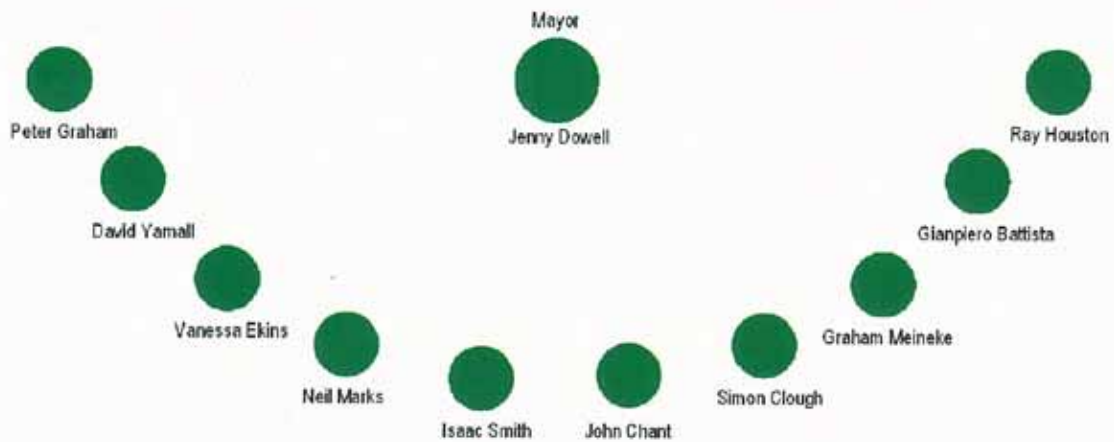


# Notice of Council Meeting



## Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at  
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on  
March 10, 2009  
and members of Council are requested to attend.

Paul G. O'Sullivan  
**General Manager**

March 3, 2009





# Agenda

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## **Opening of Meeting and Prayer (Mayor)**

## **Apologies and Leave of Absence**

## **Confirmation of Minutes**

Ordinary Meeting held on February 10, 2009.

## **Disclosure of Interest**

## **Public Access Session**

Rick Stuart – Notice of Motion – Comprehensive Koala Plan of Management

Stephen Fletcher – Report – Amendment No 37 to Lismore LEP –North Lismore Industrial Land

Vicki Findlay – Report – Amendment No 37 to Lismore LEP –North Lismore Industrial Land

## **Public Question Time**

## **Condolences**

## **Mayoral Minutes**

## **Notice of Rescission Motions**

## **Notice of Motions**

## **Altering Order of Business**

## **Reports**

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**Committee Recommendations**

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**Financial Assistance - Section 356**

**Questions Without Notice**

**Confidential Matters – Committee of the Whole**

# Strategic Plan Summary

## Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
<b>Economic development</b>	<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"> <li>▶ Pursue ongoing CBD growth and development</li> <li>▶ Develop and support cultural, sporting and tourism activities, services and facilities</li> <li>▶ Foster the business climate to encourage business growth, investment and jobs</li> <li>▶ Identify and support key industries that drive economic development in Lismore including existing industries</li> <li>▶ Foster a co-operative and proactive approach on major regional development issues</li> </ul>
<b>Quality of Life</b>	<p>Make Lismore a safe, healthy and caring community in which to live.</p>	<ul style="list-style-type: none"> <li>▶ Increase social cohesion</li> <li>▶ Support villages</li> <li>▶ Provide community services</li> <li>▶ Encourage sustainable development</li> <li>▶ Promote recreation and leisure</li> </ul>
<b>Leadership by Innovation</b>	<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"> <li>▶ Lead the region</li> <li>▶ Increase revenue from grants</li> <li>▶ Improve customer service</li> <li>▶ Consult the community</li> <li>▶ Update technology</li> <li>▶ Provide user pays services</li> <li>▶ Privatised selected services</li> <li>▶ Share assets and resources</li> </ul>
<b>Natural Environment</b>	<p>Preserve and rehabilitate Lismore's natural environment.</p>	<ul style="list-style-type: none"> <li>▶ Provide sustainable land use planning</li> <li>▶ Improve catchment management</li> <li>▶ Conserve and repair the environment</li> </ul>
<b>Infrastructure</b>	<p>Further enhance Lismore's transportation, parking and pedestrian networks.</p>	<ul style="list-style-type: none"> <li>▶ Improve transport systems</li> <li>▶ Improve roads, cycleways and footpaths</li> <li>▶ Assist with public transport</li> <li>▶ Assist airport operations</li> <li>▶ Support fleet operations</li> </ul>
<b>Water and Waste Cycle</b>	<p>Educate our community and lead the state in water and waste-cycle management.</p>	<ul style="list-style-type: none"> <li>▶ Manage stormwater drainage systems</li> <li>▶ Manage water and sewage</li> <li>▶ Manage the waste stream and reduce waste</li> </ul>



# **Notice of Motions**

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## Notice of Motion

**Councillor D Yarnall** has given notice of his intention to move at the next meeting of Council:

That the upcoming workshop on Roseview Road Estate on March 31, 2009 Council allow one speaker each, from the proponents (PacLib Industrial) and the objectors (McLeans Ridges Community Group) to present their case for not longer than fifteen minutes each.

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### Staff Comment

#### Manager - Planning Services

The workshop will commence with a presentation from staff that will provide the background to the rezoning proposal, the current status of the proposal and future steps in the process. It is noted that there have been no objections to the current proposal presented to Council, as it has not yet been placed on public exhibition.



## Notice of Motion

**Councillor V Ekins** has given notice of his intention to move at the next meeting of Council:

That Lismore City Council:

- 1 confirms its support for commuter rail services on the Casino-Murwillumbah rail line and the construction of a rail link to the Gold Coast.
- 2 writes to local Federal and State MPs informing them of this council resolution and urging them to fully support and secure funding commitments for the establishment of commuter rail services.
- 3 request that the Integrated Regional Transport Plan be included on the agenda for the March NOROC meeting.

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### Staff Comment

#### Manager Community Services

Community Services supports all elements of the motion. A lack of suitable and affordable transport impacts on all target groups identified within the Social and Community plan. People from lower socio-economic groups are the most disadvantaged and who would most benefit from an upgrade to the public transport link to the Gold Coast. Improvements to existing rail infrastructure are strongly supported.



## Notice of Motion

**Councillor S Clough** has given notice of his intention to move at the next meeting of Council:

That Council review its "shelved" Comprehensive Koala Plan of Management with a view to introducing such a plan under State Environmental Planning Policy 44 within the next year.

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### Councillor Comment

#### Councillor S Clough

Our City is one of only two in NSW with an urban koala population. This is a huge asset for our community that we need to conserve and also use creatively to encourage "environmental tourism". Koalas are under constant pressure from development, disease and the impacts of climate change I believe we are obliged to protect, stabilise and grow this extraordinary natural asset

### Staff Comment

#### Manager Planning Services

This proposal should be addressed with other resourcing demands in the forthcoming Management Plan/Budget process.

The former Comprehensive Koala Plan of Management did not apply to the whole LGA; instead it applied only to the south eastern sector. Should Council wish to expand such a Plan to the entire LGA then funding will be required for refining existing vegetation mapping to identify koala habitat; for ground truthing to determine where koalas actually occur and their likely movement routes; and for obtaining suitable expertise to determine the most appropriate management tools, to prepare a draft Plan, carry out community consultation and consider submissions. Staff or financial resources would be required to implement outcomes of a Management Plan, such as managing incentives program, organising education and training of landowners, etc.

Should Council wish to review the former CKPoM as it applied at the time, then staff resources will be required to update its contents in relation to current legislation and scientific knowledge. Funding would be required also to obtain suitable expertise to determine the most appropriate management tools, prepare a draft Plan, carry out community consultation and implement outcomes of an adopted Plan.

It should be noted that planners do not have the required expertise in koala management and such expertise would have to be obtained from Council's Natural Resource Management Officer or purchased from a consultancy.

#### Natural Resource Management Officer

The existing SEPP 44 has very limited function e.g. for defining potential koala habitat it only lists 3 tree species in our area which must constitute at least 15% of all trees present on any development being assessed. We know there are at least 5 other species koala use for food trees. The lack of protection shown by SEPP 44 was demonstrated in the Champions Quarry assessment.

Updating the old plan would need to consider:

- the recently released DECC Koala Recovery Plan. The plan describes the current understanding of the species, describes actions taken to date and identifies future actions and parties responsible.
- the 2006 'PLANNING GUIDELINES FOR KOALA CONSERVATION AND RECOVERY- A guide to best planning practice', which should provide the major background for any future planning for koalas.

Some initial work has been conducted regarding koala planning:

- Staff have applied for funding from Department of Planning (DoP) for LGA-wide koala habitat mapping using new vegetation mapping as a basis.
- Staff have discussed developing a GIS 'wildlife corridor' mapping layer, showing obvious linkages between tracts of existing vegetation, using latest vegetation mapping

Resources would be required to

- update the old plan in order to make it cover the whole of the LGA, and bring it in line with latest legislation and guidelines.
- coordinate any plans implementation.

A document such as this should also be considered in light of any prospect of developing a Biodiversity Strategy.

## Notice of Motion

**Councillor S Clough** has given notice of his intention to move at the next meeting of Council:

That Lismore City Council becomes a signatory to the Northern Rivers Climate Change Collaboration Agreement.

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### Councillor Comment

#### Councillor S Clough

As the Collaboration Agreement says: "human impacts on the planet's biosphere are likely to result in severe changes to global climatic conditions that will adversely affect the lives and wellbeing of present and future generations for the foreseeable future".

The Collaboration Agreement is a unique initiative. This initiative is not about forming a new organisation or another committee. Its goal is to create a common framework for collaboration on climate change between organisations, institutions, government agencies and local communities in the region. The group believes such collaboration can significantly enhance our separate efforts and create a stronger sense of shared purpose in the face of an historic challenge.

The proposed "Sustain Northern Rivers" community engagement campaign resulting in a Regional Climate Change Stakeholders Roundtable to formulate and recommend climate change goals and targets is an example of the collaborative projects that can emerge from the agreement.

Signatories to the agreement include; Northern Rivers Area Health Service, Southern Cross University, North Coast Institute of TAFE, Northern Rivers Social Development Council, Northern Rivers Regional Development Board, Sue Short Editor, Northern Star, APN News & Media and Northern Rivers Tourism. There are also a number of high profile people and organisations associated with the agreement.

### Staff Comment

#### General Manager

Every Council in the region has been invited to join this group following presentations to both NOROC and the Regional General Manager's Group in 2008. The specific outcomes expected of the collaboration are difficult to identify notwithstanding its focus on the climate change agenda.

It is not reasonable to assume that membership of this community based group will require no resources. Council's staff are currently supporting the ICLEI (Local Government for Sustainability) program however funding for that support expires at June 30 and ongoing support will be determined by decisions of Council in conjunction with the 2009/10 Management Plan and Budget. With that in mind, it would be prudent to defer making any resource commitments, especially involving staff, prior to the forthcoming budget outcomes.

## **Manager Environmental Health and Building Services**

The Collaboration presents Council an opportunity to agree to a partnership approach across various organisations on climate action.

It is in effect a regional overarching collaboration of organisations that has the potential to:

- enhance communication amongst stakeholders
- reduce organisation reinventing the wheel in regard to climate action issues
- enhance consultation
- provide a shared resource base
- co-ordinate tactical approaches to climate action across various organisations
- secure Climate Action funding from external sources such as State and Federal Government.

The relevant staff member that would be involved in this if supported by Council is part time. This role is currently already overstretched on current committed work and projects.



## Notice of Motion

**Councillor D Yarnall** has given notice of his intention to move at the next meeting of Council:

That with regard to the uncertain economic outlook, the Council's current budget deficit and the imperative to maintain Council's ailing infrastructure. Council advises all departments that they review their expenditure for 2009/10 financial year with the aim being to find 7% expenditure savings across all departments.

### Councillor Comment

Council is facing a \$300,000 deficit. The finance section requires \$600,000 as a contingency fund against a further deterioration in Council's investments and income due to the current state of the economy. Meanwhile, Council staff informs Councillors that our infrastructure budget requires an extra \$2.7 million for road maintenance and a further \$3.3 million for reconstruction. Service levels are deteriorating and will deteriorate further. Some areas of road funding in the rural areas are 40% down on 2003 levels and could face 20% cuts in service levels in the 2009/10 financial year if our road funding continues as is.

While time is running out for the preparation of 2009/10 budget, it seems likely that there is no money available in the 2009/10 budget for increased road funding. We cannot wait till the following financial year i.e. 2010/11, to find funding for our road network that is deteriorating while we decide what to do.

Council is aware from recent surveys that over 80% of residents are extremely unhappy about the condition of our road network. To do nothing to increase road funding is to abrogate the responsibility we have as elected representatives to enact clear community priorities. To do nothing is to abrogate the responsibility Council has to adequately maintain our road network.

Therefore, Council has little choice but to address 7% expenditure savings across all departments in the short term while further long term methods of funding for our deteriorating roads infrastructure are sought.

### Staff Comment

#### General Manager

This Notice of Motion is ill conceived and is not supported in concept. Any arbitrary across-the-board cut in expenditure budgets will have consequences not anticipated by the proponent. For that reason I have asked each Manager to provide some feedback to the proposal and it is my intention to let these remarks influence the proposition.

It has been confirmed to all Councillors many times since the election that decisions about the budget are in the hands of the Council but there are proven, rational methods for determining how the Council allocates its financial resources. The approach envisaged by this Notice of Motion is not an appropriate technique.

#### Executive Director - Infrastructure Services

At a recent Roads Workshop staff quantified the funds required to bring maintenance levels up to a desirable level of service (\$2.75M) and also address the backlog of construction work (\$79M). The funds required are very large and it is difficult to see Council addressing this problem without help from other levels of government.

Any increase in funding will improve service levels, however the Council will need to weigh up the cost / benefit of taking funds from other programs to allocate to roads.

## **Executive Director – Development and Governance**

If Council wish to reduce costs for the 2009/10 budget then a targeted approach is much preferable to an across the board % reduction. Given the service nature of this Directorate the bulk of costs are recurrent staffing related costs. In this respect staffing levels are currently being reviewed particularly in growth impacted areas but the ability to reduce these in the short term is extremely limited. I am currently systematically reviewing each programme area for cost savings and strategic alignment starting with the Economic Development Unit. Obviously any recommended cuts or realignment may result in the consequent reduction in services levels e.g. in the EDU's case, events funding.

The IT area has very limited ability to reduce costs given that the bulk of non-staff costs are being spent on maintaining corporate computer systems. The planning and health/building staffing is being reviewed given the growth impacts with a view to considering redistributing resources to policy areas. Community services cuts would have to be to service levels e.g. pool hours and number of art exhibitions.

## **Manager Finance**

After excluding non-discretionary costs (audit fees, rates postage costs, rates valuation fees, bank charges, etc), a total of \$790,700 for staffing and administration related costs is available. A reduction of 7% on this amount would equate to \$55,000 and this could only be achieved realistically by a reduction in staff numbers. What impact this would have on service levels has not been fully assessed, but it would clearly result in reduced service levels (delay in response times and some tasks simply not being done) to both internal and external customers.

The blanket approach to raise funding for infrastructure is not supported as it does not consider the impact on service delivery and those affected. A more structured approach that bases such decisions on service level impacts and priorities is considered far more transparent and accountable.

## **Manager Assets and Support Services**

A budget cut of 7% would require some areas to be cut by significantly more than 7%. Some areas of the budget, such as rates and charges on Council properties, contractual arrangements and other commitments that Council has already made cannot be reduced, and in fact will increase in some circumstances. This would require other areas to be cut by more than the suggested 7% to give the overall net reduction sought. Whilst there has been a focus on road funding in recent times, it should be noted that other Council infrastructure such as buildings, properties and stormwater drainage is in a similar predicament. Any proposal that involves reducing expenditure for maintenance of infrastructure could not be supported as it would only exacerbate already known funding shortfalls.

## **Manager Operations**

Any reduction in Operational budgets of 7% will reduce current service levels even further. Operational budgets are mainly affected by the Construction Price Index which can range between 2 and 3 times CPI figures. Hence, any reduction in Maintenance and Construction budgets in the Operational area is not supported.

## **Manager Business Services**

From a Business Services perspective there will be a need to increase the budget base as we look to grow the business rather than reduce it. Additionally State and Federal government "taxes" on landfill operations will result in significant increases to operating costs in this area.

## **Manager Community Services**

Community Services comprises a number of community development / recreation staff, together with service/business units including the Lismore Regional Gallery and three child care centres. Community Services staff are very active within the community, however they have very small (if any) discretionary budgets. The only real avenue to reduce expenditure would be to reduce staff hours, which in the case of part time staff, would become unworkable. Similarly a 7% cut to child care and gallery budgets would render these units unworkable. The Gallery could only accommodate such a measure by reducing the number of exhibitions per year, which has previously been reduced in order to meet budget requirements. Further cuts would be unacceptable to the community especially when the Gallery is now experiencing increasing pressure to open on Sundays.

## **Manager Economic Development**

The Economic Development Unit, including Tourism and the Airport, are an economic driver and during this time we should be injecting MORE funds into this area to ensure our economy and business do not suffer. Any reduction will result in a loss of income for our community.

## **Manager Planning Services**

Based on the current budget, a reduction of 7% of expenditure would affect staff levels, staff training, and the ability to obtain independent technical advice when required for development and strategic planning matters.

## **Executive Services Coordinator**

### **Executive Services Budget**

This budget provides frontline customer service, records management, printing, telecommunications and insurance. A 7% reduction will result in staff cuts and lower service levels. Insurances cannot be underfunded.

### **Councillor Budget**

This function has a budget of \$447,000. This includes the direct cost of the Councillors, membership of external bodies, the mayoral scholarship program, staff support and catering.

## **Manager Environmental Health and Building Services**

Any reduction in the recurrent budget will impact on the delivery of service levels.

For Environmental Health, this would mean limiting most environmental initiatives, e.g. natural resource management, Koala management, revegetation activities, climate action, community education, awareness. Staffing levels are likely to be effected.

In regard to Building Services and Law Enforcement any reduction will impact on salaries, therefore impacting on service delivery to the community.

## **Manager Information Services**

A 7% reduction in budget for Information Services (IS) will have noticeable impacts. The basic breakdown of the budget for IS:

- Salaries 42%
- Committed payments (PC leasing repayments, software maintenance, hardware maintenance, Telstra Network Costs): 54%
- The remaining budget is used to buy consumables

Clearly any reduction in this magnitude will require

- reduction in staff, or
- operational risk increase by foregoing hardware and/or software maintenance payments, or
- reduction in services by returning leased equipment.



# Reports

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## Report

<b>Subject</b>	<b>Draft Amendment No. 37 to Lismore LEP – Proposed North Lismore Industrial Estate</b>
<b>File No</b>	S954
<b>Prepared by</b>	Manager, Planning Services
<b>Reason</b>	To advise Council of the outcomes of public consultation
<b>Objective</b>	To obtain Council's determination as to whether the amendment should proceed.
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Project</b>	Update planning controls

### Overview of Report

Council has previously considered a proposal to rezone 10 ha of land at North Lismore from Riverland 1(r) to Industrial 4(a) to facilitate the development of an industrial estate. The property is bounded by Terania Street to the south, Tweed Street to the east, Lake Street to the north and the unformed Bouyon Street to the west. It is currently undeveloped. The application was supported by a Planning Report addressing traffic and access, stormwater management, flooding, flora and fauna, contamination and social and economic impacts. The proposal implements a recommendation of Council's Industrial Lands Study.

