applicable). This amount also includes compensation for the loss of 12 gums, four (4) macadamia trees and injurious affection/less betterment. Following the removal of windbreak trees, it has been requested the trunks be disposed of on this same lot.

In all three cases, Council will pay survey costs, Council fees, plan registration fees and the owners' reasonable legal costs in relation to the road realignment. In addition, driveway access to improve sight distances; treatment of road culvert to reduce concentrated run-off; fencing along the boundary of the realigned road will be undertaken as part of the roadworks. It is not expected that there would be any excess fill, however, should any be generated it will be relocated to an easily accessible location on the same lot.

Comments

Financial Services

Council has allocated \$252,000 in the 2007/08 Budget for Tregeagle Road. The costs for land acquisition, legal fees (Council's and landowners), survey, associated fees and other agreed costs will be funded from the 2007/08 budget allocation.

Other staff comments

Manager - Operations

The proposed land acquisition is supported by the Operations Section. The proposed road widening will enable the current design speed of the curves to be increased from approximately 35 kph to 55 kph. Any further improvement in curve alignment would be cost prohibitive within the allocated funds. This will also permit the new pavement width to be increased from 6.0m to 8.0m, providing a safer environment for road users.

Public consultation

All adjoining landowners have been consulted regarding the proposed road reconstruction including the realignment. Consultation has included a public meeting at Tregeagle Hall on March 27, 2007, a letter to adjoining landowners (dated March 15, 2007), inviting comment on the proposal as part of the environmental review, and individual site meetings with landowners affected by the road realignment on May 2, 2007. Issues raised during this consultation have been addressed in the final road design.

Conclusion

The purchase of these lots is necessary for the realignment of Tregeagle Road, Tregeagle to provide improved road safety by:

- increasing sight distances for motorists;
- widening road shoulder width; and
- increasing the radius of several curves and improving ride-ability for road users.

This will reduce the probability of vehicle accidents on corners. In addition, the site is classified as a sub-arterial road under Council's road hierarchy. The existing width of the carriageway, road shoulders and corner alignments within the site are insufficient for this classification.

Agreement has been reached with the landowners regarding the acquisitions and the affected lands have been surveyed, subdivided and are awaiting plan registration.

Recommendation (IS22)

That :

1. The General Manager be authorised to finalise negotiations with the relevant property owners for Council to purchase parts of Lot 1, DP 965924, Lot 1, DP 614467 and Lot 4, DP 614467 as shown in the attachments accompanying the report for the purpose of re-alignment of Tregeagle Road, Tregeagle.
2. Council provide replacement boundary fencing along the roadway and complete all necessary works to enable the road re-alignment.
3. Council pay all fees and reasonable legal costs of the respective property owners in relation to the property acquisitions necessary for the road realignment.
4. The Mayor and General Manager be authorised to sign and affix the Council Seal to all documentation necessary to complete the acquisitions.

Report

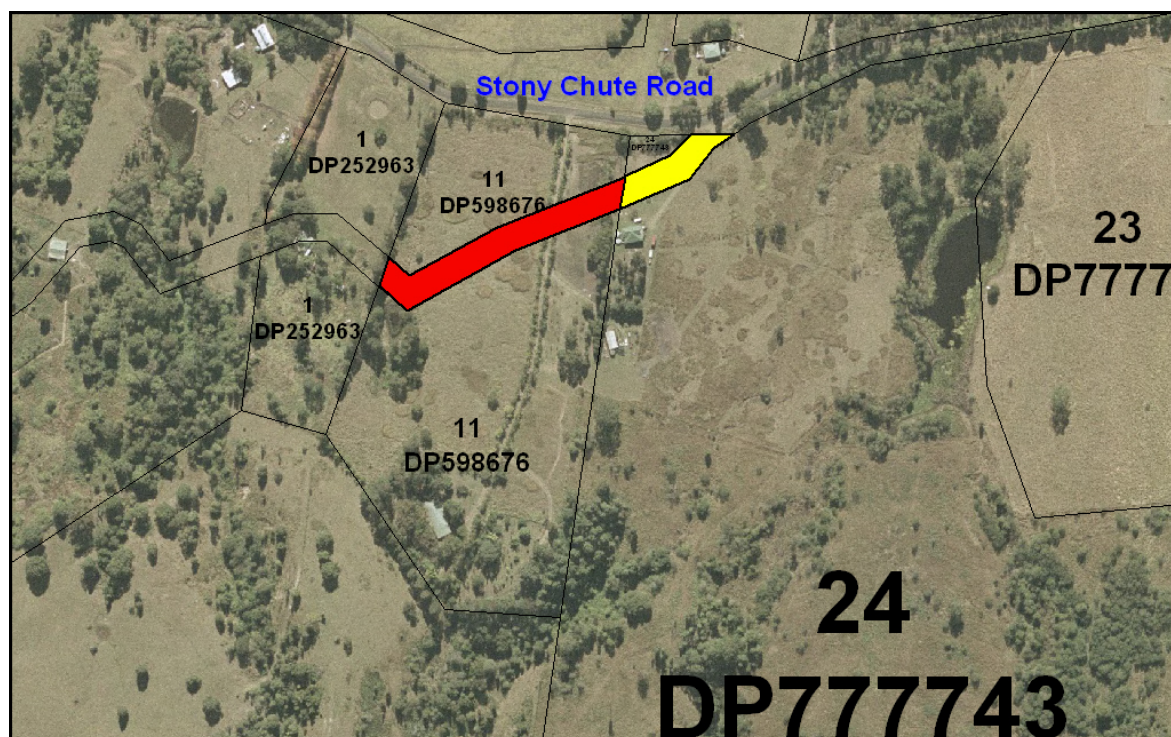
Subject	Application for Closure of Unformed Public Road – off Stony Chute Road, Nimbin
File Nos.	P13866, P13873, R2105
Prepared by	Property Officer
Reason	To close the unformed, unnamed portion of road which is dividing the applicants' land.
Objective	To seek a Council resolution for a road closing application.
Strategic Plan Link	Infrastructure
Management Plan Project	Roads and Bridges

Overview of Report

Proposal to close an unformed unnamed portion of road generally running in a south-west to north-east direction towards Stony Chute Road, Nimbin (across Lot 11 DP 598676 and Lot 24 DP 777743), being Council road, to enable the applicant's land to be consolidated.

Background

Council has received an application from the owners of Lot 11 in DP 598676 (marked red on aerial photo below) and Lot 24 in DP 777743 (marked yellow on aerial photo below), for the closure of the unnamed, unformed road running in a diagonal direction, generally south-west to north-east towards Stony Chute Road, Nimbin, as shown below. The subject location is 4.3km due west of the township of Nimbin.



The applicants have requested closure of the road to allow their land to be consolidated into one parcel. Closure of the road will create a more regular shaped lot; enable the land to be better utilised without the location of a road dividing the lot; and will not hinder future potential development by the applicants. The land is Zoned 1(a), General Rural Zone.

The road is unformed and no previous construction or maintenance has been undertaken by Council. No Council services are known to exist within the section of unformed road subject to the application, therefore closure will have no impact on Council's existing infrastructure or services.

As Council has not previously undertaken any construction or maintenance within this road reserve, in accordance with Section 38(2)(b) of the Roads Act 1993, upon closure, the former road will become vested in the Crown as Crown land.

A report on this subject was previously presented to Council on March 14, 2006, however, indicated only part of this road was to be closed. Further, the recommendation was not in accordance with the Department of Lands' requirements for a road closure.

Comments

Financial Services

All costs associated with the road closure are to be borne by the applicants.

Other staff comments

Planning Services

The Planning Services Section has no objection to the proposed closure.

Manager – Operation

The Roads Section concurs with this request and has no objections to the proposed road closure as shown.

Public consultation

If approved by Council, the Department of Lands then takes responsibility for consulting with all adjoining landowners and the placement of public notices giving 28 days for interested parties to make submissions on the proposal.

Conclusion

The closure of this unformed road is consistent with Council's previous closure of unformed roads for which Council has no intended future use. Upon closure, the closed road is to be consolidated with the remainder of the respective lots.

No known existing Council infrastructure or services will be impacted by the closure. However, should any impact become apparent during the closing process the applicant will be responsible for ensuring that their continuity and integrity is retained either by way of an easement or relocation to the satisfaction of the Council.

As this road is unformed and has had no previous construction or maintenance undertaken by Council, the land comprising the former road will, upon closure, become vested in the Crown as Crown land.