The rezoning proposal, and supporting draft development control plan, was exhibited for public comment. This report discusses the issues raised, and seeks Council's determination as to whether to seek the agreement of the Minister for Planning to the draft amending LEP.

### Background

On July 10, 2007 the Council considered a report proposing that the Lismore Local Environmental Plan be amended in order to permit development of an expanded industrial area in North Lismore. The property is bounded by Terania Street to the south, Tweed Street to the east, Lake Street to the north and the unformed Bouyon Street to the west. It is currently undeveloped and zoned 1(r) Riverland under the Lismore LEP. Industrial development is permitted with consent in the current zoning, however application has been made to alter the zoning to 4(a) Industrial under the current Lismore LEP 2000.

A locality plan at the end of this Report shows the location of the subject land. It directly adjoins the current North Lismore Industrial 4(a) zone to the west of Bouyon Street. The land is vacant and has been used in the past for grazing purposes.

Council's Industrial Land Study (1995) identified the site between Terania, Tweed, Lake and Bouyon Streets as having potential for industrial development provided flood mitigation measures were investigated and proved feasible. The land is shown within the Far North Coast Regional Strategy as potential 'employment land'.

Council resolved on 10 July 2007 that a draft amending local environmental plan be prepared for the site, supported by a draft development control plan. A copy of that report to Council is included in the Attachment to this Business Paper for the information of Councillors. That report addresses the proposal's compliance with statutory requirements and discusses issues of flooding, traffic and access, possible lot sizes, stormwater management, social and economic impacts, flora and fauna. In the interest of brevity, this information will not be repeated in this report.

The proposed draft amending LEP and DCP follow this report in the Business Paper.

### Exhibited Information

Surrounding landowners were notified by letter of the exhibition of the proposal. The following information was available for public comment for a five week period from November 7, 2008, to December 12, 2008:

- Draft Amendment No 37 to Lismore LEP, comprising the draft legal instrument altering the zoning to 4(a) Industrial, together with the required LEP map.
- Draft Amendment No. 6 to the Lismore Development Control Plan, containing further requirements regarding protection of residential amenity, lot sizes, roads and parking, flood management, stormwater control and management, Aboriginal cultural heritage and flora and fauna. The draft DCP specifies that light industry only is permitted along the frontages of Tweed and Terania Streets, so as to protect the amenity of surrounding residents. The DCP also requires, on the advice of the RTA, that no new lot have direct vehicular access to these roads.
- A statement describing Council's interest in parts of the land affected by the proposal, being 34 Tweed Street, 185 Lake Street and the unformed Bouyon Street.
- Other administrative information to meet the statutory requirements of the Environmental Planning and Assessment Act.

### Consultation with Government Agencies

Consultation was carried out with the Roads and Traffic Authority (RTA), State Emergency Services (SES), Department of Water and Energy (DWE) and Department of Environment and Climate Change (DECC). An Aboriginal Cultural Heritage Assessment was carried out by the applicant and provided to DECC.

A copy of the RTA's letter is provided with other submissions. In summary, the Authority advises that it has no objection in principle to the rezoning, but the industrial area should be designed so there is no additional connection or any direct access to any lot from Terania and Tweed Streets in order to protect the safety and efficiency of the Classified Road network. The road network infrastructure will need to be upgraded to cater for the generation of additional traffic. This and other matters raised by the RTA have been included in the draft development control plan.

The DECC considers it unlikely there would be ecological impediments that preclude development of the site, but recommends that a targeted on-site assessment be undertaken to confirm that there is no flora or fauna of significance on the site. The requirement is reflected in the draft DCP.

In regard to Aboriginal cultural heritage, the DECC supports recommendations within the Cultural Heritage Assessment. Inspection of the site did not identify physical cultural evidence, but the assessment concludes that *'It is the expressed wish of Ngulingah LALC that consideration is given for the possible presence of isolated sub-surface artefacts and cultural evidence... it is recommended that an approved 'cultural monitor' be present during initial ground surface disturbance for the clearance of roadways and subdivision layout.'* This recommendation has been inserted into the draft DCP.



DECC has no objections to the rezoning on flooding grounds, noting that the rezoning is in accordance with Council's Floodplain Management Plan, and that controls on building floor level and provision for emergency flood refuge areas can be addressed at DA stage. In relation to stormwater drainage the Department requests that Council be assured that proposals to protect water quality are adequate for current and future climatic situations. The proposed stormwater drainage mechanisms are considered adequate for current situations, but Council currently has no available model for possible increased rainfall intensities resulting from climate change and which is directly applicable to this site.

A copy of the DECC letter is provided with other submissions.

Replies were not received from the State Emergency Services or Department of Water and Energy.

### Issues Arising from Public Consultation

Copies of all submissions are located in the Councillors' Room and have also been emailed to Councillors for their information. In summary:

- 67 signed form letters of support were received which described personal reasons for support;
- 87 signed form letters were received supporting the proposal but not stating reasons;
- 1 letter supported the proposal but sought alterations to the exhibited draft DCP;
- 20 letters of objection were received.

### Supporting Submissions

Comments made in support of the proposal include:

- Employment opportunities
- Financial benefits – "help building North and South Lismore infrastructure"
- Existing businesses would benefit with more industry in area
- Increased traffic flow will be good for existing businesses
- Attract new business and industry to area
- Proposal would 'smarten up an unsightly area'
- "Ideal" industrial land
- Good for growth of North Lismore
- More business for existing businesses
- Will help to create more affordable industrial land
- Suitable land for industrial use, as industrial usage on two other sides of the property
- Significant boost to local economy
- Will complement other existing industrial sites in area
- Industrial land at North Lismore is badly needed, to supply unsatisfied demand
- Ideal location for development to proceed – six blocks to CBD
- "Lismore is in desperate need of land for both residential and industrial purposes"
- "Lismore needs industry. Don't let it go to Ballina"
- "I need work in this town!"

**Staff response:** Comments noted.

### Objecting Submissions

#### Negative Impact on Amenity of the Area

- North Lismore is largely rural with a low level of existing industry
- Impact on landscape will destroy the beauty of area
- Quiet rural outlook will be changed substantially
- Introduce visual pollution at night
- Impacts on nature, animals affected by noise, vibration and emissions,
- Natural wetland will be destroyed.
- Large hoop pine and two bamboo clumps will be chopped down if development proceeds

**Staff response:** There is no doubt that the proposal would alter the amenity of the immediate locality, but whether that alteration is positive or negative is a subjective assessment. The site already has an industrial zone to the west, saleyards to the north, and a scattering of industrial and commercial uses, together with residential, on its other boundaries. The current zoning already permits industrial uses with the exception of 'offensive or hazardous' industries.

A Flora and Fauna Assessment accompanied the rezoning application and was publicly exhibited. This assessment concludes:

*"Given the cleared nature of the site, the proposed industrial development of the land is not likely to have a significant impact upon the fauna and flora species likely to occur on or within the vicinity of the site as listed under the TSC (Threatened Species Conservation) or EPBC (Environmental Protection and Biodiversity Conservation) Acts"*

Any development consent issued for subdivision and uses for individual lots will have to comply with Council's landscape guidelines, and a net gain in native vegetation landscaping of the area could be anticipated.

#### **Negative Impact on Residential Amenity**

- Impact on nearby residences by way of traffic, vibration, noise, pollution, risk of toxic spills, industrial emissions
- Effect on residential properties in Gibbon, Hallam and Macauley Streets
- Effect of industrial noise at night; noise produced will impact wider Lismore because the Lismore basin is a perfect amphitheatre
- Trucks will use local streets from 5.30am and decrease quality of life for residents.

**Staff response:** Currently there are no development proposals known for the site, and predictions of pollution and traffic impact may be premature. Development applications are required for uses for individual sites in industrial areas, and assessment of any such applications would include consideration of impacts on neighbouring land uses, together with imposition of conditions regarding hours of operation, pollution and stormwater control, limitations on noise and lighting emissions, etc. Refusal of consent for development applications would be warranted if the impacts could not be ameliorated.

The draft DCP specifies that light industry only is permitted along the frontages of Tweed and Terania Streets, so as to protect the amenity of surrounding residents. The applicant proposes that this area be devoted to commercial uses which could be expected to have fewer external effects than industrial uses. The DCP also requires, on the advice of the RTA, that no new lot have direct vehicular access to these roads. Consequently sensitive design and location of buildings and landscaping on these lots would be able to mitigate negative effects.

#### **Flooding and Drainage**

- Impact on the flooding characteristics of the area
- Impact of stormwater drainage on surrounding properties
- Site is in Slaters Creek basin, where will water disperse to?
- Further changes to the landform will have uncertain effects on flood levels and flow of water.
- Landfill will displace floodwater

**Staff response:** The site is identified as 'high flood risk' in Council's Floodplain Management Plan, and is known to be a deep backwater. The impact of the future development of the proposed industrial land has been modelled by Council's Flooding Consultants, WorleyParsons. This modelling was commissioned by Council at the applicant's expense. Due to the uncertainty as to design of the ultimate lot layout, the modelling assumed the worst case impact, being the entire extent of the land being filled to above the 1 in 100 year level. Filling to this level is not proposed and therefore it is considered that the modelling undertaken is the worst case scenario. The draft development control plan applying to the site restricts the filling of internal roads, which should remain at natural ground level to provide flood and stormwater flow paths away from the site towards identified drainage points.

The flood modelling identified that there will be minor impacts with regard to depth and velocity, less than 20mm both positive and negative for depth and 0.1-0.2m/s for velocity, on surrounding properties. It should be borne in mind that this is based on the worst case scenario for a 1 in 100 year flood on a totally filled site, which is not actually proposed. As that reporting is done to the nearest 10mm and 0.1m/s, these values are considered very minor.

It is recommended that additional requirements be inserted within the draft DCP to ensure that any filling of the land shall be graded and drained so the current surface flows of water from and to adjoining lands is addressed; particular attention shall be required with regard to an overland flow path through the proposed development from the rear of Lots 6 and 7 in DP17405. This requirement should address the issue of overland flows being directed away from adjoining properties and should address the issue of potential drainage impacts on adjoining residences.

The construction of a new drainage system will be a requirement of any development approval for subdivision of the site. Stormwater treatment devices have been proposed which will provide attenuation for increases in stormwater flows from the site. The stormwater will be disposed of into adjoining open space areas in public ownership without utilising any existing drainage systems.

## **Roads and Traffic**

- Roads not adequate to deal with heavy vehicles
- Roads are bad enough without more traffic
- Increase the quantity of both light and heavy vehicles
- Increased traffic will greatly impact on the residents due to increased noise levels and pollution
- Roads already in poor condition, further traffic will add to the deterioration of roads
- There are no plans for safety of pedestrians as there are no footpaths etc
- Proposed estate will raise traffic volumes to an intolerable level
- Road infrastructure in the area is unsuitable without a third river crossing.
- Pitt Lane and Alexander Parade are unsuitable roads for large vehicles and Woodlark Street is too congested to carry large vehicles.

**Staff response:** It is inescapable that development of the subject site for any urban use would generate traffic movements. The Traffic Impact Assessment report carried out by TTM Traffic Engineers states that, given the location of the site, it is expected that traffic generation of the proposed development will be relatively low. Access is proposed via three new intersections, two from Lake Street and the third at Terania and the constructed Bouyon Street. The report states that there are numerous opportunities for traffic to disperse through the surrounding road network, this dispersion would be such that the impact upon individual existing intersections would be minor.

Terania, Bouyon, Lake and Tweed Streets are currently below the road standard for industrial development, as identified within DCP 1 Ch 5 Urban Subdivision. The upgrading of these roads, to meet the standard within the DCP, is required within the draft DCP for the site.

The provision of footpaths within the industrial estate can be addressed as part of any subdivision DA.

It is acknowledged that development of this site will further contribute towards the need for Council to investigate the provision of additional river crossings. At present the existing bridge crossings are near capacity and operating at a reduced level of service. The traffic to be generated from industrial development on this site will add to this congestion. The provision of an additional river crossing north of the CBD is currently contained within Council's Section 94 Urban Arterial Roads Plan and the development of the land will pay contributions towards Urban Arterial Roads. Although these contributions will be collected this will not ensure that the additional crossing will be constructed concurrently with the development of the land as the contributions may be utilised on any section of the arterial road network.

Currently there is no requirement for S94 contributions towards an additional crossing in the vicinity of the existing Ballina Street Bridge. The development of the subject land will contribute additional traffic to this existing bridge that is currently operating at a reduced level of service.

However, these issues are much broader than this rezoning and need to be addressed as part of Council's strategic infrastructure planning.

**Requests for an Economic Development Plan for North Lismore** in consultation with the North Lismore Community before any rezoning occurs. Issues to be included:

- Slaters Creek basin is an important part of our river system and of significance to Aboriginal and non-Aboriginal culture. North Lismore has the potential to provide recreation space suitable for a wide cross section of the community
- The proposal to develop the North Lismore Plateau and required amenities
- The third river crossing. The current North Lismore by-pass is not suitable for trucks or an increase in traffic generally and Woodlark Street can ill afford further congestion
- Wider, wiser vision needed to develop North Lismore as a unique village, where visitors, travellers, tourists, commuters and locals can enjoy a lovely, lush, green, welcoming, peaceful place.

**Staff response:** An initial meeting has explored the possibility of obtaining Dept of State and Regional Development funding to prepare a Community Economic Development Plan for North and South Lismore. Should a funding application be successful, completion of the project would be expected within 2009.

#### **Miscellaneous Objections**

- Reduction in residential property valuations:

**Staff response:** This is not a consideration for land use planning matters.

- Alternative uses for the land should be investigated with the community

**Staff response:** The site is in private ownership; identifying alternative uses will have no effect if the landowner chooses not to pursue them.

- Suggestion for light industry, such as Arts and Industrial Estate like in Byron Bay.

**Staff response:** See discussion below regarding inclusion of retail and other uses in industrial areas.

- Keep industrial area where already established (e.g. around airport).

**Staff response:** Council's Industrial Land Strategy, and recent research into demand for industrial land, indicates a need for a variety of locations so as to provide market choice.

### Council's Property

Council owns 34 Tweed Street, 185 Lake Street and the unformed Bouyon Street. Information on these properties was exhibited in accordance with Department of Planning guidelines on the rezoning of Council property. No submissions related to these properties specifically, nor to Council's interest.

### Submission seeking alterations

- Request for commercial uses along Tweed and Terania St frontages, in area designated as 'light industrial'; eg distribution and retail outlets, hardware stores, bulky goods showrooms, plumbing and trade supplies.

**Staff response:** The Department of Planning has required, in its letter of 10 August 2007, that Council ensure that 'retail development is restricted under the industrial zoning applying to the land to be consistent with the Far North Coast Regional Strategy...'. The proposed zoning of 4(a) Industrial prohibits 'shops (other than those necessary to service an industrial estate)'. The intent of this prohibition would be to protect the viability of established retail areas.

Permissible in the 4(a) Industrial zone would be 'bulky goods showrooms', 'bulk store', 'commercial premises', 'convenience shop' and other quasi-industrial uses permitted under the current Lismore Local Environmental Plan, but not retail outlets which could otherwise establish in the Lismore CBD or North Lismore commercial zones. It is considered that this provides sufficient flexibility to permit appropriate light industrial, commercial and other uses without undermining established retail outlets elsewhere in Lismore. However, should Council wish to support a wider range of uses in the proposed light industrial area then consideration could be given to imposing more flexible zones such as 'Business Development' or 'Enterprise Corridor' which will become available in the new standardised local environmental plan when exhibited.

- Request that incorporation of a landscape mound for noise mitigation purposes not be mandatory, as proposed commercial uses would not need them; also consider other design options such as location of exhausts and air-conditioning, window/door placement, etc.

**Staff response:** It is agreed that other design options for developments on light industrial lots may be appropriate and the draft DCP will be amended accordingly.

- Argues against prohibition on additional direct access to any new industrial lots from Terania and Tweed Streets; would be unwarranted on commercial development proposed.

**Staff response:** The RTA has required that *'the proposed industrial area should be designed so there is no additional connection or direct access to any lot from Terania and Tweed Streets in order to protect the safety and efficiency of the Classified Road network'*. The RTA has not distinguished between industrial or commercial activities in this requirement. Its advice refers to its concurrence role under the Roads Act and its unwillingness to concur with any future proposed access to these classified roads. As a result, if Council did concur with this request and altered the draft DCP accordingly, it is likely that the RTA when consulted regarding any development application for individual sites, would object to direct access. The denial of direct access to Tweed and Terania Sts for new lots will have design implications for the industrial estate, but this is able to be addressed at the subdivision development application stage, and may result in overcoming some of the concerns of surrounding residents. Consequently it is recommended that the DCP be altered only in regard to clarifying that the prohibition on direct access applies to *any* new lot.

## Action Resulting from Submissions

It is recommended that draft Amendment No. 6 to the Lismore Development Control be amended as follows on the basis of submissions:

- include other design options than mounds for sound attenuation
- specify that the prohibition on direct access to Tweed and Terania Streets applies to *any* new lot.
- include provisions as outlined above to protect adjoining residents from any additional storm water impact.

The amended draft DCP follows this report in the Business Paper. The amendments made on the basis of submissions are shown underlined and in italics. The draft amending LEP also follows this report but has not required alteration from that exhibited.

## Comments

### Financial Services

The developer will be required to generally meet all the costs associated with rezoning and development of this land. In regards to traffic and access, it is noted that the development and subsequent use of this land will increase traffic flows. In particular, the reference to the need for Council to investigate the provision of an additional river crossing is highlighted as this infrastructure will require a significant contribution from Council when constructed.

## Other Staff Comments

### Manager Economic Development

The Manager, Economic Development is supportive of this proposal given the anticipated significant employment that will be generated during construction and operation of this industrial area.

### Environmental Health Coordinator

The Environmental Health Coordinator advises that the amendment to the draft DCP to include alternatives to mounds is supported however most sound attenuation measures are barriers of some type.

Comment from other staff is incorporated in the above report.

## Options

Council can:

1. Adopt draft the draft Amending LEP and DCP as amended as recommended and send the LEP to Minister for agreement and gazettal;  
OR
2. Decline to adopt the draft amending LEP and DCP;  
OR
3. Defer a decision pending the outcome of any local economic development strategy for North Lismore; or the comprehensive LEP, however there is currently no absolute certainty that the preparation of this strategy will be funded, nor is there any certainty that it will address the use of the subject land in sufficient detail to inform planning controls, and if it does, there is no certainty that Council or the owner of the land would support the outcomes. Deferral of a decision on this basis could result in indefinite deferral of this proposal.

## Conclusion

The proposal to rezone the subject land for industrial purposes is consistent with Council's Industrial Land Strategy, the Far North Coast Regional Strategy, the Floodplain Management Plan and the various State Government requirements applying to rezoning proposals. Submissions received in objection raise issues that can be addressed in subdivision design and the imposition of conditions on any development consents. A considerable number of submissions supporting the proposal were also received.