Recommendation (IS21)

That:

1. Council consent to the application to close the unformed, unnamed road reserve adjoining Lot 11 in DP 598676 and Lot 24 in DP 777743, shown as red and yellow respectively on the aerial photograph included in the report.
2. All costs associated with the closure and sale process are to be met by the applicant.
3. Upon closure of the road, the applicants be required to purchase the land from the Department of Lands, and consolidate the respective portions with the respective lots.
4. The Department of Lands be advised accordingly and requested to progress the application.
5. The common seal of Council to be affixed to any documentation as necessary.

Report

Subject	Revision of Strategic Business Plan and Development Servicing Plans for Water Supply and Wastewater Services
File No.	S969
Prepared by	Strategic Engineer
Reason	To ensure the sustainable provision of water supply and wastewater services for the Lismore City local government area in the long term.
Objective	To obtain approval from Council to place the Draft Strategic Business Plan and Draft Development Servicing Plans for Water Supply and Wastewater Services on public exhibition.
Strategic Plan Link	Infrastructure
Management Plan Project	Water Supply and Wastewater Services

Overview of Report

Council staff have been undertaking a review of Council's Strategic Business Plan and Development Servicing Plans for Water Supply and Wastewater Services. This review is a requirement of compliance with Department of Water and Energy Best Practice Management Guidelines. It also comprises a critical component in the long-term management of these critical community services.

The Draft Strategic Business Plan demonstrates the need for a significant increase in water and wastewater charges, which will need to be maintained over the medium to long-term. In accordance with the conclusions of the Strategic Business Plan, it is considered necessary to implement the following increases to charges. It is proposed to introduce these changes over a four-year implementation period. Figures quoted are in real terms (\$08/09) and will be subject to appropriate indexation.

- water charges to increase by 65%
- residential wastewater charges to increase by 25%
- non-residential wastewater charges to increase by 56%

These projected increases reflect the cost of providing adequate long-term management of these critical community assets, including provision for the renewal and replacement of ageing assets and the provision of new infrastructure to cater for future growth of the region. In addition, the Draft Development Servicing Plan outlines proposed changes to development charges.

Background

Water and wastewater services are essential services which promote and maintain the health of the community and protection of the environment. They also represent a significant community asset valued at a replacement cost of \$415 million. The long-term management of these important assets and the service they provide is a critical function of Council.

An important component in the management of these assets is the preparation and regular review of a Strategic Business Plan and Development Servicing Plans for these assets. The Strategic Business Plan requires Council to determine relevant issues affecting the provision of these services, prepare an action plan to address these issues and undertake a financial analysis to determine the level of charges and other sources of funding required to meet these long-term objectives. Development Servicing Plans determine the value of development contributions to be levied from new development. These documents are interlinked with any changes in the value of charges within the Strategic Business Plan affecting the value of development contributions.

The regular review of these documents is a requirement of compliance with Department of Water and Energy Best Practice Management Guidelines.

Over the past year Council staff have been undertaking a review of these important documents with assistance from HydroScience Consulting Pty Ltd. A presentation was given to a workshop of Council in March of this year providing an overview of progress to date at that stage. Since this workshop further work has been undertaken with respect to determining the costs of projected renewal and replacement of ageing assets over the next 30 years. Following these changes, the financial analysis which forms part of the Plan has been undertaken again.

The amended Draft Strategic Business Plan demonstrates the need for a significant increase in water and wastewater charges, which will need to be maintained over the medium to long-term. In accordance with the conclusions of the Strategic Business Plan it is considered necessary to implement the following increases to charges. It is proposed to implement these changes over a four-year implementation period. Figures quoted are in real terms (\$08/09) and would be subject to appropriate indexation.

- Water charges to increase by 65%
- Residential wastewater charges to increase by 25%
- Non-residential wastewater charges to increase by 56%.

These projected increases reflect the cost of providing adequate long-term management of these critical community assets, including provision for the renewal and replacement of ageing assets and the construction of new infrastructure to cater for future growth of the region.

The documents are now considered to be at a sufficient level of development where they are suitable to be placed on public exhibition. Placement of these documents on public exhibition for a period of 30 working days, prior to Council adopting these documents, is required to meet Department of Water and Energy requirements.

Further information on the process undertaken in reviewing these documents and the key outcomes of these strategic plans is included in the attached discussion paper. Copies of the Draft Strategic Business Plan and Draft Development Servicing Plans for Water Supply and Wastewater Services are attached separately for the information of Council.

Comments

Financial Services

The review of the strategic business plans for water supply and wastewater services has resulted in the need for water charges to increase by 65%, and wastewater charges by 25% and 56% for residential and non-residential properties respectively.

In addition to business plans themselves, a detailed background discussion paper has also been prepared that supports the process undertaken, considerations, further issues and recommendations. As indicated, the proposed charges are based on the known and anticipated costs associated with providing these services.

For water supply, the typical residential bill is required to increase progressively from \$370 in 2007/08 to \$605 (+CPI) in 2011/12. To achieve this outcome, it is proposed to increase the typical residential bill in 2008/09 by \$70 (18.9%) to \$440 by increasing the water consumption charge from \$1.35 per kilolitre to \$1.70 per kilolitre.

For sewerage services, the typical residential bill is required to increase progressively from \$461 in 2007/08 to \$575 (+CPI) in 2010/11. It is proposed to increase the typical residential bill in 2008/09 by 3.25% to \$476 with more substantive increases proposed in future years.

In regards to the development servicing plans, the development charges have been calculated based on a single charge for water and single charge for wastewater across the whole local government area, rather than different charges in defined areas or catchments. This approach has had the effect of a reduction in charges for villages and an increase in charges within Lismore.

Other Staff Comments

Manager – Planning Services

This report has been prepared with advice from the Senior Strategic Planner and is consistent with current land use strategies.

Public Consultation

The Plans will be placed on public exhibition for community comment.

Conclusion

Water and wastewater services are essential services, which promote and maintain the health of the community and protection of the environment. They also represent a significant community asset valued at a replacement cost of \$415 million. The long-term management of these important assets and the service they provide is a critical function of Council.

The adoption of a credible Strategic Business Plan and Development Servicing Plans for Water Supply and Wastewater Services is a key component in ensuring the sustainable provision of these critical community services.

The public exhibition of these documents is an important stage in community consultation regarding the costs to be borne by the community to ensure the future of these services, and also is required to comply with statutory requirements.

Recommendation (IS23)

That the following documents be placed on public exhibition -

1. Draft Lismore City Council Strategic Business Plan for Water Supply and Wastewater Services
2. Draft Lismore City Council Development Servicing Plan for Water Supply
3. Draft Lismore City Council Development Servicing Plan for Wastewater.

Report

Subject	2008 Local Government Conference
File No	S569
Prepared by	Corporate Compliance Coordinator
Reason	Timing of the Conference
Objective	To determine
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Councillors

Overview of Report

The 2008 LG Conference will be held in Broken Hill shortly after the Local Government Election. This poses challenges to organising delegates for the conference. The report canvasses various options to minimise these challenges.

Background

The 2008 Local Government Conference will be held in Broken Hill from October 25-29, 2008.

In both terms of timing and location the Conference presents challenges.

Council's policy is that the Council will be represented at the Conference by the Mayor, General Manager, two voting delegates (in addition to the Mayor) and self nominated observers. The General Manager has indicated that he will not be available to attend this year's conference.

Timing

The attendees at the Conference will be Councillors of the next Council. Given the timing of the election, it is likely that the new Council will have no more than three weeks notice of the Conference. This will present difficulties in terms of arranging travel and accommodation.

Location

Last time the conference was held in Broken Hill, a plane was chartered by local Councils. Obviously to do this we need numbers prior to the forthcoming election to make the necessary bookings. Some Councillors did drive the two days to Broken Hill.

Other Issues

Efforts were made to book accommodation in early March. At this stage we have been advised that no accommodation is available. It is hoped that some vacancies will occur between now and the conference.

The cost to Council of a delegate/observer attending this Conference is likely to be in the vicinity of \$3,500 per person.

Benefits

The annual Conference is the prime policy making body for Local Government and Council has always been represented by a number of Councillors. Given the cost and difficulties in timing, it is proposed that the standard policy be varied for this Conference.

Option 1

Council be solely represented by the Mayor. This is the cheapest option for Council. It has the advantage that we will be able to forewarn candidates, so they can make room in their diary. The disadvantages include, Council is denying itself two voting delegates, loss of the education opportunity for new Councillors and a restriction of the diversity of views from Council expressed at the Conference.

Option 2

That Council limit itself to voting delegates only attending, ie the Mayor and two Councillors.

Again the Mayoral candidates will be aware of this commitment which leaves only the two voting delegates. Problems will still be experienced with travel and accommodation arrangements but Council will have its full representation at the Conference

Comments

Financial Services

Council allocates a total of \$45,000 annually for professional development, conferences and travelling expenses for Councillors.

The cost for the Mayor and two voting delegates will be funded as part of the annual budget allocation.

Other staff comments

Not requested

Public consultation

Not requested

Recommendation

That Council be represented at the 2008 Local Government Association Conference by the Mayor and two Councillors.

Report

Subject	NSW Planning Reforms – Request for Contribution
File No	S378
Prepared by	Corporate Compliance Coordinator
Reason	Request for financial assistance from the NSW LGSA
Objective	To determine Council's Response
Strategic Plan Link	Economic Development
Management Plan Project	Councillors

Overview of Report

LGSA seeking a financial contribution from Council to fund a public campaign against the proposed changes to the planning system.

Background

On January 30, 2008 Mayors, General Managers and Councillors from 84 Councils across NSW attended the Associations' Leader's Forum on Planning. Council was represented at this meeting

At that meeting attendees resolved the Associations hire a communications consultant to continue and expand the public campaign against some of the State Government's proposed changes to the planning system, and particularly the revised development contributions framework. The resolution also stated Councils be asked to help fund the campaign.

The Association advises that in line with the resolution of the Leaders Forum, a consultant has been hired with a brief to communicate the likely implications of the proposed changes to all NSW communities. The Associations are now asking members to support the campaign and contribute to the cost.

Council's contribution as assessed by the Association is \$1,377.93.

There is no doubt the importance of this issue and the need to finance the distribution to the public of a view that is independent of the Government.

Comments

Financial Services

Council allocates \$80,000 in Planning Services, for legal expenses. While the contribution sought does not relate to legal action, this is the allocation where action undertaken by the Association for planning matters would be funded from. Currently, there is \$43,600 available in this budget.

Other staff comments

Not Requested

Public consultation

The campaign is designed to inform the public of the impact of the changes.

Recommendation

That Council contribute the amount of \$1,377.93 to the Association, to be funded from Town Planning Legal Expenses.

Report

Subject	2006/07 Special Business Rate Variation Levy (SBRVL) – Acquittal of Promotion Fund
File No	S740 (08-2953)
Prepared by	Manager – Finance
Reason	In accordance with Council resolution
Objective	For Council to accept the financial reports provided to acquit the promotion fund and determine requests to waive the requirement for an evaluation report and for a contribution towards audit costs
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Economic Development

Overview of Report

Lismore City Wide Chamber of Commerce Incorporated (Chamber) have submitted their 2006/07 Financial Reports, 2006/07 Annual Report, Annual General Meeting minutes (5/12/07) and President's Declaration to support the expenditure and acquittal of the promotion fund component of the 2006/07 Special Business Rate Variation Levy (SBRVL) managed by them. The financial reports have been reconciled and agree with Council's records.

The Chamber has requested that the requirement to provide an evaluation report be waived as an extensive evaluation study was conducted by Southern Cross University during the reporting period. After considering other factors which are included in the report, this request is supported.

The Chamber also requested that Council make a contribution towards the auditing costs. As historically these costs would be funded from the SBRVL and they had met audit requirements, the request at a lesser amount than requested is also supported.

Background

Council rates all urban business (commercial, retail and industrial) properties at a slightly higher level to generate a promotion fund and the Chamber (formerly Lismore Unlimited Opportunities), in accordance with the '2005-2008 Three Year Strategic Plan' (Strategic Plan) adopted by Council in September 2005, expends these funds. Business properties bound by Molesworth, Woodlark, Keen and Magellan streets are rated slightly higher again and these funds are used for the *CitySafe* program.

In 2006/07, \$224,200 was available for the promotion fund with \$183,600 collected from current rates and \$40,600 unexpended from previous years and interest revenue. A total of \$138,200 was expended in 2006/07 and the unexpended balance of \$86,000 carried forward to 2007/08.

For the *CitySafe* program, including Council's contribution of \$83,500, \$302,800 was available in 2006/07. A total of \$261,500 was expended in 2006/07 and the unexpended balance carried forward to 2007/08. The *CitySafe* funds are administered by Council and are expended in accordance with the adopted Strategic Plan, Memorandum of Understanding between the Chamber and Council, and recommendations from the *CitySafe* Committee.

When considering the Strategic Plan, Council resolved to require the Chamber to provide both an audit report and independent evaluation on the expenditure of the promotion funds.

Audit

The Chamber's financial reports for the year ended 30 June 2007 have been independently audited. The auditor states that the financial reports present fairly, in all material respects, the Chamber's financial position as at June 30, 2007 and its financial performance during the year.

In summary, the Chamber's financial performance for 2006/07 was a surplus of \$2,354 (deficit \$5,816 2005/06) with equity increased to \$64,707 (\$62,353 30/6/06) as at June 30, 2007.

The contributions made from the SBRVL promotion funds to the Chamber are incorporated into the Chamber's financial reports. The financial reports have been reconciled and agree with Council's records.

A summary of all expenses for the SBRVL is attached which includes both the promotion and *CitySafe* funds.

Evaluation

The Chamber has requested that Council waive the independent evaluation requirement for the expenditure of the 2006/07 promotion funds as there was an extensive evaluation study conducted by Southern Cross University between October and December 2006, which is within this reporting period, and included the main event for 2006/07 being the 2006 Health & Herb Festival.

The study referred to by the Chamber relates to the evaluation of the major events component of the promotion funds. Key aspects of the study were reported to Council in February 2007 when the 2005/06 promotion funds were being acquitted.

Given Council's resolution from that meeting and later meetings resulted in the arrangement whereby the Chamber expended the promotion funds in accordance with the adopted Strategic Plan being superseded by the formation of the Lismore Promotion Program Advisory Group, the time elapsed since June 30, 2007 and the cost to produce this report would normally be funded from the SBRVL, the request to waive this requirement is supported.

Contribution to Audit Costs

The Chambers has also requested that Council contribute \$3,300 towards the costs incurred in auditing the promotion funds.

Under the previous arrangement, in accordance with the adopted Strategic Plan the cost of auditing the promotion funds expenditure was funded from the SBRVL. As the Chamber has complied with the requirement to have the promotion funds audited, this request is also supported.

As a percentage of total audit fees (\$2,936) reported in the Chamber's 2006/07 Financial Reports, the promotion funds (\$114,291) component of total revenues (\$219,458) equates to approximately 52%. As such, a contribution of \$1,527 is considered reasonable.

Comments

Other staff comments

Manager – Economic Development

By way of disclosure, for the third consecutive annual term, I am the Ex-Officio Board Member for the Lismore Chamber of Commerce. I am also the current fund and Program Manager, on behalf of Council for the SBRVL *Lismore Promotion Program*.

The Manager – Finance views and recommendations represent a fair and accurate assessment of the situation and are supported.

Public consultation

Not required

Conclusion

The audit report for the promotion funds component of the 2006/07 Special Business Rate Variation Levy expended by the Chamber has been received and meets Council's requirements.

The Chamber has requested the evaluation report requirement be waived due to an extensive evaluation study being conducted during the reporting period by Southern Cross University. Considering the change in arrangements for the expenditure of the promotion funds, the time elapsed and the cost to undertake the evaluation, this request is supported.

In regards to Council making a contribution towards the Chamber's 2006/07 audit costs, as the Chamber has complied with this requirement and the cost would normally be funded from the SBRVL, this request to a lesser amount of \$1,527 is also supported.

Recommendation

That Council;

1. Confirm the financial reports provided by and for Lismore City Wide Chamber of Commerce Incorporated including the expenditure of the promotion fund component of the 2006/07 Special Business Rate Variation Levy meets expectations of the funds being expended and audited in accordance with the adopted 2005-2008 Three Year Strategic Plan.
2. Agree to waive the requirement for Lismore City Wide Chamber of Commerce Incorporated to provide an evaluation of the promotion funds component of the 2006/07 Special Business Rate Variation Levy.
3. Provide a \$1,527 contribution towards the audit costs incurred by Lismore City Wide Chamber of Commerce Incorporated for their 2006/07 Financial Reports which included the promotion funds component of the 2006/07 Special Business Rate Variation Levy.

Report

Subject	March 2008 Quarter Management Plan Review
File No	S952
Prepared by	Executive Services Coordinator
Reason	Requirement of Local Government Act S.407(1)
Objective	Information for Councillors
Strategic Plan Link	Leadership by Innovation
Management Plan Project	This is a report on the progress of the 2007/2008 Management Plan

Overview of Report

This report relates to the performance of programmes and activities highlighted in the 2007/2008 Management Plan during the quarter ended March 2008.