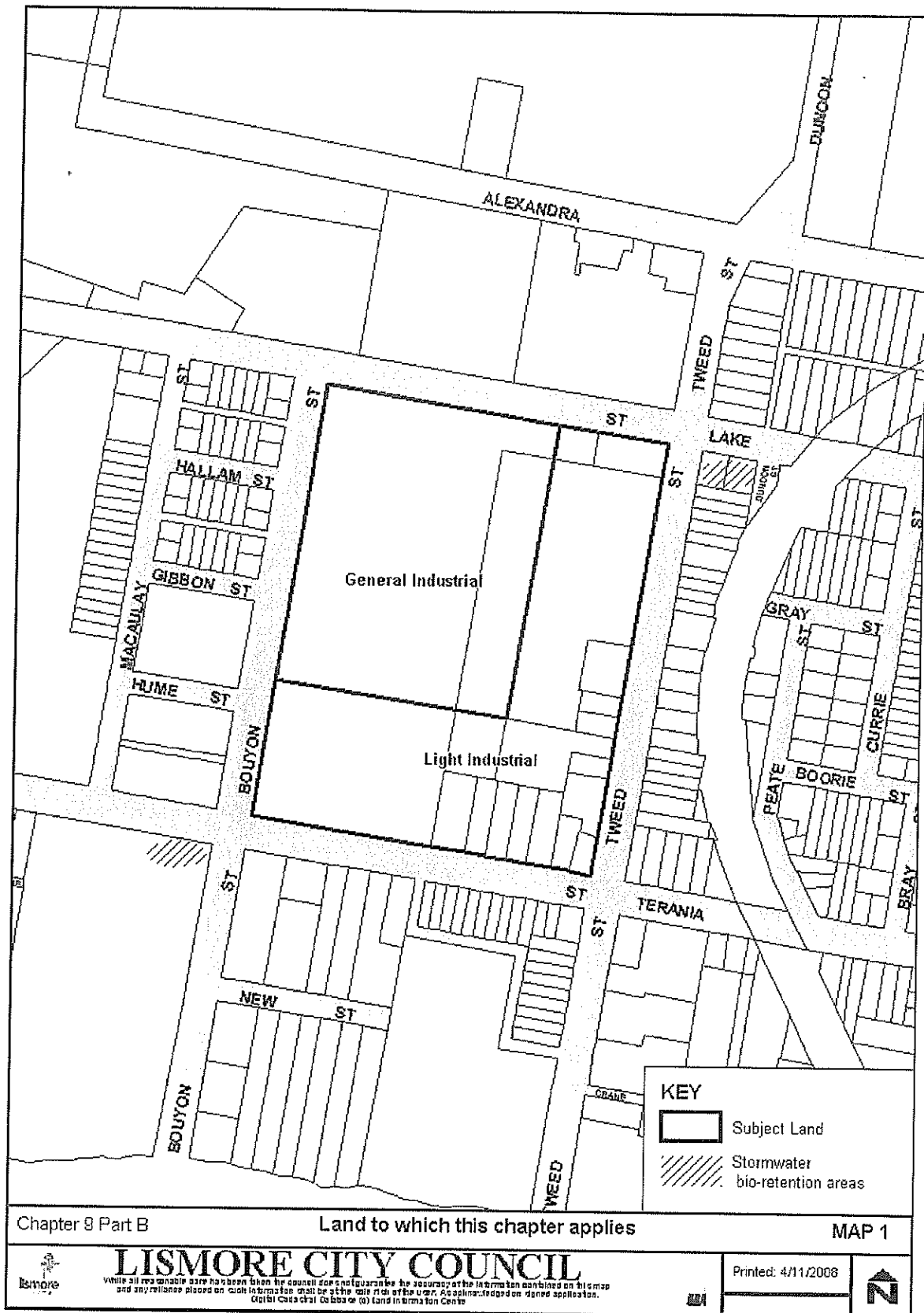
## Recommendation (PLA11)

That Council:

1. Adopt draft Amendment No. 37 to the Lismore Local Environmental Plan and forward it to the Minister for Planning with a request that it be made; and
2. Adopt Amendment No. 6 to the Lismore Development Control Plan as amended on the basis of submissions received.







## Report

<b>Subject</b>	Draft Amendment No. 37 to Lismore Local Environmental Plan – Industrial estate at Terania, Tweed & Lake Sts, North Lismore
<b>File No</b>	S954
<b>Prepared by</b>	Manager, Planning Services
<b>Reason</b>	To advise Councillors of rezoning proposal
<b>Objective</b>	To obtain Council's endorsement for commencement of LEP amendment process
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Activity</b>	Implement adopted Council land use strategies

### Overview of Report

An application has been received for the rezoning of 10 ha at North Lismore from Riverland 1(r) to Industrial 4(a) to facilitate the development of an industrial estate. The property is bounded by Terania St to the south, Tweed St to the east, Lake St to the north and the unformed Bouyon St to the west. It is currently undeveloped. The application is supported by a Planning Report addressing traffic and access, stormwater management, flooding, flora and fauna, contamination and social and economic impacts. The proposal implements a recommendation of Council's Industrial Lands Study and endorsement by Council is recommended.

### Background

Council's Industrial Land Study (1995) identified the site between Terania, Tweed, Lake and Bouyon Streets as having potential for industrial development provided flood mitigation measures were investigated and proved feasible. The Study noted that significant amounts of land fill would be necessary.

The site location is identified in the locality diagram attached to this report. It directly adjoins the current North Lismore industrial 4(a) zone to the west of Bouyon Street. It is currently undeveloped and has been used for grazing purposes.

The proposal has been the subject of a number of pre-lodgement meetings with Council technical staff, and staff requests have been included in the proposal.

A copy of the Planning Report by applicant Stephen Fletcher & Associates has been placed in the Councillors' Room for perusal by Councillors.

### Statutory Requirements

**SEPP 55 Remediation of Land:** the applicant has undertaken a preliminary contaminated land assessment which is included in the Planning Report. The report concludes that no further investigation is required in respect of pesticides, metals or petroleum hydrocarbons. However, a management plan for contamination identified on the site should be a requirement of a site specific DCP.

**Lismore City Council**

**Meeting held July 10, 2007 – Draft LEP Amendment No. 37 – Lismore Local Environmental Plan**

**Far North Coast Regional Strategy:** the site is shown as 'employment land' within the Strategy. The proposal complies with outcomes and actions contained in the Strategy.

**North Coast Regional Environmental Plan:** Clauses 45 and 45A require the consideration of hazards and the inclusion in a LEP of measures to minimise adverse impact. Flooding is the only hazard applying to the site. Under the Lismore Floodplain Management Plan the site is identified as 'high flood risk area' and recommended planning controls are carried forward into Lismore DCP 1 Ch. 8 Flood Prone Land. These controls prohibit residential development but permit additional industrial development subject to criteria shown in the DCP. Any future development applications over the subject site must comply with these development controls. Flood modelling has been carried out over the site, concluding that the proposal is acceptable with minimal impacts. This issue is further discussed below.

The proposal complies with cl. 47 of the REP – Principles for commercial and industrial development in that it is within the existing urban area, provides an expansion of a current industrial area, will provide sufficient flexibility for a range of industrial uses and lot sizes, and provides accessible employment opportunities.

#### **S117 Directions:**

- *Direction No. 15 Flood Prone Land* – consistent. The proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual.
- *Direction No. 16 Industrial Zones* – consistent. The proposal is in accordance with an adopted Council strategy and the Far North Coast Regional Strategy.
- *Direction No. 17 Integrating Land Use and Transport* – consistent. The site is on a public transport route.
- *Direction No. 22 Rural Zones* – justifiably inconsistent, as the site has been identified for industrial development in an adopted Council strategy and the Far North Coast Regional Strategy.
- *Direction No. 30 Implementation of Regional Strategies* – consistent.

**Local Environmental Plan:** rezoning to Industrial 4(a) will be commenced as an amendment to the current Lismore Local Environmental Plan. However, given the length of time now required for rezoning proposals this amendment, should it be endorsed by Council, may ultimately be included in the preparation of the new comprehensive standard template LEP under the mandated zoning identification which will apply to industrial areas. Regardless of the ultimate identification of the zone, it will permit subdivision and development for industrial purposes and require compliance with local controls for flood affected land.

#### **Lismore Development Control Plan No. 1 –**

- **Ch 3 Industrial Development:** the DCP requires that all applications for the rezoning of land to a 4(a) Industrial zone are to be accompanied by a subdivision concept plan which may provide the basis for a future DCP applying to that land. Where the proposed rezoning is supported by Council the Draft DCP amendment will be placed on public exhibition prior to the rezoning being forwarded to the Minister for gazettal. A concept plan for the proposal is shown following this report and it is proposed that a draft DCP for the site will be prepared for exhibition concurrently with exhibition of the draft LEP amendment.
- **Ch 11 Buffer Areas:** requires buffer areas between industrial development and any adjoining residential development or zoning. Residential development adjoins the site along part of the Terania and Tweed Sts. frontages. Buffer areas will be required to be included in the subdivision design by the site specific DCP noted above.
- **Other controls within DCP 1:** the development would also be required to comply with other development control provisions in place at the time of preparation and lodgement of a DA, such as those for infrastructure, landscaping, crime prevention, flood prone land and advertising structures.

## Analysis of Issues

### Flooding

The site is located in an area which serves as an overland flow path to a small flood storage area. Should the proposal proceed this flow path will be restricted however water can still flow around and through to subject area without having a significant impact upon existing development in all flood events.

Flood modelling has been carried out by Patterson Britten & Partners and concludes:

*By developing the site above the 1 in 100 ARI flood level, there is a decrease in the effective flowpath of the Wilson River to the junction with Leycester Creek. This results in an increase in peak water level of approximately 0.01m in the Wilsons River.*

*Peak velocities increase by a maximum of 0.2m/s at the south eastern corner of the site (from approximately 0.2-0.3m/s.*

This analysis was based on a 'worst case' scenario in which the entire site was filled above the 1 in 100 ARI level. However, this scenario is not proposed; instead the proposal is to minimize the extent of imported fill to reduce impact on the flood regime. The concept design (which will be mandated in the DCP) proposes that roads and the majority of each lot will remain at current levels, with filling permitted only for building pads. Roads will convey storm and floodwaters away from the site to approved locations.

### Traffic & Access

Access to the site is proposed at one location from Terania St via the constructed Bouyon St and at two points from Lake St. which will require upgrading accordingly. A Traffic Impact Assessment Report has been prepared by TTM Traffic Engineering which concludes:

*'There are numerous opportunities for development traffic to disperse throughout the surrounding road network. This dispersion is such that the impact of the proposed development upon individual intersections will be minor.*

*It is concluded that the proposed development will not trigger the need for upgrade works at any of the intersections surrounding the site. However proposed new intersections should be designed so that adequate pavement width is available for through traffic to pass a vehicle propped to turn right into the site.'*

**Comment:** Council's Development Assessment Engineer advises:

'Terania, Bouyon, Lake and Tweed Streets are currently below the road standard for industrial development, as identified within DCP 1 Ch 5 Urban Subdivision. It is recommended that the upgrading of these roads, to meet the standard within the DCP, should be a requirement of the rezoning.

The following upgrading works should be required to be constructed in conjunction with the development of the land:

- Bouyon Street be constructed to an 11 metre width with kerb and gutter on both sides;
- Lake Street to be constructed to an 8.5 metre wide sealed pavement with kerb and gutter on the southern side at an offset of 5.5 metres from the road centreline;
- The frontages of Tweed and Terania Streets will need to be upgraded with kerb and gutter at an offset of 6.5metre from the centreline and a minimum width road pavement of 10 metres.

The intersections of the proposed roads with both Terania and Tweed Streets shall be designed in accordance with Austroads Part 5 intersections.

It should be noted that the release of this industrial land will further contribute towards the need for Council to investigate the provision of additional river crossings. At present the existing bridge crossings are near capacity and operating at a reduced level of service. The traffic to be generated from the rezoning will add to this congestion. The provision of an additional river crossing north of the CBD is currently contained within Council's Section 94 Urban Arterial Roads Plan and the development of the land will pay contributions towards Urban Arterial Roads. Although these contributions will be collected this will not ensure that the additional crossing will be constructed upon the development of the land as the contributions may be utilised on any section of the arterial road network.

In addition the existing section 94 plan does not require contribution towards an additional crossing in the vicinity of the existing Ballina Street Bridge. The development of this land will contribute additional traffic to this existing bridge that is currently operating at a reduced level of service.

Though this is the case it is considered that these issues are much broader than this rezoning and should be addressed as part of Council's strategic infrastructure planning.'

### **Proposed Lot Sizes**

The Planning Report contains a discussion about lot sizes and suggests a range of sizes between 1000m<sup>2</sup> and 2500m<sup>2</sup>, arguing that other industrial areas in Lismore have provided larger lots in excess of 2500m<sup>2</sup> and there is a minimal supply of lots of smaller sizes. This is not a matter to be determined within the rezoning process, but the requirement for a minimum average lot size will be included in the DCP.

### **Flora & Fauna**

A Flora & Fauna Assessment has been undertaken for the site and is included in the applicant's Planning Report. The site has been cleared and has a history of grazing and the Assessment concludes that that it is devoid of any significant flora or fauna.

### **Water & Sewer**

The site is connected to reticulated water and sewer. Lismore Water has considered the proposal and requires no further information until a subdivision application is lodged.

### **Stormwater Management**

A Stormwater Management Plan is included in the applicant's Planning Report. In summary, a piped stormwater network is to convey flows to outlet points at locations which receive stormwater in the currently undeveloped state. Grassed swales and runoff areas are to be provided on the site where achievable and drainage is to be directed to dry bio-retention basins in Council lands which are maintained as parks or pastoral lands. The Report states that this has been adopted at Council's request to minimise requirements for future maintenance. Council's Environmental Health Co-ordinator advises that the proposal has been modelled and shows that Council's water quality objectives for treatment of stormwater can be met.

### **Social & Economic Impacts**

It is expected that significant employment will be generated during construction and operation of this industrial area. Implementation of the concept plan through a DCP will minimise impacts such as noise on nearby residential properties.

### **Proposed Development Control Plan**

A site specific Development Control Plan should address the following matters:

- average lot sizes
- specification of uses for particular precincts, based on distance from residences
- amount and location of land fill
- stormwater control and management
- access, road design and parking
- landscaping
- buffers and minimisation of noise and lighting impacts on nearby residences
- building design and materials
- matters to be addressed in a DA for subdivision (including management plan for contaminants)
- energy efficiency
- compliance with Floodplain Management Plan

The applicant will be given the choice of either preparing the draft DCP for consideration by Council staff, or of having staff prepare it on a user pays basis.

### **Comments**

#### **Financial Services**

The developer will be required to generally meet all the costs associated with rezoning and development of this land.

In regards to traffic and access, it is noted that the development and subsequent use of this land will increase traffic flows. In particular, the reference to the need for Council to investigate the provision of an additional river crossing is highlighted as this infrastructure will require a significant contribution from Council when constructed.

#### **Other staff comments**

#### **Manager, Economic Development & Tourism:**

The Manager, Economic Development is supportive of this proposal given the anticipated significant employment that will be generated during construction and operation of this industrial area.

#### **Environmental Health Co-ordinator:**

##### **Noise**

The proposal includes identification of precincts to ensure land closest to residences is used for low key industrial purposes only and land further away with greater buffer to sensitive residential land is available for general industrial use. This is supported by Environmental Health and allows better site management during development to reduce impacts from noise. There may still be a need to provide mounds designed to reduce noise and visual impacts to residents immediately adjacent to the proposed lands, however this can be considered and achieved at the subdivision and development stage of the process.

##### **Contaminated Land**

A sampling program was carried out in accordance with NSW EPA guidelines using a systematic sampling regime and composite sampling of four sub-samples into one individual sample for analysis.

Results were compared to recognised Health Investigation Levels (HILs). Results for metals were well below recommended (HILs) for commercial and industrial sites apart from manganese. This may be due to high naturally occurring manganese concentrations, knowledge that manganese precipitates under waterlogged conditions and that this site was in an area which experiences the strongest waterlogging effects.

Sampling and analysis for pesticides were carried out including organochloride, organophosphate, and DDT. All levels were well below recommended HILs.

Composite sampling and analysis for petroleum hydrocarbons (TPH) was carried out for three fractions of TPH. The consultant reports that the concentrations for the individual Health Investigation Level of 450mg/l is not exceeded, however the level for composite sampling is. These concentrations, although elevated, are uniform across the site and the consultant concludes that it is likely the source of contamination is the same for the entire site and the most likely contaminating agent is floodwaters containing petroleum hydrocarbons. Data supports this conclusion and there is no evidence hot spots exist on the site.

The Environmental Health section recommends that a management plan be developed for contamination at the time a development application is lodged for any subdivision of the site and that this requirement be incorporated into the site specific DCP to be prepared for the site.

### Public consultation

Should Council endorse the rezoning proposal it must be circulated to State Government agencies prior to formulation of the contents of the draft LEP or DCP. Adjoining landowners will be notified.

The draft amending local environmental plan and supporting development control plan will be exhibited concurrently, for a minimum period of 28 days unless Council requires additional time.

### Conclusion

Rezoning of the site for industrial subdivision and development is consistent with Council's Industrial Land Study, with the Far North Coast Regional Strategy, and with other statutory requirements applying to the amending LEP process.