Background

The General Manager is required under Section 4007(1) of the Local Government Act, 1993 to periodically report on the performance targets outlined in the Management Plan.>

Recommendation

That the report be received and noted.

Report

Subject	Investments held by Council – April 2008
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 April 2008 are estimated to be \$31,986,086 subject to final value of funds held under separate management being advised shortly.

The interest rate reported over the period of April 2008 is estimated to be 7.45% in comparison to 7.46% for April 2007. Council's return of 7.45% is below the Bank Bill Swap Rate for the same period of 7.84%. 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 continue to maintain acceptable credit ratings. Acceptable credit ratings indicate that capital on maturity and interest on investment receipts will be received. As reported previously, the volatility has resulted in the future payment of interest from two investments to cease until such time the investments reach a trigger which allows interest payments to recommence.

The NSW Government commissioned Michael Cole to review all NSW Council's investment strategies and to assess ratepayer losses from Local Government investment in Collateralised Debt Obligations (CDO's). The Cole Report was released by the NSW Government on 2 April, 2008 and the Government have announced that they will adopt all eight recommendations to tighten regulations around Council investments.

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.

Report on Investments

- *Confirmation of Investments – at Market Value –31 March 2008* \$27,322,309
- *Estimated Investments – at Market Value – 30 April 2008* \$31,986,086

The current rate of return on investments for April 2008 is estimated to be 7.45% compared to 7.46% for the same period last year. Council's return of 7.45% is below the Bank Bill Swap Rate for the same period of 7.84%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. The methodology used to calculate estimates appears reasonable in light of discussions with the portfolio manager.

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 credit rating (AAA to A for long term investments, A1 to AA for short term investments) indicating the underlying assets supporting the investments are sound. With credit ratings acceptable, receipt of interest on investments are anticipated in all cases except on the two investments previously advised (Longreach Series 25 and ANZ ASPRIT III).

The Cole Report

The Cole Report is an independent report that investigated the losses faced by councils from exposure to the US sub-prime mortgage market. The government has acted immediately to tighten regulations around council investments and investment advisors. The full report can be accessed from the Department of Local Government website at: www.dlg.nsw.gov.au.

The Department of Local Government (DLG) has issued Circular 08-10 adopting all eight of the reports recommendations. Following are the recommendation and comment on its impact on Council:-

Recommendation 1

All investment instruments (debentures, securities, stocks and deposits, but excluding discount instruments such as bill of exchange) in the Investment Order be defined to include both principal and investment income.

Comment:

The purpose of this recommendation is to clearly include investment income (interest on investments, dividends, coupons) as part of the Investment Order. As Council must comply with the Investment Order, it ensures investment income is also invested in accordance with the Investment Order. As yet, the revised Investment Order has yet to be released by the Minister for Local Government.

Recommendation 2

All existing investments by NSW Councils that may be excluded by any proposed changes to the Investment Order are to be grandfathered.

Comment:

The approach adopted by Council is to hold all existing investments to maturity. If restructure options become available, unless the restructure meets the requirements of the new Investment Order, Council can not partake in any of the options.

As it is anticipated that a number of existing investments will require restructuring, Council will need to consider the option of either holding or selling these investments. At this time, selling the investment would realise market losses in capital. The DLG Circular 8-10 provides guidance on the factors to be considered by a council when this situation arises.

When this occurs, the situation will be reported to Council with advice and considerations from Council's independent investment advisor.

Recommendation 3

Product manufacturers/distributors should be excluded from being appointed investment advisors to

council.

Comment:

Council requests advice from its independent investment advisors (Grove Research & Advisory) on all investments other than term deposit with major banks, credit unions and building societies.

Recommendation 4

Eligibility based on credit rating is suspended. This is a suspension until December 2009 of councils ability to make any new investments other than through TCorp or in land, cash bonds or other councils. This will be subject to a further review after this period to determine the relevance of using a credit ratings based approach to determine authorised investments, particularly in light of the current CDO credit experience.

Comment:

All new funds are being invested in short term cash securities such as term deposits with the major banks, credit unions or building societies. This approach complies with the new Investment Order.

Recommendation 5

TCorp Hour-Glass Facilities remain eligible investments including the more volatile asset classes suitable for long term investments. Council will still be able to access most of the long term investments they sought in a structured form, although not the leveraged exposures such as CDO's and not with capital protection.

Comment:

Currently, all long term funds are invested in various forms of securities which are held to maturity. As such, investing in the TCorp Hour-Glass Facilities is not an option.

Recommendation 6

It is most important that the Councils fiduciary responsibility in relation to investment activities under the Local Government Act 1993, should be reinforced strongly. All participants should be made explicitly aware of the obligations under the NSW Trustee Act 1925, and be requested to sign to acknowledge the same. It is important that long term assets including Section 94 funds are invested in a manner consistent with meeting future liabilities, on the basis that the nominal return sought is consistent with an acceptable level of investment risk.

Comment:

This requirement will be required to be written into Council's Investment Policy.

Recommendation 7

Permitted investments in securities should explicitly exclude subordinated obligations.

Comment

In accordance with this recommendation, no future investments will be made in subordinated debt obligations.

Recommendation 8

The NSW Department of Local Government should give consideration to releasing a document similar in content to the Western Australian Department of Local Government and Regional Development, Investment Policy – Local Government Operational Guidelines – No. 19 released in February, 2008.

Comment

This recommendation will require Council' Investment Policy to be amended to reflect the revised guidelines. As yet, the guidelines are yet to be released by the DLG.

Investment Report Compliance

To ensure the investment report provided to Council complies with the legislative requirements and is

moving towards best practice, the February 2008 report was sent to LG Solutions P/L for independent assessment. LG Solutions P/L are prominent in local government financing and accounting circles due to their advocacy for improved local government reporting and close association with the NSW Local Government Finance Professionals. They produce a monthly newsletter addressing local government matters such as current topics, compliance requirements, taxation changes and accounting updates. They are well qualified to undertake the assessment and have offered same to all their NSW council clients.

The result of the assessment is that the investment report complies with legislative requirements while the content and format in some cases could be enhanced. The recommendations are being reviewed and will be progressively implement.

Attachments

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

- Summary of Capital Value Movements on Investments including name of institution, lodgement date and maturity date.
- Schedule of Estimated Interest showing interest rate and estimated interest earned for 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

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 April 30, 2008, investments total \$31,986,086 and the annualised rate of return was 7.45%.

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.

The Cole Report on NSW Local Government Investments was released in April 2008. All eight recommendations were adopted by the Department of Local Government and now apply to Council. The recommendations tighten regulations around what are eligible investments, grandfather existing investments that are ineligible under the tightened regulations and introduce new guidelines that require Council's investment policy to be amended.

Recommendation

1. That the Report be received and noted.
2. That Policy 1.5.4 - Investments is amended to reflect the guidelines to be issued by the Department of Local Government and reported back to Council for adoption.

Report

Subject	March 2008 Quarterly Budget Review Statement
File No	S952
Prepared by	Principal Accountant
Reason	Clause 7, Local Government (Financial Management) Regulations 1993
Objective	To gain Council's approval to amend the 2007/08 Budget to reflect actual or anticipated results
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Various

Overview of Report

The 2007/08 Budget has moved from an accumulated deficit of \$2,400 in December 2007 to an accumulated deficit of \$46,500 in March 2008. The operating deficit for the March 2008 quarter being \$44,100.

A summary of the items impacting the result has been included in the body of the report with the major items being: (expenses) additional audit fees for 2007 \$5,400, replacement of failed chemical dosing equipment at the Lismore Lake pool \$18,000, costs to open the library on Sunday afternoons as adopted by Council \$9,900, unfunded costs to staff the pump stations during the January 2008 flood and levee maintenance costs \$26,000 and (revenues) the unexpected receipt of a dividend from the HIH liquidators \$18,000.

There has been additional expenditure recognised for operating expenditure, capital projects and grant projects with funding from grant revenue and reserves. A summary of these items as they impact within individual programs has been included within the body of this report.

There have been no other major variances to the adopted 2007/08 Budget quantified during the March review.

Background

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

General Fund

The 2007/08-10 Management Plan provided for a surplus of \$23,000. The September review reported an accumulated surplus of \$2,600 and the December review reporting an accumulated deficit of \$2,400. This March 2008 quarterly review details a deficit of \$44,100 with the annual accumulated deficit at March 31, 2008 being \$46,500.