### Recommendation

It is recommended that Council:

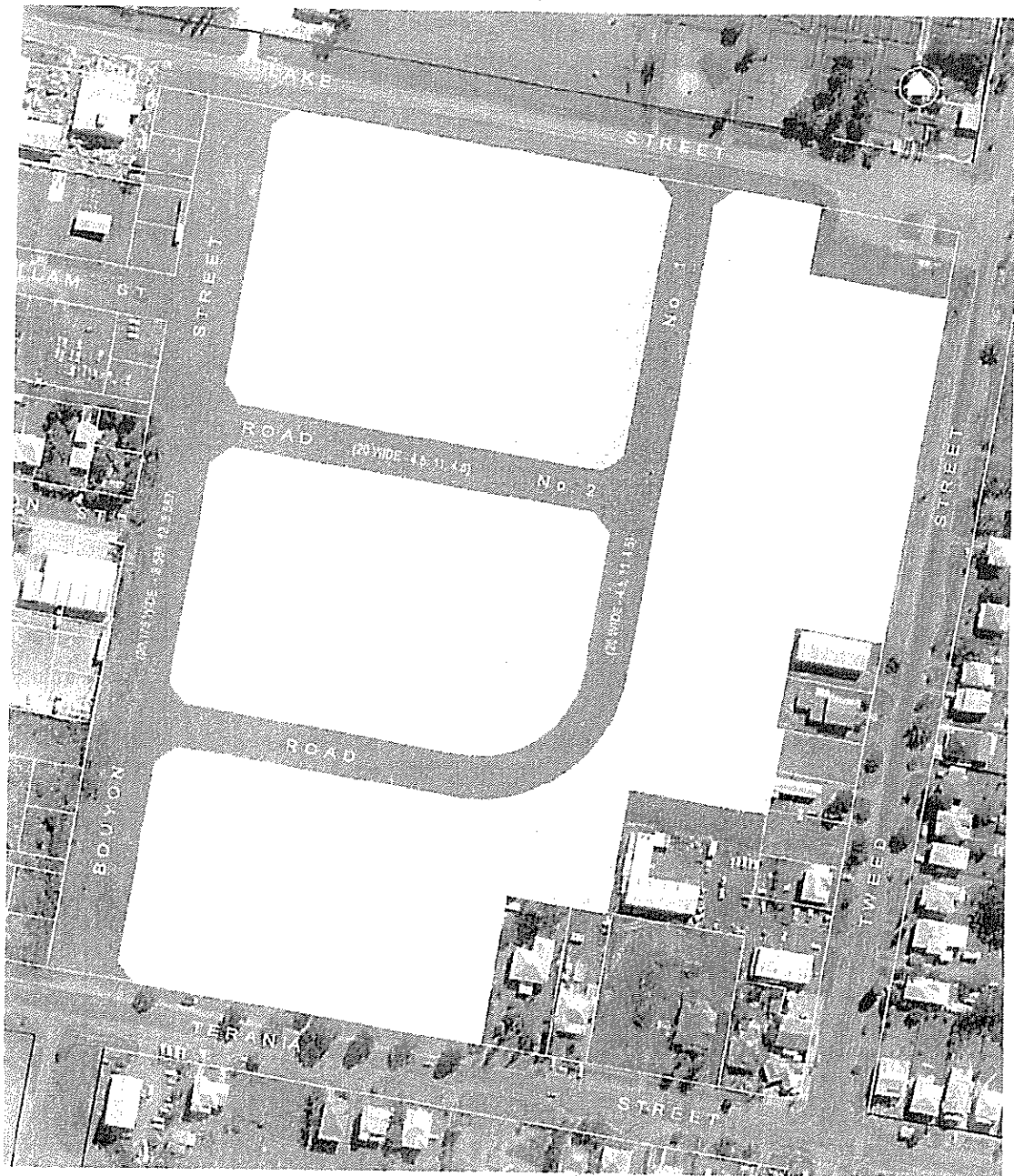
1. Pursuant to S54 of the Environmental Planning & Assessment Act, resolve to prepare draft Amendment No. 37 to Lismore Local Environmental Plan and to notify the Department of Planning accordingly;
2. Agree that no site specific local environmental study is required in view of the disturbed nature of the site, its location on the urban fringe, the environmental analysis contained in the applicant's report and the proposal's compliance with local and State Government adopted land use strategies.
3. Agree that as the unformed Bouyon St is part of the proposal and is Council owned, the preparation and public exhibition of the draft LEP amendment be in accordance with the Departmental guideline 'LEPs and Council Land'; and
4. Resolve to prepare and exhibit a site specific development control plan addressing the issues raised above and which will form part of Lismore Development Control Plan No 1 Part B.

Figure 1 - Site Locality and Cadastral Plan





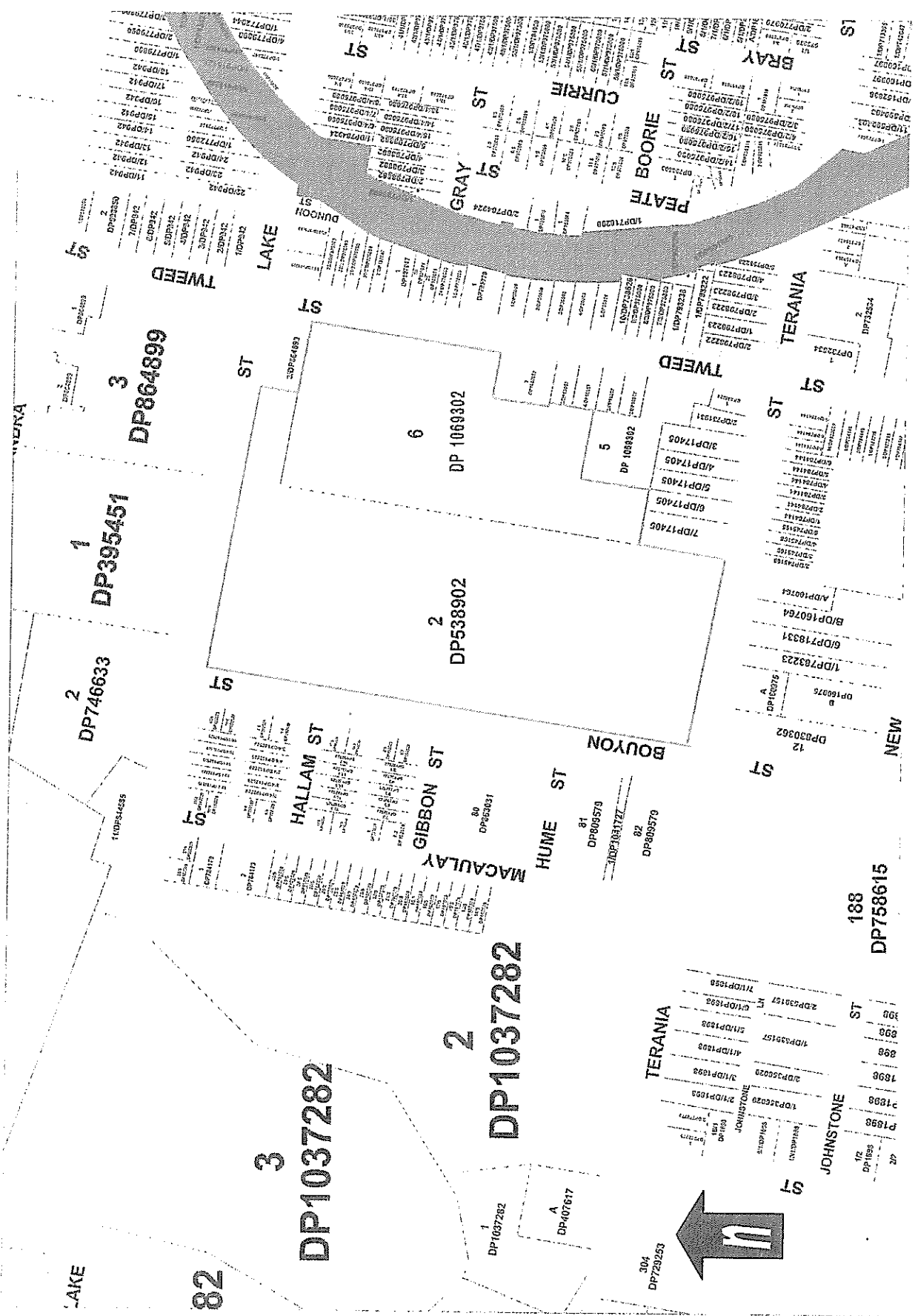
**Figure 6 - Site Precinct Plan**



**LEGEND**

<i>Precinct 1</i>	2.14 Ha	General Industrial Use 4(a) Zone
<i>Precinct 2</i>	2.83 Ha	General Industrial Use 4(a) Zone
<i>Precinct 3</i>	1.49 Ha	General Industrial Use 4(a) Zone
<i>Precinct 4</i>	1.61 Ha	Low key Industrial and limited bulky good showrooms.
<i>Precinct 5</i>	0.8 Ha	Low key Industrial and limited bulky good showrooms.

Figure 1 - Site Locality and Cadastral Plan



# **Lismore Local Environmental Plan 2000 (Amendment No. 37)**

under the

Environmental Planning & Assessment Act 1979

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

CHRISTINA KENNEALLY, MP  
Minister for Planning

# Lismore Local Environmental Plan 2000 (Amendment No. 37)

under the

Environmental Planning & Assessment Act 1979

## 1. Name of Plan

This plan is Lismore Local Environmental Plan 2000 (Amendment No. 37).

## 2. Aims of Plan

This plan aims to rezone the land to which this plan applies from Zone No.1(r) Riverland to Zone No. 4(a) Industrial under the Lismore Local Environmental Plan 2000.

## 3. Land to which this Plan applies.

This plan applies to Lot 2, DP 538902; Lot 6, DP 1069302; Lot 3, DP 864899; Lot 3, DP 1002683; Lot 5, DP 18057; Lot 4, DP 10857; Lot 2, DP 1106994 and the unformed Bouyon Street, as showed edged heavy black and lettered "4(a)" on the map marked "Lismore Local Environmental Plan 2000 (Amendment No. 37)" deposited in the office of Lismore City Council.

## 4. Amendment of Lismore Local Environmental Plan 2000

*Lismore Local Environmental Plan 2000* is amended by inserting in appropriate order in the definition of **the map** in Schedule 7 the following words:

Lismore Local Environmental Plan 2000 (Amendment No. 37)



Subject Land



SCALE 1 : 6,500

LOCALITY OF NORTH LISMORE

PARISH OF NORTH LISMORE

COUNTY OF ROUS

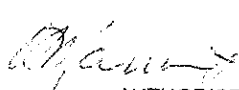
**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**  
**CITY OF LISMORE**  
**DRAFT Amendment No 37**  
**LISMORE LOCAL ENVIRONMENTAL PLAN 2000**

DRAWN BY	C Coates	DATE	06.06.2008
SUPERVISING DRAFTSPERSON			
PLANNING OFFICER			
COUNCIL FILE No.	S 454		
DEPT. FILE No.			
CERTIFICATE PLAN NUMBER			
CERTIFICATE ISSUED UNDER S.65 E.P.A. ACT	30-10-08		
GOVT. GAZETTE OF			

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

THIS PLAN AMENDS LISMORE LOCAL ENVIRONMENTAL PLAN 2000.

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED

  
 AUTHORISED  
 COUNCIL EMPLOYEE

30/10/08

DATE

# LISMORE DEVELOPMENT CONTROL PLAN

## DRAFT AMENDMENT NO. 6

### **Citation.**

1. This plan may be cited as Lismore Development Control Plan Amendment No. 6.

### **Land to which this plan applies.**

2. This plan applies to land bounded by Bouyon, Terania, Tweed and Lake Streets, North Lismore.

### **Objectives**

3. This plan aims to amend the Lismore Development Control Plan by inserting Chapter 9 into Part B. The objectives of this Chapter are:
  - to facilitate industrial development that does not result in detrimental impacts on flooding characteristics of the area;
  - to facilitate industrial development that does not result in unacceptable impacts on nearby residences;
  - provide for suitable road access and traffic infrastructure for industrial development.

### **Amendment of Lismore Development Control Plan**

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

## Chapter 9

# North Lismore Industrial Estate



## 9 North Lismore Industrial Estate

This Chapter applies to development on land in North Lismore as shown on the plan.

### 9.1 Application.

This chapter applies to land bounded by Bouyon, Terania, Tweed and Lake Streets, North Lismore, as shown on Map 1.

### 9.2 Objectives

The objectives of this chapter are:

- to facilitate industrial development that does not result in detrimental impacts on flooding characteristics of the area;
- to facilitate industrial development that does not result in unacceptable impacts on nearby residences;
- provide for suitable road access and traffic infrastructure for industrial development.

### 9.3 Relationship with other planning controls.

The Lismore Local Environmental Plan and other Chapters of the Lismore Development Control Plan apply to the North Lismore Industrial Area. Any development application for subdivision of the site or for uses of subdivided lots is to be prepared in accordance with these planning controls, in addition to this Chapter.

### 9.4 Residential Amenity

Land fronting Tweed and Terania Streets is identified for light industrial uses only, so as to avoid disturbance to residents of those streets. Map 1 identifies the light industrial and the general industrial area.

Preferred uses in the light industrial area may, in addition to light industry, include commercial undertakings, retail sale of bulky goods, and other uses as permitted by the zoning in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil.

Noise amelioration and protection of residential amenity is to be addressed in the building design and siting of any uses in the area nominated for light industry, or by the construction of mounded buffers at a minimum level of 1.5metres from top of fill, densely planted in accordance with an approved landscape plan. The buffers are to be located within the industrial lots. To ensure the integrity of these measures is maintained, direct vehicular access to new industrial development from Tweed and Terania Streets will be prohibited. This restriction does not apply to individual lots fronting those roads and which were in existence prior to gazettal of Amendment No. 37 to Lismore Local Environmental Plan.

Alternatively, design and siting of buildings in the light industrial area may address noise attenuation, if required, by means such as placement of door and window openings, location of exhausts and air conditioning units, insulation to walls and roof, double glazing of windows, or means which mitigate noise impacts on nearby residences.

Lighting of individual premises is to avoid nuisance to residences.

### 9.5 Lot sizes

In the Light Industrial area a minimum lot size of 1500m<sup>2</sup> applies, with the average size to be 2000m<sup>2</sup> or larger.



In the General Industrial area a minimum lot size should be 2000m<sup>2</sup> and a range of lot sizes is to be provided to include lots of 4000m<sup>2</sup> and more.

All lots should be of sufficient size or their building footprints restricted so that all vehicle parking, loading/unloading and any other servicing required by the occupying business can be catered for on-site and not on the public road, and the reversing of vehicles onto the public road is not required.

## 9.6 Roads and Parking

Traffic access from Terania St is to be at one location via constructed Bouyon Street and at two points from Lake Street. Upgrading of Lake Street to industrial road standard will be required.

The Roads & Traffic Authority has directed that there is to be no additional connection or direct access to any new lot from Terania and Tweed Streets, so as to protect the safety and efficiency of the classified road network. This requirement does not apply to lots in existence prior to the rezoning of the land.

Terania, Tweed and Wilson Streets are gazetted B-Double routes. Industrial development will generate additional heavy and light traffic and the existing road network infrastructure such as pavement, drainage and junctions will need to be upgraded to cater for this. The internal road system and junctions should cater for B-Double turning paths.

The following upgrading works are required to be constructed in conjunction with the development of the land:

- Bouyon Street be constructed to an 11 metre width with kerb and gutter on both sides;
- Lake Street to be constructed to an 8.5 metre wide sealed pavement with kerb and gutter on the southern side at an offset of 5.5 metres from the road centreline;
- The frontages of Tweed and Terania Streets will need to be upgraded with kerb and gutter at an offset of 6.5metre from the centreline and a minimum width road pavement of 10 metres.

The intersections of the proposed roads with both Terania and Tweed Streets are to be designed in accordance with Austroads Part 5 intersections.

The intersections of internal roads with Bouyon Street are to be offset from those with Hallam, Gibbon and Hume Streets.

## 9.7 Flood management

The Floodplain Management Plan identifies the site as 'high flood risk' but, flood modelling indicates that low velocities are experienced.

Building floor levels and emergency flood refuge areas are to comply with Lismore Development Control Plan No. 1 Part A (Chapter 8 - Flood Prone Lands).

Filling of roads is restricted so as to minimize any potential impact upon the flood regime in the locality. Roads should remain at natural ground level to provide flood and stormwater flow paths away from the site. Grassed swales and grassed runoffs are to be used where possible to assist in the removal of nitrogen.

Building pads are to be filled to maintain flood free floor levels in the 100yr event. All blocks are to be sloped to street frontages to prevent the creation of trapped low points.

Development Applications for use of each lot are to include flood management mechanisms to reduce or prevent contact of flood water with areas and infrastructure frequented by workers or visitors to the site, in order to avoid human contact with petroleum hydrocarbon contaminants conveyed by floodwaters.

### **9.8 Stormwater control and management**

Drainage from the site will generally be directed to the northeast to the existing culvert at Tweed Street. The remainder will be directed to the Council Park opposite Terania Street. These networks drain the site in its pre-developed state.

Dependent on hydraulic flows expected to be generated by development of the site, these existing culverts may require upgrading. As the land is subject to flooding, it is required that the design of the stormwater drainage system address the possibility of outlet submergence and blockage.

An application for subdivision of the site is to demonstrate how road and drainage proposals will perform both in storm events and in the 1:20 year and 1:10 year flood events without detrimental effects on nearby residences.

The piped stormwater network is to be designed to convey the 20 year ARI event in accordance with Table D5.1 of the AusSpec Northern Rivers Local Govt Development & Design Manual v2. The piped stormwater network is to convey flows to the outlet points designated in the Stormwater Management Reports by Ardill Payne of February 2005 and February 2007, the locations of which are generally indicated on Map 1.

The subdivision roads are to be designed to convey all rainfall events between the 2 yr and 100 yr events away from the subdivision. Roads shall be designed with an overall 0.5% minimum longitudinal grade, with a maximum 200mm ponding depth at sag points to ensure adequate conveyance is achieved. Street surface conveyance is to discharge stormwater away from the subdivision in a manner that is safe for vehicles and pedestrians in accordance with AusSpec guidelines.

Any filling of the land shall be graded and drained so as the existing surface flows of water from and to adjoining lands is addressed; in particular an overland flow path is required through the proposed development away from the rear of Lots 6 & 7 in DP17405. Overland stormwater flows are to be directed away from adjoining properties and should address the issue of potential drainage impacts on adjoining residences.

The stormwater management system may include pollutant removal devices to detain and deactivate petroleum hydrocarbons and other pollutants.

### **9.9 Aboriginal cultural heritage**

An approved 'cultural monitor' from the Local Aboriginal Land Council is to be present during initial ground surface disturbance for the clearance of roadways and subdivision layout. Any Aboriginal cultural material found at any time on the subject property should be brought to the attention of the Ngulingah LALC and in accordance with legislation, be reported to the Director General, Department of Environment & Climate Change (NPWS Division) as soon as practicable.

### **9.10 Flora/fauna**

The Department of Environment & Climate Change has recommended that a targeted onsite assessment be undertaken to confirm that there is no flora or fauna of significance on the site.

### **9.11 Matters to be addressed in development applications**

In addition to the matters prescribed by the Regulation for inclusion in Statements of Environmental Effects, and those matters noted above, the subdivision development application is to contain:

- A management plan for contaminants
- Detailed design for sewer provision and augmentation works
- Detailed design for water provision
- Landscaping plan to comply with DCP 1 requirements
- Stormwater management plan demonstrating, amongst other requirements noted above, that no additional stormwater impacts will be experienced on adjoining properties.

Development applications for use of individual lots should also address:

- energy and water efficiency measures to be adopted
- building design and materials
- other matters required by the Lismore Development Control Plan.



## Report

<b>Subject</b>	Amendment No. 7 to Lismore Development Control Plan – Off-Street Car Parking
<b>File No</b>	S924
<b>Prepared by</b>	Senior Planner
<b>Reason</b>	Close of Public Exhibition Period
<b>Objective</b>	Council's adoption of Amendment No. 7 to the Lismore Development Control Plan
<b>Strategic Plan Link</b>	Economic Development
<b>Management Plan Project</b>	Implement adopted Council Land Use Strategies

### Overview of Report

This report is to inform Council of the close of public exhibition for Amendment No. 7 to the Lismore Development Control Plan (DCP). At its meeting of December 9, 2008 Council resolved to place draft Amendment No. 7 to the DCP on public exhibition. The amendment proposes to amend Chapter 7 – Off-Street Car Parking of the DCP to reduce the requirements for service vehicle loading and manoeuvring for 'bulky goods showrooms' and 'storage sheds'. Council received no submissions during the exhibition period. It is therefore recommended that Council adopt proposed amendment No. 7 to the Lismore DCP in the form in which it was notified.

### Background

At its meeting of December 9, 2008 Council resolved to place draft Amendment No. 7 to the Lismore DCP on public exhibition. Chapter 7 – Off-Street Car Parking currently requires the provision of loading bays and manoeuvring areas for articulated vehicles for a number of specified land uses, regardless of the floor space or site area. This is regarded as unnecessary for 'bulky goods showrooms' and 'storage sheds'. Therefore the amendment proposes to change the requirements for these uses as follows:

- articulated vehicle loading and manoeuvring areas for bulky goods showroom will be required when the floor space exceeds 1000m<sup>2</sup> gross floor area. Equal to or below this floor area, the requirement is to provide for a large rigid vehicle; and
- manoeuvring areas for large rigid vehicles only will be required for storage sheds.

In addition, a distinction has been made between 'animal establishment' and 'boarding kennel' to clarify the intent of the Chapter that loading bays and manoeuvring areas for articulated or other large vehicles are not required for a 'boarding kennel'.

The draft Amendment was placed on public exhibition for a period of twenty-eight (28) days between January 8, 2009 and February 6, 2009. No submissions were received during the exhibition period.

## Conclusion

Amendment No. 7 of the Lismore DCP was on public exhibition from January 8, 2009 to February 6, 2009. No submissions were received. It is therefore recommended that Council adopt Amendment No. 7 of the Lismore DCP in the form in which it was publicly exhibited and give public notice that the amendment is adopted.

## Recommendation (PLA10)

1. That Council adopt Amendment No. 7 of the Lismore Development Control Plan in the form in which it was publicly exhibited.
2. That Council give public notification of the adoption of Amendment No. 7 to the Lismore DCP in accordance with the *Environmental Planning and Assessment Regulation 2000*.

**LISMORE DEVELOPMENT CONTROL PLAN****AMENDMENT NO. 7****Citation**

1. This plan may be cited as Lismore Development Control Plan Amendment No. 7.

**Land to which this plan applies**

2. This plan applies to the loading bay and manoeuvring area vehicle requirements for Bulky Goods Showrooms and Storage Sheds within Lismore.

**Objectives**

3. This plan amends the Lismore Development Control Plan by:
  - Changing the requirement for loading bays and manoeuvring areas for Storage Sheds from articulated vehicles to large rigid vehicles;
  - Changing the requirement for loading bays and manoeuvring areas for Bulky goods showroom to require provision for articulated vehicles where the gross floor area exceeds 1000m<sup>2</sup> and large rigid vehicles where the gross floor area is less than or equal to 1000m<sup>2</sup>.

**Amendment of Lismore Development Control Plan No. 7**

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

## Schedule 1

### Part A: Chapter 7 – Off Street Parking

#### 1. Schedule 1 - Carparking Requirements for Specific Land Uses

In the second and third columns opposite Animal Establishment insert a ruled line under '1 per 2 employees and 'loading bays and manoeuvring area for articulated vehicles'.

In the third column opposite 'Bulky Goods Showroom' replace the words 'Loading bays and manoeuvring area for articulated vehicles' with 'Less than or equal to 1000m<sup>2</sup> GFA loading bays and manoeuvring area for heavy rigid vehicles; more than 1000m<sup>2</sup> GFA loading bays and manoeuvring area for articulated vehicles'.

In the third column opposite 'Storage Shed' replace the words 'Manoeuvring area for articulated vehicles' with 'Manoeuvring area for large rigid vehicles'.



## Report

<b>Subject</b>	<b>Community Strategic Plan 2008-2018</b>
<b>File No</b>	EF09/1929
<b>Prepared by</b>	Executive Services Coordinator
<b>Reason</b>	To gain endorsement for the draft Community Strategic Plan in order that it can be considered when framing the 2009/10 management plan and budget.
<b>Objective</b>	
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Project</b>	

### Overview of Report

This report presents the Draft Community Strategic Plan framework which provides the basis for the full Community Strategic Plan. Endorsement is sought at this stage so that the new strategic priorities can be fully considered within the preparation for the 2009/10 budget.

### Background

The Community Strategic Plan is part of the new corporate planning framework introduced by the DLG. This 10 year plan outlines Council's key activities and focus. To date three workshops have been conducted. The first two provided broad input into the strategic process. This input was organised into the draft strategic plan framework presented at the recent workshop on February 4, 2009. This framework is the subject of this report.

Endorsement is sought for this draft framework in order that it may be factored into considerations for the 2009/10 management plan and budget. Endorsement is also sought for the public exhibition of a draft Community Strategic Plan based on this framework once it has been completed.

### Community Strategic Plan

The creation of the Community Strategic Plan started with the 2007 Community Survey. The results of this survey gave a valuable insight into the views of the community and have guided the input provided by the participants of the three Community Strategic Plan workshops carried out to date.

After two workshops in November 2008 Councillors and senior staff had identified 44 initiatives to allow Council to meet the opportunities and challenges of the next 10 years. Since the workshop these initiatives have been divided into long term strategic priorities which form the basis for the Community Strategic Plan and medium term initiatives for inclusion into Council's delivery plan.

A three tiered approach to the Community Strategic Plan has been used to structure the strategic priorities. The first tier is Council's guiding principles which detail the principles to govern decision making. All the other strategic items within the plan must conform to these guiding principles and all decisions made by Council should support them. No activity that Council undertakes should be in conflict with these principles.

The second tier to the Community Strategic Plan is "Our Engagement with the Community". This details Council's high level external local focus. The implementation of these initiatives will ensure that the Council meets the particular needs of its constituents, while enhancing a thriving economy, community and natural environment.

The third tier is Council's internal focus. This tier outlines how Council's organisational resources will be managed to ensure it meets the objectives of the strategic plan. The initiatives in this tier will allow Council to continue its growth toward an efficient, sustainable, innovative and proactive organisation ready for the challenges and opportunities of the future.

The Strategic Plan as a whole embraces the foundations of sustainability. The guiding principles encompass the four key elements of sustainability; society, economy, the environment and best practice governance.

The structure and high level initiatives agreed at the workshop on February 4, 2009 are as follows.

## **Guiding Principles**

- Sustainable Economic Growth and Development
- Ensure Social Inclusion and Participation
- Protect Conserve and Enhance the Environment and Biodiversity
- Best Practice Corporate Governance.

## **Our Engagement with the Community**

- Enhance Lismore as the Regional Centre.
- Foster Youth Development
- Support and Ageing Population
- Provide Sustainable Land Use Planning
- Improve Catchment Management
- Revitalise the CBD
- Integrated Waste Cycle Management
- Improve Roads, Cycleways and Footpaths
- Mitigate Climate Change at a Local Level
- Develop and Support Cultural Sporting and Tourism Activities.
- Integrated Water Cycle Management
- Provide Greater Housing Choices
- Improve Passive and Active Recreational Facilities.

## **Internal Focus**

- Efficient Use of Council's Resources
- Engage with the Community
- Promote Constructive Corporate Culture
- Whole of Council Corporate Planning
- Provide Excellent Customer Service

## **Future Activity**

Council is now being asked to confirm its support for the listed initiatives as being the focus of Council's endeavours for at least the next three years and looking forward for up to ten years. It is proposed that, subject to Council endorsement, the draft strategic plan will be published seeking community feedback. This feedback will be the subject of a further report to Council in May at which time it is envisaged Council will be in a position to adopt its Community Strategic Plan for the 2008-2018 period.

## Comments

### Financial Services

Not applicable.

## Other staff comments

Not applicable.

## Public consultation

Not applicable.

## Conclusion

The draft Community Strategic Plan framework contained within this report is the culmination of three Councillor workshops and considerable input from Council staff. The framework outlines clear direction for Council's future activity which will allow Council to meet the challenges and opportunities of the future.

## Recommendation

1. That the draft strategic plan framework presented within the report be endorsed.
2. That Council authorise publication of the draft strategic plan initiatives in a format which encourages community feedback.
3. That a report incorporating community feedback be presented to the Council at its May meeting with the intent to formally adopt the Community Strategic Plan 2008-2018.



## Report

<b>Subject</b>	Policy Advisory Group
<b>File No</b>	S36
<b>Prepared by</b>	Executive Services Coordinator
<b>Reason</b>	Council needs to endorse the new PAG scope and objectives and the membership for the current Council term.
<b>Objective</b>	To finalise the PAG scope and objectives and select membership for the current Council term.
<b>Strategic Plan Link</b>	Leadership by Innovation

### Overview of Report

This report also provides details of the nominations for PAG membership for the current Council term.

### Background

Council needs select community members for the current Council term. To this end adverts for nomination for PAG membership were issued in the Echo and Northern Star as well as on Councils Website. The nominations received up until 4:00pm Monday 2<sup>nd</sup> March have been compiled in this report.

A ballot paper will be separately circulated to the business paper. This ballot paper is to be completed by Councillors and handed to the General Manager at the commencement of the Council meeting. The votes will be collated and the results announced to the meeting.

### Nominations for Membership

The following community members have nominated for membership of the PAGs. The nomination forms are attached to the business papers in the order shown below.

#### Arts and Culture PAG

- Therese Crollick
- Rosalind (June) Crawford
- Jyllie Jackson
- Jan Davis
- Andrew Binns
- Meg Nielsen
- Janine Wilson
- Dr Moya Costello
- Patricia Sanotti
- Robbie Braithwaite
- Julian Louis
- Adele Wessell
- Ian MacDonald
- Shane Wolff
- Gillian Jones

## **Community Services PAG**

- Paul Cruickshank
- Rebekah Jones
- Vicki Findlay
- Samantha Standish
- Jennifer Park
- Luciana Trojer
- Sarah Hort
- Neil Moreton
- Margi Hill
- Bruce Robinson
- Margie Benson
- Deb Podbury
- Vicki Bardon

## **Economic Development PAG**

- Simon Cripps Clark
- Ron Dowell
- David Fryer
- Rod Sproule
- Keith Sloan
- Dianna Roberts
- Russell Trebilcock
- Barry Robinson
- John Corcoran
- Robyn Riordan
- Deb Podbury
- Paul Deegan
- Gillian Jones
- Chrissy Franks
- Lynne De Weaver
- Bill Sheaffe

## **Infrastructure Assets PAG**

- Noel Parker
- Denis Byrne
- Simon Cripps Clark
- Assoc. Prof. Robert Weatherby
- Colin Smith
- Barry Garland
- John Zaat
- Barry Robinson
- Barry Davidson
- David Hudson
- Mark Christensen
- Michael Qualmann

**Sustainable Environment PAG**

- Susan Stock
- Simon Cripps Clark
- Lorraine Vass
- Robert Jarman
- Caoilfionn (Keelin) Turner
- Noel Parker
- Tracy Rudd
- Leigh Davidson
- Terry Lawrence
- Catherine Ann Ford
- Ross Garsden
- Lydia Kindred
- Anasuya Claff
- Deb Podbury
- Claudia Catterall
- Ruth Harlow

**Sports and Recreation PAG**

- Therese Crollick
- Peter Baillie
- Tony Clarke
- Graham Bultitude
- Michael Berry
- Lyn Larsen
- Cheryl Amor
- Matt Kelso
- Clint Mallett
- David Krause

The policy for the number of members for a PAG states that there should be no more than 10 members on each PAG including Councillors.

**Comments****Financial Services**

Not applicable.

**Other staff comments**

Not applicable.

**Public consultation**

The PAG Scope and Objectives were developed in consultation with PAG members.

**Conclusion**

All the nominees for PAG membership have been included for consideration by Councillors.

**Recommendation**

1. That Council select up to eight community members to serve on each of the PAGs.





## Report

<b>Subject</b>	<b>Water Industry Reform – Update</b>
<b>File No.</b>	S301 and S387
<b>Prepared by</b>	Executive Director – Infrastructure Services
<b>Reason</b>	To report to Council the Independent Panel findings into the State Government's Water Inquiry.
<b>Objective</b>	To gain Council's agreement to a response to the above findings.
<b>Strategic Plan Link</b>	Water and Waste Cycle
<b>Management Plan Project</b>	Water Supply and Wastewater Services

### Overview of Report

Last year the State Government initiated an Inquiry into the secure and sustainable urban water supply and sewerage services for non metropolitan NSW. An independent panel was appointed to progress the Inquiry. Council made written and verbal submissions to the Inquiry. The Minister has recently released a report on the findings of the Panel. Submissions on the findings are invited from Council.

This report outlines the findings of the Panel and compares them to Council's original submission. There are fundamental differences between the Panel findings and Council's previous position.

A regional response to the Panel findings is also discussed.

The report concludes additional time is required by Council to discuss the issues further, both internally and with neighbouring Councils.

### Background

In September 2007, the then NSW Minister for Water Utilities, the Hon Nathan Rees, MP, announced an Inquiry into the provision of water supply and sewerage services in regional New South Wales. The purpose of the Inquiry is to identify the most effective institutional, regulatory and governance arrangements for the long term provision of water supply and sewerage services, and to ensure these arrangements are cost-effective, financially viable, sustainable, optimise whole-of-community outcomes, and achieve integrated water cycle management.

The Inquiry was undertaken by an independent panel, comprising the former NSW Deputy Premier, the Hon Ian Armstrong OBE, and the former head of the NSW Premier's Department, Dr Colin Gellatly. The panel reviewed more than 140 submissions and conducted public hearings throughout NSW during which it heard presentations from more than 115 stakeholders.

Lismore City Council made a written submission to the Inquiry, a copy is attached as Appendix 1, and also a verbal presentation at a public hearing in Murwillumbah.

On January 14, 2009, the Minister for Water, the Hon Phillip Costa, MP, released the Independent Panel's final report. The Inquiry now invites further submissions addressing any issues within the report. Submissions are due on Friday, March 20, 2009.

The Panel states that the recommendations seek to achieve the outcomes stated in the Terms of Reference and that any new governance structure:

1. must protect or enhance councils' revenue stream;
2. must protect or enhance councils' capital expenditure;
3. must maintain or enhance job opportunities;
4. must provide ongoing access to specialised skills;
5. must adopt an independent and sustainable pricing mechanism; and
6. must have '21st century' governance arrangements in place.

### **Inquiry Panel's Findings**

The report examines the performance of local water utilities and the challenges that are facing them. It contains a number of recommendations for consideration by stakeholders and the NSW Government. Key recommendations are summarised as follows:

- *Good governance:* The current 106 local water utilities be aggregated into 32 regional groups that are broadly based on submissions provided by stakeholders.
- *Organisation models:* Three organisational structure options should be considered for the regional groups of local water utilities. The models are:
  - binding alliance (for planning and technical functions)
  - council-owned regional water corporation; and
  - status quo for some large general purpose councils and county councils (this does not apply to Lismore).
- *Strengthen regulatory management:* Strengthen the regulation of local water utilities to require implementation of all relevant plans, guidelines and standards. This must be complemented by an adequate reporting and monitoring framework and the designation of a regulator with adequate enforcement powers.
- *Improve pricing regulation:* The regulation of local water utilities' pricing should be strengthened to require utilities to establish prices in accordance with approved business plans and financial plans. Local water utility prices must be approved by an independent body.
- *Cut red tape:* The reporting and regulatory roles undertaken by State Government agencies be reviewed with a view to streamlining these requirements and to ensure a consistent approach across these agencies.
- *Consumer Protection:* The Energy and Water Ombudsman NSW Scheme be adopted by local water utilities as a mandatory requirement, provided it can be demonstrated that there are net benefits in doing so.
- *Skills shortages:* A number of strategies are proposed to address regional skills shortages, including: pooling of human resources, staff incentives, skill development and training, increasing the size of local water utilities, outsourcing to the private sector and increasing the capacity of training providers.

The full report is available at the following website; [www.dwe.nsw.gov.au/water/utilities\\_local.shtml](http://www.dwe.nsw.gov.au/water/utilities_local.shtml) a summary report is also attached, refer to Appendix 3.

## Lismore Perspective

### Regional Groups

The report identifies two options for further consideration:

*Option 1* – Regional Aggregation into 32 groups, which involves the aggregation of Ballina, Byron, Lismore, Kyogle and Richmond Valley Councils into a group.

*Option 2* – Catchment Aggregation into 15 groups, includes the above councils plus Tweed Shire.

The report concludes Option 1 – Regional Aggregation be used as a guide for future local water utilities as it is more aligned to submissions from local water utilities and meets the assessment criteria to a greater extent.

Lismore City Council's submission supported Option 2 – Catchment Aggregation, based on the benefit of inter-valley water transfers to provide more reliable supply, further benefits from economies of scale and additional developer contributions from Tweed.

### Organisational Structure

In terms of a response to the Report the critical issue for consideration relates to two organisational structure options:

1. Binding Alliance
2. Council owned regional water corporation

#### *Binding Alliance*

The "binding alliance" option allows councils to retain ownership and management of water supply and sewerage assets and to continue providing customer services. Generally the strategic planning, financial planning and asset management is undertaken by the alliance and all operations are undertaken by the council. A more detailed explanation of the Binding Alliance model is attached, refer to Appendix 2.

The major problem with this model is the inherent tension which will exist between strategic decision making and program implementation, each being undertaken by a different legal entity, particularly where one entity funds the existence of the other. It is similar to the contractor holding the purse strings rather than the owner. A working example of this model does not currently exist, although trials of alliances are currently being formed.

#### *Council-Owned Regional Water Corporation*

The "council-owned regional water corporation" option involves the transfer of water supply and sewerage assets, related staff and service delivery responsibilities from councils to the corporation. Councils that are the beneficiaries of the corporation's services would be the only shareholders of the corporation.

When Lismore City Council considered this model previously there were concerns due to the unknown nature of working under corporate law (rather than the Local Government Act) and how and who would be appointed to the board.

Lismore's submission advocated a model with a governance structure similar to a County Council. However, the board of the Report's corporation would be constituted by the Minister following a poll of electors from within the council areas serviced.

### Other Recommendations - Regulatory Options, Pricing and Skills Shortage

The Inquiry has made recommendations on several issues not discussed by this Council to date including; strengthening regulatory management, improve pricing regulation, cutting red tape, consumer protection and skills shortages.

### Regional Perspective

Prior to submissions to the Inquiry closing in April 2008 Mayors, Chairpersons and General Managers met in an attempt to reach consensus on a regional water services model with a view to making a joint submission, however consensus could not be reached.

The following table shows the position stated by each of the neighbouring councils in their submissions to the Inquiry:

Council / Local Water Utility	Position
Ballina	Council is strongly of the view that there is a need for the NSW Government, in consultation with the community, to clearly determine the performance standards required for local water utilities. Having done that, Council's preferred model would then be for those standards to be mandated (for example mandatory compliance with the best practice guidelines) and in response local communities will then need to determine the governance structure that is most suitable to them to achieve compliance with those regulated outcomes.
Byron	Status quo and voluntary regional partnerships.
Kyogle	Status quo – but if the State Government insists on making changes, then they would support the Northern Rivers Regional Organisation of Councils (NOROC) based binding regional water alliance model.
Richmond Valley	Resolved in principle support for NOROC based binding water alliance.
Rous Water (no sewerage)	Regional County Council model across NSW.
Tweed	Tweed Shire Council has the scale and resources to stand alone and be fully sustainable.
Lismore	Advocates the creation of a community owned regional water authority exclusively responsible for all urban water and wastewater services in the six council areas of Tweed, Byron, Kyogle, Richmond Valley, Lismore and Ballina.

A special meeting of NOROC was held on February 20, 2009, the purpose of the meeting was for the member councils to have a discussion on the implications of the Water Reform Report and to identify a consensus view which could be included in a NOROC response to the Report.

It was resolved; *"Each Council of NOROC indicate their willingness to work together to develop potential alliance models for consideration by respective Councils/NOROC"*.

More time and further discussion is required if NOROC is to reach a consensus position.