A summary of this movement follows:

Budget Movements for Quarter	Amount \$
Opening Surplus Balance at December 31, 2007	(2,400)
Plus – HIH liquidation distribution.	18,000
Less – additional costs for Koori Rugby League knockout carnival	(2,800)
Less – additional audit fees for 2007 due additional work required to finalise audit	(5,400)
Less - Sunday opening hours Lismore in accordance with Council resolution	(9,900)
Less – chemical dosing equipment for the Lismore Lake pool	(18,000)
Less –. unfunded costs to staff the pump stations during the January 2008 flood and levee maintenance costs	(26,000)
Closing deficit balance as at March 31, 2008	(46,500)

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

Financial Services

A risk management incentive bonus \$39,200 was received from Council's insurers in relation to the funds performance; this has been transferred to the risk management reserve and therefore no impact on the operating result.

Asset Management

Road Safety project budgets were adjusted to recognise additional contributions received for projects in relation to the Late Nighter and the RRISK program. The operating budget for Road Safety was increased by \$33,200 with funding from existing programs \$5,000 and from new contributions \$28,200 with no impact on the operating surplus.

An insurance refund was received during the review period for storm damage at Dunoon \$56,300, this has been offset against the costs of repairs \$78,500 with the balance being funded from asset reserves. There being no impact on the operating result.

Sewerage Services

Land was purchased for the development of the Clunes wastewater scheme \$764,200, this amount has been funded from reserves with no impact on the operating result.

Waste Services

A re-allocation of budgets between a transfer to and transfer from reserves \$15,000 to correct an original vote error. There is no impact on the operating result.

A transfer of votes between waste services \$65,000 and bridges due to an original vote error. There is no impact on the operating result.

Miscellaneous Properties

Costs associated with the storm damage at Balzer Park, Dunoon \$78,500 were recognised, this was offset by insurance refunds and asset reserves and is detailed in the Asset Management program.

Miscellaneous Properties

A transfer of vote between unexpended grants and transfer to reserves \$41,500 to correct an original vote error. No impact on the operating result.

Bridges

A transfer of votes between bridges \$65,000 and waste services due to an original vote error. There is no impact on the operating result.

Emergency Services

A transfer of vote between capital expenditure and transfer to reserves \$40,000 to correct the original vote error. The expenditure relates to the contribution towards a vehicle for the Lismore SES has no impact on the operating result.

Parks and Recreation

The vote for Bushland Embellishment was increased by \$20,000 and is funded from Urban Bushland Section 94 Plan funds, with no impact on the operating surplus.

An additional \$48,600 was recognised in relation to works as part of the Riverbank Development. These funds were held in reserves for unexpended works in 2006/07 and there being no impact on the operating result.

Traffic and City Safe

Costs to extend the Lismore security cameras into the CBD laneways was recognised \$21,600 and was fully funded from SBRVL CitySafe reserves.

Grant funding has been received from the RTA for the construction of a taxi rank at Brewster Street \$89,000 with no impact on the operating result.

Roads

Operating expenses were increased in relation to the pedestrian access mobility plan \$59,900 with funding being sourced from increased grant funding of \$30,000 and reserves carried forward from 2006/07 for uncompleted works \$29,900. An increase in the State roads routine maintenance program was also recognised \$35,600 with funding sourced from additional contributions.

Capital votes were increased in relation to drainage \$80,400, Skyline Road \$171,500, Stony Chute Road \$150,000 and Dunoon Road \$291,000. The drainage vote was funded from reserves, with the additional roads capital being sourced from reserves \$107,000 and section 94 contributions \$505,000.

Community Services

Grant funding was received for the development of the living Library project \$50,000 there being no impact on the operating deficit.

Information System

Additional funding was approved by Council for the implementation of the EDMS system \$194,000 with funding being sourced from reserves. There is no impact on the operating deficit.

Tourism

The adopted management plan included a rainforest walk project funded from grant funding \$65,000 and reserve funding \$10,000. This project did not receive the grant funds and therefore will not proceed. The reserve funding has been returned to reserve for match future grant funds and therefore there is no impact on the operating surplus.

Environmental Health

Operating expenses were increased for the following projects, estuary management \$10,000, technical study Wilson River foreshore \$10,000 and Tucki Tucki Creek rehabilitation management plan \$17,000. These projects are funded from additional grant contributions and therefore there is no impact on the operating result.

Other Items

Council finalised the 2007/08 loan borrowing program recently with the total funds borrowed being \$8,519,000, this is lower than the reported amount in the 2007/08 Management plan. It is anticipated that there will be savings; however this may be offset by the negative impact on investment revenues

due to the use of internal funds for land development works.

The impact associated with the finalised loan program and the investment revenues are being assessed and will be included in the June 2008 Quarterly Budget Review Statement.

Change in Net Assets

The 2007/08 Management Plan showed a surplus in the "Change in Net Assets" of \$10,109,400. The September review increased this by \$226,400 and the December review decreases this by \$6,700 to \$10,329,100. The March review shows a decrease of \$60,500 to \$10,265,600.

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

Other staff comments

Not required

Public consultation

Not required

Conclusion

The 2007/08 Budget has moved from an accumulated surplus of \$2,600 in September 2007, an accumulated deficit of \$2,400 in December 2007, to an accumulated deficit of \$46,500 in March 2008. The operating deficit for the March 2008 quarter is \$44,100.

There has been additional expenditure recognised for operating expenditure, capital projects and grant projects with funding from grant revenue and reserves. A summary of these items as they impact within individual programs has been included within the body of this report.

There have been no other major variances to the adopted 2007/08 Budget quantified during this December review.

Recommendation

- 1 Council adopt the March 2008 Budget Review Statement for General, Water and Sewerage Funds.
- 2 This information is submitted to Council's Auditor.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON APRIL 16, 2008, AT 10.00 AM.**

	Present	Councillor Merv King (<i>Chairperson</i>), Lance Vickery and Stefan Wielebinski (<i>RTA</i>), Snr Const Rob Clarke (<i>Lismore Police</i>) and Karen Wilson on behalf of Thomas George, MP.
	In Attendance	Councillor Jenny Dowell, Garry Hemsworth (<i>Executive Director-Infrastructure Services</i>) Salina Runge (<i>Road Safety Officer</i>), and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>)
TAC13/08	Apologies	An apology for non-attendance on behalf of Thomas George, MP, was received and accepted.
TAC14/08	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on March 19, 2008, were received and adopted by Council on April 8, 2008.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

South Lismore Progress Association – Union Street, South Lismore

Raising concerns regarding the use of Union Street by B-Doubles, visibility of pedestrian crossings and requesting a 50 kph zone in the area.

Discussions have been held with several members of the Association and it would appear that there may be some misunderstanding about the types of heavy vehicles using the section of Union Street between Casino Street and the viaduct. It was explained that 19m long B-Doubles are entitled to use any public road and that only 25m long vehicles needed special approval. Speed of vehicles seemed to be the main concern. There are three marked pedestrian crossings, two on Union Street and one on Casino Street just off Union Street. The crossings on Union Street have additional red fluorescent warning signs on them and this is considered adequate to highlight their existence. Replacement of several refuge hazard markers and repainting will also assist.

TAC15/08 Recommendation: That the existing 60 kph speed limit on Union Street, from the Bruxner Highway to Coleman Bridge and Casino Street, for the full length of the existing 60 kph speed, be reduced to 50 kph. (08-2617:S374,R6938)

Roads & Traffic Authority (RTA) – General Urban Speed Limit

Submitting a proposal to review the existing urban speed limit on roads where there is an existing 60 kph speed limit.

Mr Vickery advised the Committee that the RTA was carrying out a review of urban speed limits across the State with a view to ensuring greater consistency in their implementation. When the general urban default speed limit was reduced to 50 kph some years ago there were a number of roads that retained the old 60 kph limit and due to their condition and status there was a need to reconsider the need for a lower limit. It was generally agreed that the only roads that were of a suitable standard where intersection controls and turning movements supported a higher speed limit of 60 kph were the Bruxner Highway and Dawson and Brunswick Streets (MR65).

Roads & Traffic Authority (RTA) – General Urban Speed Limit (Cont'd)

The existing 60 kph speed limit on Richmond Hill Road was also considered appropriate given that roadside development was generally well spaced and set well back from the through road environment.

TAC16/08 Recommendation: That all roads within the Lismore Local Government area that have an existing 60 kph speed limit, excluding the Bruxner Highway, Dawson and Brunswick Streets (MR65) and Richmond Hill Road, be reduced to a 50 kph speed limit. (S341)

Part 'B' – Determined by Committee

St Carthage's Cathedral Parish – Road Safety

Raising concerns over the movement of traffic particularly in front of the Cathedral grounds off Leycester Street.