## Comments

### General Manager

#### a. Binding Alliance

The shortcomings apparent in this model have been documented in the Report but require further analysis. There does seem to be some support among councils for this model, however that support is somewhat reactive as it is the nearest thing to the status quo. The reality is that the member councils will be required to carry out the decisions of the Alliance entity, will not have the prerogative to set prices and generally, will have little control but with significant responsibilities. It is analogous to Rous Water making all budgetary infrastructure development and strategic policy decisions and with Lismore City Council delivering those outcomes. This scenario has many failings and suffers from not grasping the opportunity to enact true reform.

#### b. Regional Water Corporation

The expected merits of this model revolve around a community owned local public authority being accountable for all water management matters, as distinct from the split responsibilities under an Alliance. It would also have access to the best range of resources and skills relevant to water management and in that way avoid the obvious duplication inherent in the Alliance model.

This model, whilst not overtly canvassed in the Report, provides a new and potentially very effective vehicle for implementing integrated catchment management in the Richmond, Brunswick and Tweed Valleys.

It is not outside the scope of Lismore City Council's response to consider again the concept of a County Council structure with our council neighbours and for the role of such a County Council to be defined by its members. What is certain however is that the status quo for Rous Water is not an option for the reasons that a new structure must:

- address water and wastewater services;
- eliminate duplication of services;
- adopt independent pricing principles;
- establish best practice governance.

Should Council favour this approach, it remains an option within the parameters of the Report, given that a number of existing County Councils which meet the scale and service level criteria will retain their current status of acceptability to the Government's agenda.

### Financial Services

At this time, it is not possible to reliably assess the financial impact on Council of the Inquiry Panel's recommended options. The initial thought is that achievement of the Panel's Terms of Reference should be the minimum acceptable outcome from Council's perspective.

## Public consultation

Council has consulted with neighbouring councils through NOROC and General Managers. No specific consultation with the public has been initiated by this Council to date.

## Conclusion

Lismore City Council's submission to the Water Inquiry has some fundamental differences with the recommendations of the Inquiry; particularly in the critical areas of regional groupings (who should be in the new water entity), and the organisational structure of the new water entity. These are fundamental to the success of any water reform initiatives.

This Council has not discussed other key findings of the Inquiry including; strengthening regulatory management, improve pricing regulation, cutting red tape, consumer protection and skills shortages. A formal Council report is not the best forum to explore these issues. A workshop is a more favourable environment to discuss these important issues.

It is relevant to note that at the "A" Division Conference of the Shires Association held at Kingscliff on February 11, 2009, the President, Bruce Miller, addressed the Water Reform Report and made a special point of saying that the Association is encouraging councils to consider all options for structural reform, not necessarily just the two models recommended in the Report. He opined that the two recommendations are too narrow and may not be the best outcome in all circumstances. He confirmed that the LGSA supports meaningful reform but were disappointed that other options referred to by councils and groups of councils in their submissions were not included in the Report's recommendations. Given the obvious need for more detailed dialogue between councils if there is to be genuine voluntary reform, the Association has requested an extension until May 31, 2009 for responses to the Report. He expects that extension will be granted.

An agreed regional position on this issue is the most desirable outcome. It is evident that NOROC will require additional time if an agreed position is to be reached.

## **Recommendation (IS10)**

That Council:

1. request the NSW State Government grant an extension of time until May 31, 2009 to allow Council sufficient time to submit a fully considered submission.
2. continue to work with the neighbouring councils in an effort to submit an agreed joint submission.
3. conduct a workshop to discuss and examine the findings of the Independent Panel's report on the Water Inquiry.

## Report

<b>Subject</b>	2008/09 Budget Surplus
<b>File No</b>	S960
<b>Prepared by</b>	Manager, Finance
<b>Reason</b>	Council resolution 250/08 – 2
<b>Objective</b>	To update Council on the surplus and deferred capital works
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Project</b>	Various

### Overview of Report

A review of the targeted surplus result and deferred capital and other works has been completed.

Based on known items, the surplus is likely to be reduced to an estimated \$650,000 by June 30, 2009.

While it is possible to undertake some of the deferred works this financial year, it is recommended that the works be included in the draft 2009/10 Budget.

### Background

To mitigate the impact of the financial crisis and economic downturn on the 2008/09 Budget, Council resolved at its December 2008 meeting:

1. That Council adopt the list of options totally \$874,700 to mitigate the impact of the financial crisis and economic downturn on the 2008/09 Budget.
2. A review of the targeted surplus result and deferred capital or other works is reported to Council in March 2009.

Attached is a copy of the options adopted.

The objective of this report is to update Council on the likely surplus result for 2008/09 and deferred capital or other works.

### Update – Surplus Result

The surplus result for 2008/09 reported to Council at the December 2008 meeting was \$874,700. This was reduced to \$812,100 based on the December 2008 Quarterly Budget Review reported to Council at the February 2009 meeting.

The surplus result is likely to reduce between now and June 30, 2009 as it is used to meet unexpected and/or unfunded changes in the Budget. Where possible, Management will endeavour to reduce the impact by making changes within the approved Budget, but this is not always possible. All recommended changes to the Budget will be reported to Council via the March 2009 Quarterly Budget Review and June 2009 Quarterly Budget Review.

Some of the items which are likely to negatively impact the surplus are noted below:

- Interest on Investments – A further reduction in the cash rate by the Reserve Bank is anticipated. When this occurs, the reduction in investment income will be quantified and reported.
- Lismore Lake Pool – Operating and maintenance costs to keep this pool open continue to increase due to a number of factors. Management are reviewing opportunities to minimise the impact prior to reporting.
- Lismore Regional Airport – Passenger numbers are less than anticipated meaning revenue is below budget expectations. Management is reviewing the operating expenditure budget to minimise the impact prior to reporting.
- Nimbin Caravan Park – A change in management/staffing arrangements and additional security has resulted in increased operating costs. Once the full additional costs are known, it will be reported.

On the basis that the above items will negatively impact the current balance, and there may be other minor positive and negatives changes, the surplus balance at June 30, 2009 is currently anticipated to reduce to \$650,000.

### **Update – Deferred Capital and Other Works**

Some of the options adopted by Council resulted in capital and other works being deferred. These included:

- |                            |           |
|----------------------------|-----------|
| • Flood Mitigation         | \$114,000 |
| • Lismore Homeless Shelter | \$100,000 |
| • Trunk Drainage           | \$150,000 |
| • Cycleways                | \$100,000 |
| • Road Reconstruction      | \$800,000 |

The following information is provided in regards to the continuation of the deferral arrangement:

- Flood Mitigation – These funds will be used to meet Council contribution towards works to finalise the Lismore Levee Project which continues to progress.
- Lismore Homeless Shelter – This project is proceeding, but no demands to access the funds have been made at this time.
- Trunk Drainage – While it may be possible to commence these works in 2008/09, to assist with cash flow management it is recommended that these works be deferred to 2009/10.
- Cycleways – While it may be possible to commence these works in 2008/09, to assist with cash flow management it is recommended that these works be deferred to 2009/10.
- Road Reconstruction (Conway Street Stage 1) – The timing of these works is dependant on the upgrading of Sewer Rising Main No 3. Tender appraisals are being completed and will be reported to Council. As such, these works may commence but not be completed in 2008/09.
- Road Reconstruction (Winterton Parade) – This project was deferred as grant funding from the Department Environment and Climate Change was being pursued. No advice on the status of the request has been received, but funding may become available in 2009/10. As funding from DECC may be received in 2009/10, it is recommended that these works be deferred to 2009/10 as well.

### **Comments**

#### **Other staff comments**

Incorporated into the report.



## Public consultation

Not applicable.

## Conclusion

The objective of this report is to update Council on the likely surplus balance at June 30, 2009 and the continuation of the deferral of capital and other works.

The surplus amount will be negatively effected between now and June 30, 2009. A number of items have been identified that will be quantified and reported to Council. The impact will reduce the current reported surplus from \$812,100 to an estimated \$650,000.

In regards to deferred capital and other works, it is possible that some the works can be undertaken this financial year. While this may be the case, it is recommended that all works be deferred to 2009/10 to maximise opportunities to leverage grant funding and provide increased capacity to meet cash flow requirements.

## Recommendation

1. That the Budget Surplus update be received and noted.
2. That the capital and other works deferred and listed in this report be included in the draft 2009/10 Budget.

## 2008/09 Budget Review - \$500,000+ Surplus (December 2008)

Opening Surplus Balance		128,700
September Quarterly Review	181,900	
StateWide Risk Management	36,800	
Planning & Subdivision Fees	(40,000)	
Interest on Investments	(50,000)	
Tea Tree Farm - Additional revenue		50,000
Staff vacancies (Finance & Community Services)		75,000
Quarry Dividend - Increase from \$370,000 to \$470,000 for 2008/09.		100,000
Contractors Reserve - Dividend payment		100,000
Interest income from the deferral of loan funded capital works to 2009/10		12,000
Works deferred include:-		
Flood Mitigation	114,000	
Lismore Homeless Shelter	100,000	
Trunk Drainage	150,000	
Cycleways	100,000	
Assets & Support Services		20,000
Engineering Equipment Reserve	5,000	
Street Lighting Upgrade Reserve	10,000	
Savings in Traffic Safety/CitySafe	5,000	
Property Demolition Reserve - Balance		24,100
Human Resources		20,000
Performance Criteria Development	10,000	
Management Development Program	10,000	
Target a 30% reduction in professional development & training budgets		73,300
Customer Service Project Reserve		40,000
Noxious Fauna Reserve		45,000
Community Services Reserve		15,700
Public Transport	3,700	
Pedestrian Access	12,000	
GSAC - Delayed opening & additional loan costs		13,400
Interest on deferral of Winterton Parade (\$400,000) and Conway St Stage 2 (\$400,000) works		20,000
Homeless Shelter Operating Costs		20,000
Kadina Park		18,000
Project not likely to receive grant funding this year as such matching funds not required		
Matching Grants Reserve		21,500
Sister City Reserve		8,000
Dividend Waste - Increase from \$40,000 to \$70,000.		30,000
Waste Minimisation Administration Costs		5,000
Community Link Expenses		5,000
Legal Expenses		30,000
	<b>Total Surplus</b>	<b>874,700</b>

## Report

<b>Subject</b>	<b>Tender - Bus Shelters</b>
<b>File No.</b>	T2009-13
<b>Prepared by</b>	Contracts Administration Officer
<b>Reason</b>	To advise Council of the outcome of a tender process conducted for the supply and maintenance of bus shelters in Lismore.
<b>Objective</b>	To gain Council approval to award a contract for the services.
<b>Strategic Plan Link</b>	Infrastructure
<b>Management Plan Project</b>	Assets and Infrastructure Services.

### Overview of Report

This report summarises the tender process undertaken for T2009-13 Bus Shelter Supply, Maintenance and Advertising. The report provides details of the assessment of the two (2) submissions received in response to the public notification of tenders conducted in November 2008. The report shows the assessment process of the two submissions overwhelmingly concluded Sidewinder Advertising Pty Ltd to be the preferred tenderer. The report recommends Council engage Sidewinder Advertising Pty Ltd under contract, to supply, maintain and advertise on bus shelters in the Lismore LGA for up to a 10-year period.

### Background

This matter was reported to Council's meeting of February 10, 2009 and deferred for further information regarding compliance of the respective tenders with the requirements of the Disability Discrimination Act.

Since 1998 Council has had a contract in place for the supply and maintenance of bus shelters. The contract has been largely cost neutral to Council as the contractor has met the cost of supply and maintenance of shelters in return for the right to generate revenue by selling advertising space on the shelters. Council does contribute some funding for the maintenance of areas around the shelters (\$7,500 per annum). When the original contract was awarded Lismore City Council required many new bus shelters and the offer at the time, to supply a large number of shelters free of charge; in exchange for advertising rights was a good solution for Council.

The contract concluded in November 2007, and since then has continued under agreement on a month by month basis until April 2009. This extension allowed the existing contractor some business continuity while Council assessed options available in the market, and to develop a new tender and contract.

In recent times other councils have identified that advertising space on bus shelters and street furniture has potential to earn an income. A number of Sydney based councils have been successful in negotiating income from their bus shelter network. Ballina Shire Council recently awarded such a contract to the Claude Group.

## Request for Tender – Development, Submissions and Assessment

### Tender Specification Development

A Request for Tender (RFT) document was assembled by Council's Contracts Administration Officer in consultation with other relevant staff. Tenders were invited from suitably qualified persons for the supply and maintenance of bus shelters for a 10-year period, commencing April 1, 2009. The successful Tenderer would have the right to sell advertising space associated with the bus shelters.

The tender was advertised in the *'Northern Star'*, *'Brisbane Courier Mail'* and *'The Sydney Morning Herald'*, on November 8 and 11, 2008. Council's eprocurement web site, *Tenderlink*, was utilised for document deployment and probity management.

The tender specification was very detailed and Council staff structured the tender document and schedules to allow for a variety of combinations or solutions to be offered in the submissions. The tender documents included specific details around the following areas, but not limited to:

- Ability to provide a solution for a shared income model
- Alternative proposals above the already detailed specification
- Extensive local content demonstration schedule
- A solution for cleaning and maintenance of the existing and new bus shelters
- Possible upgrade of new, and supply of additional shelters if required
- A ten years contract, with a review at the end on the first year and at the fifth year
- Council to approve the design of any new shelters
- Council to have control over advertising content on shelters.

### Selection Criteria Weighting

Applying Council's new procurement policy and selection criteria with local content as an individually weighted component, Tenderers were given the opportunity to demonstrate the degree of local content by means of the compulsory schedules.

The following table shows the weightings used in the tender assessment process. By applying the largest proportion of the weighting to the areas: total cost, local content and capability and experience, the weighting signifies the selection criteria for this tender are focusing on those three areas:

Total Cost	40%
OH&S, Risk Management and Quality	5%
Capability and Experience	25%
Environment and Community	5%
Local Content (minimum 10% weighting)	25%

### Existing Bus Shelter Network

Lismore City Council currently has a total of 99 bus shelters. This includes 33 urban bus shelters with advertising; which are predominantly on major thoroughfares such as Ballina Road, Dawson Street and in the Lismore CBD. There are also another 19 urban shelters without advertising, and a further 47 rural shelters located outside the urban area.

As the majority of the existing 33 urban shelters are in good condition and will not require upgrading in the near future it was anticipated the new tender would focus less on supply of new, or replacement shelters, and more on income generation from advertising on the existing shelter network. This approach may allow Council and the successful Tenderer to improve maintenance on, and undertake replacement of the rural shelter network. It should also be considered the existing shelters will eventually require upgrade or replacement.

### **Tender Submissions Received**

A total of two (2) submissions were received on the closing of the tender box from:

1. Claude Outdoor Pty Ltd
2. Sidewinder Advertising Pty Ltd.

Note: A third company, Adshel, had indicated they would provide a tender although after reading the tender documents, wrote and advised Council they were not in a position to provide a conforming tender.

### **Summary of Submissions**

#### **1. Claude Outdoor Pty Ltd**

The Claude Outdoor Pty Ltd submission provides two options:

*Option One:* Use only 30 of the existing urban shelters; and upgrade their concrete slabs compliant with the Disability Discrimination Act (DDA). With this small capital outlay (\$250,000) Claude are able to pay a fee of \$750 per shelter, per year totalling \$22,500 per annum income to Council.

*Option Two:* Replace 30 shelters in the urban area with new advertising shelters (Claude's design) and provide concrete slabs compliant with the Disability Discrimination Act (DDA). Claude would retain all the advertising revenue and in exchange they would fund the capital costs (\$720,000) for construction, etc, and provide cleaning, maintenance and pest control over a contract period of 15 years. The ownership of the shelters would transfer to Council at the completion of the 15-year period. This option would provide Council with 30 second-hand excess shelters from the replacement programme and the opportunity to upgrade the worst of the rural shelters.

Both options require maintenance of the remaining 69 shelters to be funded by Council either by undertaking the work itself, or paying Claude to undertake the work. Claude has supplied a cost of \$2,665/shelter/annum for maintenance, resulting in a cost to Council of \$183,885/annum.

Claude's estimated cost for supply of a new shelter and/or relocating of an old shelter including new concrete slab to DDA regulations is \$17,500 each.

No reference or solution was provided for a bus shelter design at Trinity on Brewster Street as requested in the tender.

Claude currently has contracts with Kempsey, Ballina, Coffs Harbour, Port Macquarie-Hastings, Lake Macquarie, Port Stephens and Gosford Councils.

#### **2. Sidewinder Advertising Pty Ltd**

The Sidewinder Advertising Pty Ltd submission provides two options:

*Option A:* Use 42 of the existing shelters for advertising. With this option Sidewinder is able to provide Council with a \$500 fee, per shelter, per year totalling \$21,000 per annum. Sidewinder would undertake upgrade of the 42 existing shelters to provide compliance with the Disability Discrimination Act.

*Option B:* Replace only 42 shelters in the urban area with new advertising shelters compliant with the Disability Discrimination Act (DDA). Sidewinder would retain all the advertising revenue and in exchange they would fund the capital costs (\$301,000) and provide cleaning, maintenance and pest control over a contract period of 10 years. The ownership of the shelters would transfer to Council at installation of the shelter. This option would provide Council with 42 second-hand excess shelters from the replacement programme and the opportunity to upgrade the worst of the rural shelters.

Both options require maintenance of the remaining 57 shelters to be funded by Council either by undertaking the work itself, or paying Sidewinder to undertake the work. Sidewinder has supplied a cost of \$725/shelter/annum for maintenance, resulting in a cost to Council of \$41,325/annum.

Sidewinder's estimated cost for a new shelter is on average \$6,500 each (three styles were provided). Sidewinder's estimated cost to refurbish an old shelter is \$2,700 each, and estimated cost for a new concrete slab for shelter relocation is \$1,050 each, resulting in a total cost of \$3,750 to relocate shelters to a rural area.

Sidewinder also provide a solution and a proposal for the Trinity bus shelter by submitting design, concepts, pricing and advertising solutions for the area along Brewster Street. The price would work out at \$800 per linear metre or \$16,000 per 20 metre structure.

Sidewinder is currently involved with Lismore, Richmond Valley, Ballina, Caboolture, Gympie, Hervey Bay and Whitsunday Councils.

### **Assessment and Scoring of Submissions**

The tender assessment panel consisted of the Urban Works Engineer, the Traffic and Emergency Services Co-ordinator and the Contract Administration Officer. The two submissions were assessed in reference to the selection criteria outlined in the tender document.

Attached to Councillors' business papers is a copy of **Appendix 1 - Raw Score Spreadsheet**.

### **Comments**

Both the Claude and Sidewinder submissions were very similar in content, presentation and options, although this was more a result of the specific nature of the tender documentation and structure of the schedules.

The clear winner from the tender panel scoring process was Sidewinder's submission, which scored equivalent or better than Claude Outdoor in all five categories of the selection criteria. Sidewinder's submission was particularly strong in Local Content and Total Price criterion.

### **Decision around Council's Operation Model for Bus Shelters**

During the submission assessment process some fundamental decisions were made by Council staff responsible for the bus shelter network, in conjunction with the assessment panel. The decisions were around a suitable model to adopt, given the number of options provided under the tender process. The decisions were:

- The maintenance, cleaning, mowing and pest control of the rural shelters, not covered by the contract, will continue to be carried out by Council staff under the responsibility of the roads group.
- To utilise fully the existing network of shelters and minimise the use of new shelters while the network is still in good condition.
- Adopt an income producing model for bus shelters.
- The income generated by the advertising fee could be used in conjunction with the existing maintenance budget to provide maintenance of the rural shelters not covered by the new contract. The aggregated budget would also fund small upgrades and replacement shelters as these arise in the network.

The Schedule of Rates within the tender document requested a separate cost for maintenance, cleaning, mowing and pest control of the shelters. After analysing the costs supplied by both tenderers, (Claude \$2,665 and Sidewinder \$725 per shelter per annum) and based on the decisions above, the cost was considered too high and Council will continue to maintain the shelters not covered under contract.

The income fee proposed by both tenderers was very similar in value (Claude \$22,500, Sidewinder \$21,000). Sidewinder is willing to take on more shelters than Claude (42 as to 30). This provides Council with a smaller responsibility of maintenance on the remaining 57 rural shelters.

The income generated by the 42 advertising shelters at \$21,000 per annum, combined with the existing budget allocation of \$7,500 would result in a budget of \$28,500 per annum being available for maintenance and replacement of bus shelters.

Both submissions detailed options for new shelters and also the use of existing shelters. Based on the decision made by Council staff of utilising the existing shelter network, Sidewinder provided a more beneficial solution in proposing a higher number of shelters, and offering a similar income.

Sidewinder's new shelter pricing was significantly cheaper than Claude's (Sidewinder \$6,500 each Claude \$17,500 each). Sidewinder's pricing will give Council much better value for money if and when the need arises to replace or install additional shelters.

Sidewinder's refurbished shelter pricing was significantly cheaper than Claude's (Sidewinder \$3,750 each Claude \$17,500 each). Sidewinder's pricing will give Council much better value for money if and when the need arises to refurbish shelters.

## **Other staff comments**

### **Financial Services**

The recommendation to accept Sidewinder Pty Ltd's Option A offer is supported as it results in the best overall outcome for Council.

### **Urban Works Engineer**

The existing urban bus shelters are in reasonable condition and should remain so for the life of this contract. Selling advertising space produces a much needed supplement to the budget for maintenance of the complete network.

Urban shelters are predominantly mowed and litter collected by the adjoining landowner. Removal of graffiti and annual pest control are the major costs for maintenance.

Rural shelters are in a fairly poor state of repair. As they are out of town they are not subject to the graffiti and litter problems of the urban shelters. Mowing is only occasionally required as the roadside slashers pick up around these sites. There are very few complaints about rural shelters made each year.

Money generated from selling of advertising space would enable staff to maintain as required between the rural and urban assets, and as budgets allow, replace some of the rural assets.

Sidewinder has provided a sound service to Council over the past contracts and has always responded to maintenance issues quickly. The assets directly maintained by them have always been kept in a neat and tidy manner.

Discussions with references about Claude from Ballina Shire Council, reveal that in the short term that Claude have been in Ballina, they have distributed new shelters as indicated in their submission and maintained the shelters as required.

As Sidewinder can provide a greater proportion of funding to the total number of shelters the recommendations are endorsed.

### **Manager – Assets and Support Services**

The tender process conducted has provided Council with an opportunity to generate additional income through the sale of advertising rights on bus shelters. In the past, Council's relatively small allocation of \$7,500 per annum for bus shelter maintenance has only permitted reactive maintenance to those shelters that were not maintained by the contractor. The increased funding would permit Council to be more proactive in its maintenance regime, and in particular to target upgrades where necessary to meet DDA requirements, and undertake a targeted programme of upgrades to rural shelters that are in relatively poor condition.

However, it is understood that Council may wish to utilise the additional revenue generated for other purposes. The appropriate time to consider how these funds should be utilised would be the 2009/10 budget process. A principle that Council should consider at that time is whether income generated from a particular group of assets should be utilised to subsidise other activities, particularly when that group of assets needs additional funding to meet basic service levels.

### **Conclusion**

When procuring goods and services, Council has a responsibility for making value for money decisions on behalf of the community. In the case of bus shelter advertising, provision and maintenance, Sidewinder Advertising Pty Ltd were a clear winner scoring the highest in the tender panel's assessment of both submissions. Sidewinder's submission scored equivalent or better than Claude Outdoor in all five categories of the selection criteria. Sidewinder's submission was particularly strong in Local Content and Total Price criterion. The Sidewinder submission provides Council with the best combination of income, flexibility, solution delivery and utilisation of the existing assets. Sidewinder's lower pricing on replacement and refurbished shelters will provide Council with further cost savings in the life of the contract. A solution for the Trinity Bus Exchange was also provided by Sidewinder. Sidewinder presented a very professional submission addressing all the issues in the specification, along with highly detailed information on shelter design. The submission provides sensible options and addressed strongly the local content criteria.

### **Recommendation (IS02)**

That :

1. Council accept the tender from Sidewinder Pty Ltd, based on Option A of their submission, resulting in a nett income to Council of \$20,480.00 per annum (indexed to CPI) for a ten year period, totalling \$204,480.00 plus GST (2009 dollars).
2. The additional income generated from the fee paid by Sidewinder Advertising Pty Ltd of \$20,480.00 per annum be considered for allocation to the bus shelter maintenance budget as part of the 2009/10 budget process.
3. The Mayor and General Manager be authorised to execute the Contracts on Council's behalf and attach the common seal.



**Appendix 1**

**T2009-13 Bus Shelter Tender Analysis**

Criteria	Weighting	Claude Outdoor	Weighted & calculated	Sidewinder	Weighted & calculated	
		Raw Score		Raw Score		
1	Total Price (out of 10)	40%	5	2.00	7.6	3.04
2	Capability and Experience (out of 10)	25%	7	1.75	9	2.25
3	Quality and Safety (out of 10)	5%	7	0.35	7	0.35
4	Environment and Community (out of 10)	5%	7	0.35	8	0.40
5	Local Content Minimum 10% (Out of 10)	25%	7	1.75	8	2.00
		100%		6.20		8.04
<b>Total 100% or 100</b>				<b>62.00</b>		<b>80.40</b>



## Report

<b>Subject</b>	<b>Request for Tender - Mobile Crane</b>
<b>File No.</b>	RFT2009-20
<b>Prepared by</b>	Fleet Coordinator
<b>Reason</b>	To advise Council that a request for tender produced no response. The need for the replacement machine remains.
<b>Objective</b>	To request Council endorse a course of action that will enable a satisfactory outcome for Council while meeting the requirements of the Local Government Act.
<b>Strategic Plan Link</b>	Infrastructure
<b>Management Plan Project</b>	Fleet Operations – Major Fleet Replacements

### Overview of Report

A tender process undertaken by Council staff 'T2009–20 Supply and Deliver Lift and Carry Articulated Mobile Crane' attracted no responses. Staff seeks Council's endorsement to proceed with a selective tender process.

### Background

Council staff invited tenders for the supply and delivery of three major plant items: a roller, a jet-vac truck and a crane. Advertisements were placed in two local newspapers and two State newspapers. The advertisements first appeared on January 29, 2009 and tenders closed on February 19, 2009. Good responses were received for the roller and jet-vac truck. No response was received for the crane.

Research by staff suggests that four companies in Australia may be able to supply a crane that meets Council's specification.

Staff seek Council's endorsement to proceed to invite quotations from companies able to supply a crane that meets Council's specification. The companies identified as potential suppliers are:

Company	Crane
Dellgale Pty Ltd	New crane manufacturer and distributor for Zoomlion cranes
DRA Industries Pty Ltd	Manufacturer of Humma cranes
James Equipment Pty Ltd	Australian distributor for Tadano cranes
Terex Lifting Australia Pty Ltd	Manufacturer of Franna cranes

### Comments

#### Financial Services

Not required.

## Other staff comments

### Contracts Administration Officer

Due to the failure of attracting any interest via the tendering process for the supply of a lift and carry mobile crane, under the Local Government (General) Regulation Clause 178(4)(a) and 178(3)(e) staff will directly contact and request quotes from suitable suppliers.

## Public consultation

Not applicable.

## Recommendation (IS09)

That:

1. Having received no tenders for the supply and delivery of a Lift and Carry Articulated Mobile Crane, Council, in accordance with Clause 178(3)(e) of the Local Government (General) Regulation, resolve to enter into a selective quotation process for the 'Supply and Delivery of a Lift and Carry Articulated Mobile Crane' with the four companies identified in the report.
2. In accordance with Clause 178(4)(a) of the Local Government (General) Regulation, the reasons that Council will not invite fresh tenders are:
  - Council has already conducted a request for tender process and received no response;
  - Council has identified a number of companies that can deliver required item of plant;
  - Reasonable competition can be expected in the proposed selective quotation process because there are four companies which Council is proposing to deal with.
3. In accordance with Clause 178(4)(b) of the Local Government (General) Regulation, the reasons that Council is proposing to enter into a selective quotation process with the identified companies is that they are reputable companies within the industry, and Council through its own investigations has established that they have the capability to supply the required item of plant.
4. The outcome of the selective quotation process be reported back to Council for determination.

## Report

<b>Subject</b>	<b>Sustainable Transport Reference Group</b>
<b>File No.</b>	EF09
<b>Prepared by</b>	Manager - Assets and Support Services
<b>Reason</b>	To provide a suggested mechanism and structure for Council to seek community input in regard to public and sustainable transport issues.
<b>Objective</b>	To gain Council endorsement of the recommended structure and proceed to calling nominations for membership of the reference group.
<b>Strategic Plan Link</b>	Infrastructure, Leadership by Innovation, Quality of Life
<b>Management Plan Project</b>	Road Safety, Traffic

### Overview of Report

In reviewing the structure and activities of its policy advisory groups, Council determined that it would retire the former Public Transport PAG. In order to ensure that Council continues to consult with relevant stakeholders on public transport issues, it is recommended that a reference group be formed. The report recommends the formation of a Sustainable Transport Reference Group and its membership.

### Background

With the election of a new Council in September 2008, many of Council's processes and structures have been reviewed. In undertaking these reviews the Policy Advisory Group (PAG) structure was examined and Council determined to retire the former Public Transport PAG. This decision was understandably unpopular with the members of the former PAG and left Council in a position of potentially not having a mechanism to consult with relevant stakeholders on public transport issues.

In order to ensure that Council receives input on public transport issues when necessary, all members of the former PAG were invited to nominate for the other PAGs that Council has resolved to create for its current term of office. It has also been suggested that a reference group could be created to specifically deal with public transport issues.

A meeting of the former members of the Public Transport PAG was held in December 2008. The idea of a reference group was discussed and received strong support from those present. A set of objectives for the proposed reference group was discussed and the following are recommended for the reference group:

- To monitor and provide feedback on the implementation of the Public Transport Action Plan.
- To provide linkages between public transport providers and a forum for planning improved public transport services.
- Provide industry input to Council projects that have a public transport component.

Membership of the reference group was also discussed with the following groups identified as potentially having a stake in the group:

- Lismore City Council (Manager-Assets & Support Services and Road Safety Officer)
- Northern Rivers Social Development Council (Transport/Community Development)
- North Coast Area Health Service (Directorate population planning and health promotion)
- Northern Rivers Community Transport (and additional Aboriginal representative)
- Lismore Taxis
- Bus & Coach Association (Urban and Rural)
- Kirklands/Lismore Bus Lines
- Ministry of Transport
- Lismore Transit Centre
- Councillors
- 3 x community representatives.

This is essentially the membership of the former Public Transport PAG with the addition of the Transit Centre and the distinction between urban and rural bus services.

The suggested membership is supported, with the exception of the Councillor membership. Any Councillor is free to attend a reference group meeting if they so wish and this would have the operation of the reference group consistent with that of the Flood Reference Group. The suggested membership of a representative from the Transit Centre is supported, however, with the ongoing management of the Centre to be taken over by Council from July 1 2009, a staff member would fill this role.

The reference group will be chaired by the Manager-Assets and Support Services with meetings to be held quarterly.

By forming a reference group in the manner suggested, the opportunity exists for relevant issues to be discussed at an industry and community level and so maintain active dialogue on public transport issues.

## **Comments**

### **Financial Services**

Not applicable.

### **Other staff comments**

Not applicable.

### **Public consultation**

Not required.

## **Conclusion**

The retirement of the Public Transport PAG created some controversy for Council and potentially left it open to criticism for not having a mechanism in place to consult relevant stakeholders on public transport issues. The creation of a Sustainable Transport Reference Group will ensure that Council continues to provide a forum for public transport issues to be raised, discussed and fed into Council's planning and management processes.

**Recommendation (IS11)**

That:

1. Council endorse the formation of a Sustainable Transport Reference Group as outlined in the report.
2. The objectives of the Sustainable Transport Reference Group be confirmed as:
  - To monitor and provide feedback on the implementation of the Public Transport Action Plan.
  - To provide linkages between public transport providers and a forum for planning improved public transport services.
  - Provide industry input to Council projects that have a public transport component.
3. The membership of the Sustainable Transport Reference Group be confirmed as:
  - Lismore City Council (Manager-Assets & Support Services and Road Safety Officer).
  - Northern Rivers Social Development Council (Transport/Community Development)
  - North Coast Area Health Service (Directorate population planning and health promotion)
  - Northern Rivers Community Transport (and additional Aboriginal representative)
  - Lismore Taxis
  - Bus & Coach Association (Urban and Rural)
  - Kirklands/Lismore Bus Lines
  - Ministry of Transport
  - 3 x community representatives.
4. The Sustainable Transport Reference Group be chaired by the Manager-Assets and Support Services.
5. Council write to the identified member organisations requesting their nomination to sit on the group and call for nominations from the general public for the three (3) community representatives.





# Report

<b>Subject</b>	Annual Policy Review
<b>File No</b>	S9
<b>Prepared by</b>	Corporate Compliance Coordinator
<b>Reason</b>	Council Policy
<b>Objective</b>	To ensure all policies remain current and relevant
<b>Strategic Plan Link</b>	Innovation
<b>Management Plan Project</b>	Councillors

## Overview of Report

At the conclusion of the Annual Policy Review amendments have been proposed to several policies. This reports the proposed changes to each of these policies.

## Background

Council has over the years adopted a number of policies to guide staff in how to respond to particular situations. It is essential that these policies remain current and relevant. This is achieved by a number of review mechanisms, one of which is the Annual Policy Review.

Staff have reviewed the current policies and suggested the following minor changes. A number of policies are still being reviewed and will be the subject of stand alone reports to future Council meetings.

The proposed changes to policies are as follows:

- 1.2.13 Code of Behaviour**  
Change: Minor changes to ensure accuracy.
- 1.2.14 Councillors Determination of Development Applications and other Planning Matters**  
Change: ICAC in its publication "Corruption Risks in NSW Development Approval Processes" recommended that "Individual local councils consider requiring councillors to provide reasons for revoking the elected body's delegation in relation to individual development applications."

It is suggested that the following clause be included:

*"To be accompanied with the reasons why they are requesting that the development application be submitted to Council for determination."*

- 1.4.10 S356 Donations to Citizen Representatives**  
Change: Minor change to wording to reflect the role of Council in determining donations.

- 1.4.11 S356 Donations to Rural Halls – Rates and Maintenance**  
Change: One hall on the attached listing (Marom Creek Hall) is to be deleted as it no longer operates as a Community Hall.
- 1.5.2 Exemption of Certain Lands from Water Charges and/or Sewerage Charges**  
Change: Minor grammatical changes to wording
- 5.2.23 Temporary Residential Occupation of Land**  
Change: Minor changes to reflect legislative changes since previous review.
- 5.5.2 Recycling Plant**  
Change: It is recommended that this policy be deleted.
- The policy was developed to encourage the recycling side of the waste services prior to Council collecting the recyclables. No one ever took up the offer and hence Council went into this process. If someone came along with a new proposal Council would investigate it on a normal basis therefore there is no need for the policy.
- 9.1.1 Fences and Screen Walls**  
Change: Minor grammatical changes to wording.
- 9.1.5 Quality Review of Building and Other Development**  
Change: It is recommended that this policy be deleted.
- This policy is no longer applicable due to legislative changes, the longevity of Development Consent Conditions, the direction of the Management Plan and Council's response to complaints from residents/ratepayers by Council's Compliance Officer.

## Comments

### Financial Services

Not required.

### Other staff comments

Not required.

### Public consultation

Not required.

## Recommendation

That:

1. Policies 1.2.13, 1.2.14, 1.4.10, 1.4.11, 1.5.2, 5.2.23 and 9.1.1 be amended as detailed in the report.
2. Policy 9.1.5 and 5.5.2 be deleted.

<b>POLICY NO: 1.2.13</b>	<b>CODE OF BEHAVIOUR</b>
<b>OBJECTIVE:</b>	Build a sound basis for future relationships and develop an environment of mutual respect and co-operation.
<b>STRATEGIC PLAN LINK:</b>	Leadership by Innovation
<b>PROGRAM:</b>	Corporate Services
<b>AUTHORISED: 23/1/96</b>	<b>REVIEWED: 137/04, 13/03/09</b>

**How Senior Staff can make life better for Councillors:**

- 1 Accentuate the positive.
- 2 Work as a team.
- 3 Recognise the different roles of Mayor, General Manager, Senior Staff and Councillors and keep within them.
- 4 Give unbiased professional advice.
- 5 Specify objectives clearly and recommend priorities where necessary.
- 6 Be available the Monday before Council meetings.
- 7 Understand the demands on Councillors' time.
- 8 Be less defensive and more forthcoming in getting "the message" across.
- 9 Improve understanding of complex issues through workshops.
- 10 All listen to each other.
- 11 Communicate decisions to the community clearly and promptly.
- 12 Adhere to the Policy and Procedures Manuals and make them more easily understood.
- 13 Be consistent and make decisions in accordance with Council policy and regulations.
- 14 Put Council resolutions into effect.
- 15 Seek to acquire appropriate skills and knowledge.
- 16 Respond to Council resolutions requiring reports and/or information as quickly as practicable.
- 17 Keep Councillors informed and up-to-date on ongoing matters of concern.

### How Councillors can make life better for the Senior Staff:

- 1 Accentuate the positive.
- 2 Work as a team.
- 3 Recognise the different roles of Mayor, General Manager, Senior Staff and Councillors and keep within them.
- 4 All treat each other with respect and greet each other.
- 5 Keep to the issues and not become personal.
- 6 Communicate concerns openly and constructively.
- 7 Keep informed and request additional information, when the need arises, in a constructive manner.
- 8 Support staff when they're implementing Council policy and decisions and convey concerns privately.
- 9 Ask questions before the meeting.
- 10 Give 14 13 days notice of "Notices of Motion" to facilitate informed comment.
- 11 Improve understanding of complex issues through workshops.
- 12 Concentrate on policy and recognise staff delegations.
- 13 Understand the demands on staff time.
- 14 All listen to each other.
- 15 Talk to senior staff first before other staff, except for routine matters.
- 16 Communicate decisions to the community.
- 17 Enunciate our goals and objectives.
- 18 Maintain familiarity with Policy and Procedures Manuals.
- 19 Be consistent and make decisions in accordance with Council policy.
- 20 Recognise that staff have an independent role as professional advisors.
- 21 Seek to acquire appropriate skills and knowledge.
- 22 Wherever possible remain within agreed budget outcomes.