An inspection of the site had been carried out with Mr Costello and it would appear that the main concerns were the speed at which motorists exit the one-way section of Orion Street onto Leycester Street; the approach speed of motorists heading east on Orion Street towards Dawson Street, and motorists turning right across the painted median from the Cathedral carpark off Leycester Street instead of turning left and using the roundabout at Dawson Street. This could be reinforced by the installation of 'all traffic left' signage erected at both driveways leading from the Cathedral carpark. 'Squaring up' the intersection of Leycester and Orion Streets, as shown on the original design plans would reduce speeds of motorists exiting Orion Street onto Leycester Street. The installation of an advanced 'school zone' sign for east-bound traffic on Orion Street would assist in reducing approach speeds to the school zone.

B-08-04:1 It was agreed that the above proposed works be referred to Council's Operations Section for implementation. (08-2784:R6017,R6042)

Blue Springs Community – Intersection of Blue Knob Road / Symonds Road

Raising concerns for the safety of children using the Bus Stop at the intersection of Blue Knob and Symonds Roads.

An inspection of the site was carried out with a member of Council's Roads staff and it would appear that the main problem is the lack of a suitable bus pull-off area. There is adequate room on both sides of Blue Knob Road to carry out maintenance on the road shoulders to afford a more appropriate Bus Stop area. Some clearing of roadside growth between the bridge and Milgate Road would also assist in improving sight lines. If suitable pull-off areas could be provided, additional warning signage was not considered necessary.

B-08-04:2 It was agreed that this matter be referred to Council's Operations Section for further assessment and inclusion in a future works programme. (08-2788:R2001,R2006-08-2409:R2006)

Mr Grahame Bonamy – Intersection of Ballina Road / Cowlong Road, Alphadale
Requesting the issue of heavy vehicles parking in the pull-off area at the intersection of Ballina and Cowlong Roads, Alphadale, be investigated as there is restricted view of traffic travelling from Ballina when exiting from Cowlong Road.

The area in question has traditionally been used as a stockpile site when sealing works have been carried out in the area. There is a considerable area that is clear and this is used from time to time for parking by the general public for both light and heavy vehicles. Large vehicles parking in this area could present sight line problems depending on how close they park to Ballina Road. Restricting parking close to the Highway by the use of barriers would be more effective than installing signs that would likely be ignored.

B-08-04:3 It was agreed that this matter be referred to Council's Operations Section with a view to prohibiting parking close to Ballina Road, Alphadale, at the Cowlong Road intersection by installing some type of physical barrier. (08-2602:R4807,R4608,R4501)

Autobarn Lismore – King Street, Lismore CBD

Requesting permission for the temporary closure of King Street, between Woodlark Street and Larkin Lane for the Autobarn Lismore Grand Opening event, during the weekend of May 3-4, 2008.

There was support for the proposed closure for safety reasons due to the anticipated large numbers of pedestrians that would be attending the event.

B-08-04:4 It was agreed that permission be granted for the proposed closure of King Street between Woodlark Street and Larkin Lane, during the hours of 8.00a.m. and 5.00p.m. on the weekend of May 3-4, 2008, provided a suitable traffic management plan was submitted to Council and that the proposed closure be advertised the week prior. (08-3558:R7314)

2008 Nimbin Mardi Grass

Submitting a traffic management plan and template for the upcoming event to be held on May 3-4, 2008.

It was noted that the proposed Mardi Grass traffic management plan was the same as last year and had been implemented without incident. The Nimbin Police Department had also received a copy of the plan and had raised no objection to the proposal.

B-08-04:5 It was agreed that permission be granted for the implementation of the traffic management plan as submitted. (S824)

Freshzest Pty Limited – Fredericks Road, Caniaba

Consideration of advisory signage to warn motorists to "drive to conditions" of the road.

Mr Wielebinski tabled three alternative proposed warning signs that could be potentially used on roads where a reduced speed limit was not necessarily warranted. These were large signs, designed to stand out to motorists with the wording "*Caution – gravel road – drive to conditions*", "*Caution – narrow road – drive to conditions*" and, "*Caution – uneven surface – drive to conditions*". The first two signs were seen as most appropriate and would generally cover most roads.

Freshzest Pty Limited – Fredericks Road, Caniaba (Cont'd)

There was some concerns that the signage may become over used and thereby lose its effectiveness and for this reason it was agreed that further consideration be given to developing a warrant for their installation. This would be brought back to a future meeting.

B-08-04:6 It was agreed that a warning sign with the wording "*Caution – gravel road – drive to conditions*" be erected on Fredericks Road, Caniaba, and that any suitable warrant be developed and brought back to a future meeting. (R4706)

Closure

This concluded the business and the meeting terminated at 11.15a.m.

Chairperson

**Traffic and Emergency
Services Coordinator**

Financial Assistance - Section 356

a) **Banners – Policy 1.4.14 (GL390.50.15)**

Budget: \$700 To date: \$0

The Lismore Sub-branch requests that the fee for the erection of a banner for this years ANZAC Day be waived. The banner includes one weeks rental of Uralbe Street Banner at a cost of \$155.00.

Recommendation: As per Council Policy 1.4.14 clause 5 approve the fee waiving of one weeks hire from Council's 356 Donation fund to a parks income ledger.

In accordance with policy.

\$155.00

b) **Mayor's Discretionary Fund (GL390.485.15)**

Budget: \$2,700 To date:\$1181.82

Paddle for Life – Updating of signs used to promote the event. \$45.00

Country Women's Association of NSW – Educational Assistance Program \$350.00

Fiona Toohey – selected to participate in the YMCAs NSW Youth Parliament for 2008 \$50.00

The Northern Star - National Volunteers Week – sponsor Community Transport \$255.20

Recommendation

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

Documents for Signing & Sealing

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

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

Recommendation

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

Recommendation:

This document to be executed under the Common Seal of the Council:

Sale of land - part Lot 70 DP 245302 - 42 Greenhills Drive, Goonellabah (P4385, P4386)

Council has negotiated an offer of \$10,797.60 inclusive of GST for the sale of 60m² being part Lot 70 DP 245302 - 42 Greenhills Drive, Goonellabah. The price is consistent with the valuation obtained February 13, 2008. All valuation, survey and legal fees are to be borne by the applicant.

This land was included in Lismore Local Environmental Plan 2000 (Amendment No. 33) - reclassification of public land as operational to enable a boundary adjustment where a garage had been partly constructed on Council/community land.

The Mayor and General Manager be authorised to sign and affix the Council seal to land transfer documents and plans of survey or any other documents deemed necessary to complete this resolution.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, APRIL 8, 2008 AT 6.00PM.

- Present** Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Communications Co-ordinator, Corporate Compliance Officer and General Manager's Personal Assistant.
- 44/08 **Apologies/ Leave of Absence** An apology for non-attendance on behalf of Councillor Hampton was received and accepted and leave of absence granted.
(Councillors Dowell/Chant)
- 45/08 **Minutes** The minutes of the Ordinary Meeting held on Tuesday, March 11, 2008, were confirmed.
(Councillors Irwin/Dowell)

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:

S451

Councillor Meineke declared a perceived conflict of interest and left the meeting during the public access session and relevant public questions.

Melissa Van Zwieten – Rezoning proposal Roseview Road, McLeans Ridges

Ms Van Zwieten advised that revised proposal had several changes made to the original proposal to meet Council's requirements. She referred to the SIA, road contributions and spoke on a proposal to remove the road to the west and replace with a pathway/cycleway.
(S939)

Alison Bath – Rezoning proposal Roseview Road, McLeans Ridges

Ms Bath support the recommendation and spoke strongly against any reduction in the road contribution, supported the need for environmental works and questioned the validity of the SIA.
(S939)

At this juncture Councillor Meineke rejoined the meeting.

Disclosure of Interest

S451

Councillor Meineke declared a perceived conflict of interest in Rezoning proposal Roseview Road, McLeans Ridges

Notice of Motions

State Government Planning Reforms

Formal notice was given by Councillor Irwin that the Council express concern that staff made no provision for the input of Councillors and hence the community to Lismore Council's response to the proposed state government planning reforms.
(Councillors Irwin) (S517)

At the request of the mover the notice of motion was WITHDRAWN.

Developing Land for Residential Purposes

46/08 Formal notice having been given by Councillor Tomlinson it was **RESOLVED** that a report be brought to Council on how Council can be directly involved in developing land for residential purposes.

(Councillors Tomlinson/Graham) (S650)

Buy Local

47/08 Formal notice having been given by Councillor Irwin it was **RESOLVED** that Lismore Council staff in developing Council's procurement policy takes note of the importance of buying locally from locally owned businesses and that this should be reflected in this policy.
(Councillors Irwin/Meineke) (S9)

Reports

Rezoning proposal – Roseview Road, McLeans Ridges

S541

Councillor Mieneke declared a perceived conflict on interest in the matter and left the Chamber during the debate and determination thereof.

A MOTION WAS MOVED that Council advise the applicant that:

1. The amended plans satisfy Council's design principles as set out in its resolution of October 9, 2007.
2. The updated SIA is acceptable for exhibition purposes.
3. Council will exhibit a draft LEP Amendment to create 25 rural residential lots and residue lot on Lot 16 DP 1011612, Roseview Road for a period of 28 days providing there is no reduction in the level of developer contributions as determined by Council's resolution of October 9, 2007 with the exception that:
 - a) Construction of the proposed access road with a 1.2 metre-wide footpath from the intersection with proposed Road 1 to the western boundary of the property is not required; and

- b) In its stead, construction of a 3 metre-wide concrete footpath/ cycleway and emergency access from the intersection with proposed Road 1 to the western boundary of the property will be required together with engineering plans that demonstrate that the 3 metre wide access is capable of being upgraded to a 6 metre-wide pavement with shoulders if needed at some future time.
4. A community information meeting will be held prior to exhibition of the amended proposal.
 5. An amended Planning Report and supporting documentation will be required to be submitted for public exhibition.
 6. The amended proposal and supporting documentation will be referred to relevant government agencies and other public authorities for their comment as part of the re-exhibition process.
(Councillor Graham/Chant)

An AMENDMENT WAS MOVED that this matter be deferred to a future meeting to allow consideration of the issues raised in the motion and to allow Councillors to view the planning agreement.
(Councillors Dowell/Tomlinson)

On SUBMISSION to the meeting the AMENDMENT was DEFEATED on the casting vote of the Mayor.

Voting against: Councillors King, Chant, Crimmins, Graham and Henry.

48/08 **RESOLVED** the report be received and that Council advise the applicant that:

1. The amended plans satisfy Council's design principles as set out in its resolution of October 9, 2007.
2. The updated SIA is acceptable for exhibition purposes.
3. Council will exhibit a draft LEP Amendment to create 25 rural residential lots and residue lot on Lot 16 DP 1011612, Roseview Road for a period of 28 days providing there is no reduction in the level of developer contributions as determined by Council's resolution of October 9, 2007 with the exception that:
 - a) Construction of the proposed access road with a 1.2 metre-wide footpath from the intersection with proposed Road 1 to the western boundary of the property is not required; and
 - b) In its stead, construction of a 3 metre-wide concrete footpath/ cycleway and emergency access from the intersection with proposed Road 1 to the western boundary of the property will be required together with engineering plans that demonstrate that the 3 metre wide access is capable of being upgraded to a 6 metre-wide pavement with shoulders if needed at some future time.
4. A community information meeting will be held prior to exhibition of the amended proposal.
5. An amended Planning Report and supporting documentation will be required to be submitted for public exhibition.

6. The amended proposal and supporting documentation will be referred to relevant government agencies and other public authorities for their comment as part of the re-exhibition process.

The voting being tied the Mayor declared the motion APPROVED on his casting vote.

Voting against: Councillors Dowell, Tomlinson, Swientek, Ekins and Irwin.

Water Industry Reform

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

1. That Council authorise the General Manager to make a submission to the State Government Inquiry into secure and sustainable urban water supply and sewerage services for non-metropolitan New South Wales and this submission be circulated to Councillors to allow time for comment prior to submission to Sydney.
2. That the submission reflect support for a model such as a County Council which owns all urban water and sewerage assets in the Richmond, Brunswick and Tweed Valley catchment areas.
3. That the submission also reflect the new water entity should be accountable and transparent in its service provision and it should ensure its functions integrate with constituent councils' resource planning, management and operating functions.
4. That the intent of Council's submission to the Minister's Inquiry be advised to the Councils of Ballina, Byron, Kyogle, Richmond Valley, Tweed and Rous Water.
(Councillors Irwin/Graham)(S301:S387)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 That Council authorise the General Manager to make a submission to the State Government Inquiry into secure and sustainable urban water supply and sewerage services for non-metropolitan New South Wales
2. That the submission reflect support for a model such as a County Council which owns all urban water and sewerage assets in the Richmond, Brunswick catchment areas.
3. That the submission also reflect the new water entity should be accountable and transparent in its service provision and it should ensure its functions integrate with constituent councils' resource planning, management and operating functions.
4. That the intent of Council's submission to the Minister's Inquiry be advised to the Councils of Ballina, Byron, Kyogle, Richmond Valley, Tweed and Rous Water.
(Councillor Ekins/

The AMENDMENT lapsed for want of a seconder.

AN AMENDMENT was MOVED that Council put in a submission to the Minister on the basis of a regional Council model.
(Councillors Swientek/

The AMENDMENT lapsed for want of a seconder.

49/08 **RESOLVED** that the report be received and:-

1. That Council authorise the General Manager to make a submission to the State Government Inquiry into secure and sustainable urban water supply and sewerage services for non-metropolitan New South Wales and this submission be circulated to Councillors to allow time for comment prior to submission to Sydney.
2. That the submission reflect support for a model such as a County Council which owns all urban water and sewerage assets in the Richmond, Brunswick and Tweed Valley catchment areas.
3. That the submission also reflect the new water entity should be accountable and transparent in its service provision and it should ensure its functions integrate with constituent councils' resource planning, management and operating functions.
4. That the intent of Council's submission to the Minister's Inquiry be advised to the Councils of Ballina, Byron, Kyogle, Richmond Valley, Tweed and Rous Water.
(Councillors Irwin/Graham)(S301:S387)

Voting against: Councillors Ekins and Swientek

Lismore Promotion Program

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

- 1. Marketing and Promotion Campaign for the Lismore Lantern Parade 2008 - \$18,000**
That Council support the project, subject to the following provisions:
 - a) the *Lismore Promotion Program* funds be exclusively directed towards the marketing and promotion campaign for the event (with an emphasis on attracting patrons from outside the 2480 postcode area), plus independent evaluation.
 - b) close consultation with the business community, through the Lismore Chamber of Commerce, to strengthen business engagement with the event.
 - c) consistent branding of Lismore across all events and campaigns, as co-ordinated by *Lismore Tourism* (Council's Tourism Services Co-ordinator).
- 1. South East Queensland Self-Drive Tourism Marketing Campaign - \$20,000**
That Council support the project, subject to consistent branding of Lismore across all events and campaigns, as co-ordinated by *Lismore Tourism*.
- 2. Marketing and promotion campaign for the 4WD Caravan, Camping and Marine Show - \$10,000**
That Council support the project, subject to the following provisions:
 - a) the *Lismore Promotion Program* funds be exclusively directed towards the marketing and promotion campaign for the event – with an emphasis on attracting patrons from outside the 2480 postcode area.
 - b) consistent branding of Lismore across all events and campaigns, as co-ordinated by *Lismore Tourism*.

3. **Design and printing of a marketing brochure depicting three Lismore City walks consolidated into one – Riverbank Walk, Café & Culture Trail and Heritage Walk - \$10,000**

That the Committee revisit the project.

4. **Lismore Stocktake Sale Retail Marketing Campaign to coincide with the Car Give-Away Promotion - \$20,000**

That Council support the project, subject to the following provisions:

- a) the *Lismore Promotion Program* funds be exclusively directed towards the overarching, umbrella “Shop in Lismore” marketing and promotion campaign – with an emphasis on attracting shoppers from outside the 2480 postcode area.
- b) that no SBRVL funds be directed towards marketing collateral associated with the Car Give-Away Promotion per se, and that the applicant is inclusive as reasonably practical with Lismore City businesses wishing to be a part of the car promotion.
- c) consistent branding of Lismore across all events and campaigns, co-ordinated by Lismore Tourism.

(Councillors Henry/Meineke)(S740)

An AMENDMENT was MOVED the report be received and that Council:-

1. **Marketing and Promotion Campaign for the Lismore Lantern Parade 2008 - \$18,000**

That Council support the project, subject to the following provisions:

- d) the *Lismore Promotion Program* funds be exclusively directed towards the marketing and promotion campaign for the event (with an emphasis on attracting patrons from outside the 2480 postcode area), plus independent evaluation.
- e) close consultation with the business community, through the Lismore Chamber of Commerce, to strengthen business engagement with the event.
- f) consistent branding of Lismore across all events and campaigns, as co-ordinated by *Lismore Tourism* (Council’s Tourism Services Co-ordinator).

2. **South East Queensland Self-Drive Tourism Marketing Campaign - \$20,000**

That Council support the project, subject to consistent branding of Lismore across all events and campaigns, as co-ordinated by *Lismore Tourism*.

3. **Marketing and promotion campaign for the 4WD Caravan, Camping and Marine Show - \$10,000**

That Council support the project, subject to the following provisions:

- c) the *Lismore Promotion Program* funds be exclusively directed towards the marketing and promotion campaign for the event – with an emphasis on attracting patrons from outside the 2480 postcode area.
- d) consistent branding of Lismore across all events and campaigns, as co-ordinated by *Lismore Tourism*.

4. **Design and printing of a marketing brochure depicting three Lismore City walks consolidated into one – Riverbank Walk, Café & Culture Trail and Heritage Walk - \$10,000**

That Council not support the project.

5. **Lismore Stocktake Sale Retail Marketing Campaign to coincide with the Car Give-Away Promotion - \$20,000**

That Council support the project, subject to the following provisions:

- d) the *Lismore Promotion Program* funds be exclusively directed towards the overarching, umbrella “Shop in Lismore” marketing and promotion campaign – with an emphasis on attracting shoppers from outside the 2480 postcode area.

- e) that no SBRVL funds be directed towards marketing collateral associated with the Car Give-Away Promotion per se, and that the applicant is inclusive as reasonably practical with Lismore City businesses wishing to be a part of the car promotion.
- f) consistent branding of Lismore across all events and campaigns, co-ordinated by Lismore Tourism.

(Councillor Dowell)

The AMENDMENT lapsed for want of a seconder.

50/08

RESOLVED that the report be received and noted and that:-

1. Marketing and Promotion Campaign for the Lismore Lantern Parade 2008 - \$18,000

That Council support the project, subject to the following provisions:

- a. the *Lismore Promotion Program* funds be exclusively directed towards the marketing and promotion campaign for the event (with an emphasis on attracting patrons from outside the 2480 postcode area), plus independent evaluation.
- b. close consultation with the business community, through the Lismore Chamber of Commerce, to strengthen business engagement with the event.
- c. consistent branding of Lismore across all events and campaigns, as co-ordinated by *Lismore Tourism* (Council's Tourism Services Co-ordinator).

2. South East Queensland Self-Drive Tourism Marketing Campaign - \$20,000

That Council support the project, subject to consistent branding of Lismore across all events and campaigns, as co-ordinated by *Lismore Tourism*.

3. Marketing and promotion campaign for the 4WD Caravan, Camping and Marine Show - \$10,000

That Council support the project, subject to the following provisions:

- a) the *Lismore Promotion Program* funds be exclusively directed towards the marketing and promotion campaign for the event – with an emphasis on attracting patrons from outside the 2480 postcode area.
- b) consistent branding of Lismore across all events and campaigns, as co-ordinated by *Lismore Tourism*.

4. Design and printing of a marketing brochure depicting three Lismore City walks consolidated into one – Riverbank Walk, Café & Culture Trail and Heritage Walk - \$10,000

That the Committee revisit the project.

5. Lismore Stocktake Sale Retail Marketing Campaign to coincide with the Car Give-Away Promotion - \$20,000

That Council support the project, subject to the following provisions:

- a) the *Lismore Promotion Program* funds be exclusively directed towards the overarching, umbrella "Shop in Lismore" marketing and promotion campaign – with an emphasis on attracting shoppers from outside the 2480 postcode area.
- b) that no SBRVL funds be directed towards marketing collateral associated with the Car Give-Away Promotion per se, and that the applicant is inclusive as reasonably practical with Lismore City businesses wishing to be a part of the car promotion.
- c) consistent branding of Lismore across all events and campaigns, co-ordinated by Lismore Tourism.

(Councillors Henry/Meineke)(S740)

Voting against: Councillors Ekins and Irwin

Lismore City Street Tree Masterplan

51/08

RESOLVED that the report be received and noted and that:-

1. The *Draft* Lismore City Street Tree Masterplan – March 2008, be adopted.
2. The Management Plan and Policy submitted with the report entitled “*Public Tree Risk Management Plan*” and “*Public Tree Policy*”, also be adopted.

(Councillors Swientek/Dowell)(S332)

Lismore Development Control Plan – Proposed Amendment No 3

52/08

RESOLVED that the report be received and noted and that Council resolve to exhibit Lismore Development Control Plan Amendment No. 3 for a period of 28 days subject to Clause 6.1.5 (7) Performance Criteria be amended to note that the low technology designs are *preferable*.

(Councillors Meineke/Graham)(S924)

Voting against: Councillor Swientek

Lismore Saleyards Amenities Building (Nos 121-123 Tweed Street, North Lismore

53/08

RESOLVED that the report be received and that :

1. Council proceed with demolition of the building known as the Saleyards Amenities Building and located at Nos. 121-123 Tweed Street, North Lismore.
2. As the land is surplus to requirements, Council commence a process of reclassifying the land from Community to Operational with a view to selling the land.

(Councillors Graham/Crimmins)(P19294,P19299, P19300)

Voting against: Councillors Ekins and Irwin

Electronic Document Records Management System

54/08

RESOLVED that the report be received and that Council:

1. Proceed with the implementation of the Electronic Document Records Management System as outlined in the Report.
2. Increase the 2007/08 budget by \$194,000 to provide for the implementation of this project, funded from IT reserves.
3. Approve the use of the Department of Commerce contract facility for the selection of the software provider.

(Councillors Meineke/Graham)(S812)

Voting against: Councillors Ekins and Swienek

At this juncture Councillor Crimmins left the meeting.

Rous Water / Lismore City Council Service Level Agreement

- 55/08 **RESOLVED** that the report be received and noted and that:-
1. Council resolve that the General Manager, on behalf of Lismore City Council, execute the Water Supply Agreement between Rous Water and the four constituent councils.
 2. That Council convey to Rous of its concern at its increase in water charges of 60% and ask Rous to modify these charged.
(Councillors Irwin/Meineke)(S306)

Voting against: Councillors Graham and Ekins.

At this juncture Councillor Crimmins rejoined the meeting.

Investments held by Council – March 2008

- 56/08 **RESOLVED** the report be received and noted.
(Councillors Graham/Dowell)(S178)

Committee Recommendations

Traffic Advisory Committee March 19, 2008

- 57/08 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Dowell) (S352)

Financial Assistance - Section 356

- 58/08 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.
- a) City Hall Reductions in Rental – Policy 8.4.2 (GL390.125.15)**
Budget:\$11,700 To date: \$13,086
- Jehovah's Witnesses** requesting Council consider discounting the hire charges (\$1,906) of the City Hall for their use in March and December 2008. An entrance fee is not to be charged (S164 & P6816).
- Recommendation:** In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies for each event.\$476.50
- 2008 Volunteers Expo (Lismore Neighbourhood Centre)** requesting Council waive all fees (\$636) for the use of the City Hall for this event. The Lismore Neighbourhood Centre is partnering with various other community groups to raise community awareness of organisations that require volunteer assistance. An entrance fee is not to be charged (S164 & P6818)
- Recommendation:** In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies. \$159.00
- b) Request for Council to donate use of a gang truck to transport display stands (GLW31.1910):**
Lismore Camera Club Photographic Convention May, 2 & 5, 2008 seeking assistance to transport their equipment for display at the convention.

Recommendation: Council contribute \$200.00 from allocation number GLW31.1910.
\$200.00

**c) Council Contributions to Charitable Organisations
Waste Facility – Policy 5.6.1 (GL390.965.15)**

Budget: \$10,000 To date: \$7,857.37

Challenge Foundation	\$156.77
Five Loaves	\$198.00
Friends of the Koala	\$ 87.27
Lismore Soup Kitchen Inc	\$ 14.40
LifeLine	\$198.00
Lismore & Dist Police Boys Club	\$ 10.91
St, Vincent de Paul	\$ 18.05
Salvation Army	\$ 5.45
Westpac Life Saver Rescue Helicopter	\$ 59.09

TOTAL:

(Councillors Dowell/Graham)(S164)

Closure

This concluded the business and the meeting terminated at 9.03 pm.

CONFIRMED this 13th of May 2008 at which meeting the signature herein was subscribed.

MAYOR