<b>POLICY NO: 1.2.14</b>	<b>COUNCILLORS' DETERMINATION OF DEVELOPMENT APPLICATIONS AND OTHER PLANNING MATTERS</b>
<b>OBJECTIVE:</b>	To ensure Councillors are informed as to their ability to determine development applications and are provided with full information regarding DA's and other planning matters for determination.
<b>STRATEGIC PLAN LINK:</b>	Leadership by Innovation
<b>PROGRAM:</b>	Planning Services
<b>AUTHORISED: 17/9/96</b> (Previous heading: Information Sessions for Councillors)	<b>REVIEWED: 1/4/97, 14/7/98, 2/11/99, 9/7/02, 10/8/04, 10/03/09</b>

### Development applications

Development Applications to be determined by Council are:

- Any DA generating objections of a significant nature\*, which, while valid under S79C of the Environmental Planning and Assessment Act, cannot be addressed by means such as conditions of consent, negotiated alterations to the proposal, mediation or by other means.
- Any DA concerning which two Councillors make a request in writing to the General Manager that the application is to be submitted to Council for considerations.
- To be accompanied with the reasons why they are requesting that the development application be submitted to Council for determination.

(\* "Objections of a significant nature" comprise those which, while valid under S79C of the EP & A Act, cannot be addressed by means such as conditions of consent, negotiated alterations to the proposal, mediation or by other means.)

In the above circumstances the application will not be determined under delegation but conditions of consent will be prepared for attachment to a consent to enable Council to approve the application if it wishes.

## **Implications of Council Determination**

In deciding to “call in” a development application for determination by Council, Councillors will consider the following implications of determination by Council:

### *Advantages*

- Supporters of and objectors to the development proposal are able to address the Council meeting and are available for questioning by Councillors.
- A broad political perspective, in addition to technical assessment, is facilitated.

### *Disadvantages*

- The determination is delayed until the monthly Council meeting. Due to the lead time required for the production of reports for the Business Paper there is no guarantee that a DA called in can be reported to the forthcoming meeting.
- Under the Environmental Planning & Assessment Act legal action against Council may be taken by an applicant if an application is not determined within 40 days. Therefore the need for a determination by Council leaves the organisation vulnerable to the costs incurred in defending such action.
- Costs would be increased should Council determine to refuse an application which an officer has recommended for approval, as in these circumstances the Council officer cannot be required to appear in Court to defend Council’s decision. The services of an independent consultant must be retained.
- A delay in determination may have financial consequences for the applicant/land owner.

Councillors calling in a DA are requested to:

- Allow sufficient time before a Council meeting to permit the production of a report within administrative deadlines.
- Attend the site inspection.

Councillors are requested to provide 24 hours notice of their ability to attend an organised site inspection. If unable to attend, Councillors may contact the applicant direct to arrange their own inspection.

## **Strategic Land Use Planning Matters**

Significant strategic planning or policy changes relating to:

- Alteration of adopted Urban, Village or Rural Housing Development Strategies,

- Any other land use planning or policy change which is deemed by the General Manager in consultation with Mayor and the Executive Director-Development & Governance, to be significant, or which is the subject of written requests from at least two Councillors,

Should be subject to a workshop, briefing or site inspection unless these matters have been guided by a Council steering committee.

### **Provision of Information to Councillors**

Information on planning matters to be determined by Council will be provided through either:

- Briefing session,
- Workshop, or
- Site inspection,

Unless there is agreement between the majority of Councillors and the General Manager (or his delegate) that no such action is required.

Workshops or briefing sessions will be held no later than 8 working days prior to the Council meeting at which the matter will be considered.

### **Site Inspections**

Site inspections for development applications to be determined by Council will be held no later than the Monday immediately preceding the Council meeting, unless the number of site inspections makes this impossible. The day and time of inspections will be determined to suit the majority of Councillors.

The *purpose* of the inspection is to inform Councillors by outlining the proposal and any issues arising by virtue of site characteristics, location, neighbouring uses or public submissions.

The Mayor or Deputy Mayor chairs the inspection, by introducing staff not already known to Councillors, advising the public (if attending) of the matters outlined below and outlining the brief agenda provided by staff. In the absence of Mayor or Deputy Mayor, then either the Executive Director-Development & Governance or his/her delegate should perform that role.

*Attendance* at site inspections should comprise:

- Interested Councillors
- Councillors who called in development applications
- Either the Executive Director-Development & Governance or his/her delegate
- The planning officer co-ordinating the assessment
- Staff from other sections necessary to provide technical input to the assessment of the application.

The *role* of assessment staff is to provide objective advice to Councillors regarding the application and technical or legislative requirements. Staff do not promote their own views and recommendations and do not justify or defend the proposal to Councillors.

The applicant for the development should be invited to attend the inspection, and should clarify any matter which is unclear in the application. It is the responsibility of the applicant to justify and defend the application if required.

The landowner (if not the applicant) should also be informed of the inspection and invited to attend.





## POLICY MANUAL

<b>POLICY NO: 1.4.10</b>	<b>SECTION 356 DONATIONS TO CITIZEN REPRESENTATIVES</b>
<b>OBJECTIVE:</b>	To financially assist local citizens who represent Australia.
<b>STRATEGIC PLAN LINK:</b>	Quality of Life
<b>PROGRAM:</b>	Finance
<b>AUTHORISED: 19/11/95</b>	<b>REVIEWED: January 2005, 20/6/06, 30/10/08, 10/03/09</b>

A donation may ~~at the discretion of the Mayor and General Manager,~~ be made to any permanent resident of Lismore representing Australia as hereunder:

- 1 Where an event (or series of events) is to take place outside Australia - \$356 (2008/09).
- 2 Where an event (or series of events) is to take place within Australia (but outside Lismore) - \$178 (2008/09).
- 3 "Permanent Resident" shall mean a person whose name appears (or is qualified to appear) on the Council's local electoral roll or the child (under 18) of a person so qualified.
- 4 The amount included in this Policy be increased from July 1 each year by the C.P.I. increase for Sydney for the year ended March 31 preceding.
- 5 Recipients under this policy would only be entitled to such donation once every two years (financial year).
- 6 Any application needs to be supported by proof from the appropriate governing body.
- 7 Applicants will be asked to provide proof of attendance.
- 8 Applications will not be accepted for retrospective attendance.



## POLICY MANUAL

<b>POLICY NO: 1.4.11</b>	<b>SECTION 356 DONATIONS TO RURAL HALLS - RATES AND MAINTENANCE</b>
<b>OBJECTIVE:</b>	To financially assist Rural Halls
<b>STRATEGIC PLAN LINK:</b>	Quality of Life
<b>PROGRAM:</b>	Finance
<b>AUTHORISED: 13/8/91</b>	<b>REVIEWED: 13/03/01, 20/06/06, 10/03/09</b>

- 1 Council shall each year make a donation under Section 356 of 100% of general rates levied on Rural Halls as per the attached list determined by Council.
- 2 Council shall each year make a donation of \$1,000 from the Rural Halls Section 356 Donations for each of the listed Rural Halls for the purpose of hall maintenance.

## LIST OF RURAL HALLS

- 1 Bexhill School of Arts
- 2 Blue Knob Public Hall
- 3 Caniaba -Springgrove Community Hall
- 4 Clunes Public Hall
- 5 Coffee Camp Public Hall
- 6 Corndale Hall
- 7 Dorroughby/Glenview Centre
- 8 Dungarubba Memorial Hall
- 9 Dunoon Hall
- 10 Eltham Public Hall
- 11 Goolmangar School of Arts
- 12 Jiggi School of Arts
- 13 Keerrong Public Hall
- 14 Koonorigan Hall
- ~~15 Marom Creek Hall~~
- 16 Nimbin School of Arts
- 17 Numulgi Public Hall
- 18 Repentance Creek Hall
- 19 Rock Valley Public Hall
- 20 Rosebank Public Hall
- 21 Roy Waddell Community Centre
- 22 Ruthven Public Hall
- 23 South Gundurimba Hall
- 24 The Channon Hall
- 25 Tregeagle Hall
- 26 Tullera Public Hall
- 27 Tuntable Creek Hall
- 28 Whian Whian Public Hall
- 29 Wyrallah Hall Association



## POLICY MANUAL

<b>POLICY NO: 1.5.2</b>	<b>EXEMPTION OF CERTAIN LANDS FROM WATER CHARGES AND/OR SEWERAGE CHARGES</b>
<b>OBJECTIVE:</b>	To determine which lands shall be exempt from water charges and/or sewerage charges.
<b>STRATEGIC PLAN LINK:</b>	Leadership by Innovation, Water and Waste Cycle
<b>PROGRAM:</b>	Finance
<b>AUTHORISED: 11/6/91</b>	<b>REVIEWED: 6/8/96, 20/6/06, 10/03/09</b>

Where land otherwise liable for Water charges and/or Sewerage charges is not built upon and is not supplied with water from the Council's water mains and/or not connected to Council's sewerage mains, and where the Council is not prepared to approve the construction of a building or buildings upon such land for any reason, or water from the Council's mains shall not be supplied thereto and/or connection to sewer and, in accordance with the provisions of Section 558 of the Local Government Act, 1993 water charges and/or sewerage charges shall not be levied thereon.

<b>POLICY NO: 5.2.23</b>	<b>TEMPORARY RESIDENTIAL OCCUPATION OF LAND</b>
<b>OBJECTIVE:</b>	To permit landowners to legally occupy their land for residential purposes while they have a permanent dwelling being erected upon their land.
<b>STRATEGIC PLAN LINK:</b>	Quality of Life
<b>PROGRAM:</b>	Building Services
<b>AUTHORISED: 12/11/80</b>	<b>REVIEWED: 5/9/95, 14/7/98, 10/03/09</b>

**DEFINITIONS:**

**Urban land** - all land with urban zoning and includes village zoned lands.

**Rural land** - includes all other land and may include land in urban areas which is remote from built up areas and having a rural character.

Council may approve, through the issue of a Temporary Residential Occupation Permit, the temporary residential occupation of rural and urban land in accordance with the following requirements.

**A. Rural Land**

- 1 (a) The land must have an ability to obtain development consent for the erection of a dwelling on the land and Council must be satisfied that the issue of a consent is likely; and
- (b) Where the land is a site on an approved multiple occupancy development with an active Development Consent, all infrastructure works and other relevant matters required by the Development Consent must be completed or be complied with.
- 2 Development Consent and /or Construction Certificate ~~Building Approval~~ and all ancillary approvals must be obtained within twelve (12) months from the date of issue of a Temporary Residential Occupation Permit. The dwelling must be completed to approved occupation stage on or before the expiry of the permit.

...../2

## A Rural Land (Cont.)

- 3 Bush fire safety measures required by any Multiple Occupancy Development Consent conditions must be complied with. Where bush fire safety measures are not addressed in the Multiple Occupancy Development Consent or the proposed site is not on a multiple occupancy, appropriate bush fire safety measures must be undertaken to comply with the recommendations of the local Fire Brigade Captain, or Rural Fire Service.
- 4 A Temporary Residential Occupation Permit be granted for a period of two (2) years from the date of issue. The Permit may be renewed for a further period not exceeding one (1) year where the General Manager is of the opinion that there is sufficient justification to do so.
- 5 All waste water generating facilities must be connected to:
  - a) Council's reticulated sewerage system where same is available; or
  - b) An approved on site sewerage system where reticulated sewerage is not available, prior to any occupation of the temporary structure.

## B. Urban Land

- 1 Development Consent and/or ~~Construction Certificate~~ ~~Building Approval~~ for the erection of a permanent dwelling on the land must be issued by Council and work directly related to the approval must be physically commenced on site prior to the temporary occupation of the land commencing.
- 2 Only moveable dwellings (eg caravans); permanent shed like structures; or other permanent structures complying with Building Code of Australia requirements for human habitation may be used for temporary occupation in urban areas.
- 3 All waste water generating facilities must be connected to:
  - a) Council's reticulated sewerage system where same is available; or
  - b) An approved on site sewerage system where reticulated sewerage is not available, prior to any occupation of the temporary structure.
- 4 A Temporary Residential Occupation Permit be granted for a period of one (1) year from the date of issue. The permit may be renewed for a further period not exceeding one (1) year where the General Manager is of the opinion that there is sufficient justification to do so.

## C. General Requirements Relating to Both Urban and Rural Land

- 1 The issue of a Temporary Residential Occupation Permit must be consistent with the intent of any planning or other regulatory requirements relating to the construction of a dwelling on the land.
- 2 Applications must be submitted on Council's approved form and all information provided.

- 3 A Temporary Residential Occupation Permit may only be issued to the owner of the land, who must also be the formal occupant of the temporary accommodation.
- 4 The Temporary Residential Occupation Permit is not transferable to any person except with written concurrence of Council.

**C General Requirements (Cont.)**

- 5 Adequate cooking facilities; potable and other water supplies; laundry and clothes drying facilities; and sanitary facilities must be provided and be properly maintained.
- 6 A Temporary Residential Occupation Permit may be issued subject to conditions and the requirements of the permit must be complied with at all times.
- 7 A Temporary Residential Occupation Permit may be revoked by the General Manager if the occupation does not comply with all the requirements of the permit.
- 8 That the application fee be in accordance with Council's fees and charges. The fee is non refundable following the issue of a permit. If the application is refused 50% of the fee is refundable.
- 9 Hardwired smoke alarms shall be installed by a licensed electrical contractor and certification thereof be submitted upon completion.



## POLICY MANUAL

<b>POLICY NO: 5.5.2</b>	<b>RECYCLING PLANT</b>
<b>OBJECTIVE:</b>	To provide land for sale or lease at a reasonable price for the establishment of a recycling plant.
<b>STRATEGIC PLAN LINK:</b>	Water and Waste Cycle
<b>PROGRAM:</b>	Waste, Quarries and Crematorium
<b>AUTHORISED: 17/7/90</b>	<b>REVIEWED: 5/9/95, 10/03/09</b>

- 1 That Lismore City Council offer, to any approved body, suitable land within the Wyrallah Road Waste Facility precinct the option to lease or purchase the required area of land that is deemed necessary for the establishment of a recycling plant on the basis of:
  - a) Peppercorn rent, or
  - b) Equity in the project in lieu of purchase price of land.
  
- 2 That the terms and conditions of such lease or sale be formalised when Council has identified and successfully negotiated with the proposed lessee/purchaser.





## POLICY MANUAL

<b>POLICY NO: 9.1.1</b>	<b>FENCES AND SCREEN WALLS</b>
<b>OBJECTIVE:</b>	To regulate the construction of fences and screen walls.
<b>STRATEGIC PLAN LINK:</b>	Quality of Life
<b>PROGRAM:</b>	Environmental Health & Building Services
<b>AUTHORISED: 30/6/82</b>	<b>REVIEWED: 5/9/95, 20/7/99, 12/8/03, 20/6/06, 10/03/09</b>

- A. Any person who proposes to construct a fence or courtyard wall shall comply with Council's "Fences and Screen Walls Code" as contained hereunder.

**Fence:**

Is deemed to include an enclosure; screen walls; barrier; courtyard wall; or structure erected between a building and a boundary, but not necessarily connected to same; to enclose an open area for privacy or protection of persons and/or property, or for decorative reasons.

**Front Fence:**

Means any wall or fencing erected between the front of any part of any building on the land and any street boundary.

**Assumed Consent: (Exempt development)**

No application is necessary for 'front fencing' 1 m or less in height above the lowest ground level adjoining the fence and other fencing 1.8 m or less in height except where:

- 1 the fencing or wall is used as a retaining wall structure; or
- 2 the fence is not readily demountable and encroaches upon any easement or within a point at ground level measured at 45° from the invert of any sewer main.
- 3 The fencing or wall adjoins within 2m of a driveway and is within 2.5m of the street boundary and is greater than 1m in height.

**Applications:**

The application shall include detailed plans to an approved scale containing:

- 1 a site plan showing the precise location of the structure;
- 2 elevations and a cross section including the height, design and structural details;
- 3 any proposed landscaping ancillary to the construction.

### **Specification**

It may be possible to include these details on the plans.

**Consideration** - matters to be taken into consideration include:-

- 1 whether the proposed fence will affect traffic visibility.
- 2 the location of the fence in relation to the boundaries of the land, Council easements or sewer mains and the proposed fence's structural stability.
- 3 the height, design, materials and appearance of the structure including its impact on site drainage.
- 4 safety precautions in relation to private vehicles entering and leaving the site.

### **PLEASE NOTE:**

Council may require:

- 1 that in order to provide appropriate amenity, the fence to be set back a minimum of 1m from the common boundary with the road reserve; and/or
- 2 recesses at approved location and of approved dimensions be provided in the fence; and the setback and or recesses be landscaped in an approved manner.
- 3 the fence to be consistent with the streetscape themes in conservation areas.
- 4 the fence to be set back and truncated on driveway locations to provide pedestrian sight distance.

### **Covenants:**

Some subdivisions have covenants restricting the provision of fencing and these take precedence over any Council approval. Council is not normally aware of such covenants.

### **Dividing Fences Act:**

Any approval given by Council does not remove a landowner's responsibility under the provision of this Act.

- B. The Co-ordinator, Building Services be delegated authority to vary this policy where the circumstances of the case so warrant.



## POLICY MANUAL

<b>POLICY NO:</b> 9.1.5	<b>QUALITY REVIEW OF BUILDING AND OTHER DEVELOPMENT</b>
<b>OBJECTIVE:</b>	To provide a quality review mechanism for building and other developments.
<b>STRATEGIC PLAN LINK:</b>	Natural Environment
<b>PROGRAM:</b>	Environmental Health & Building Services
<b>AUTHORISED:</b> 11/2/92	<b>REVIEWED:</b> 5/9/95, 10/03/09

- 1 That Council conduct a Quality Review of Building and Other Developments by carrying out general inspections of selected developments on at least two (2) separate occasions in each year.
- 2 That the quality review inspections be conducted in February and August each year).



## Report

<b>Subject</b>	Councillor Information Course
<b>File No</b>	S44
<b>Prepared by</b>	Corporate Compliance Coordinator
<b>Reason</b>	Required of the Department of Local Government
<b>Objective</b>	To meet departmental requirements
<b>Strategic Plan Link</b>	Innovation
<b>Management Plan Project</b>	Councillors

### Overview of Report

Feedback provided to Council with regard to the recent Councillor Information Seminar held at Invercauld House, Goonellabah.

### Background

The NSW Department of Local Government in the run up to the last local government elections, prepared a Councillor Development Strategy. Part of this strategy involved the conducting of a Councillor Information Seminar, held at Invercauld House, Goonellabah.

The Department has required the General Manager to report to Council on the level of Councillor attendance at the seminars and any feedback from Councillors about the seminar.

The seminar was attended by Councillors Dowell, Ekins, Battista, Clough, Henry and Yarnall.

The feedback received was that the seminars were worthwhile. The presenters were knowledgeable in their field and the content of the presentations were easy to understand. If there was any criticism it revolved around the amount of material to be covered within the limited period of time.

### Comments

#### Financial Services

Not required.

#### Other staff comments

Not required.

#### Public consultation

Not required.

### Recommendation

That the report be received and noted.



## Report

<b>Subject</b>	<b>Investments held by Council – February 2009</b>
<b>File No</b>	S178
<b>Prepared by</b>	Management Accountant
<b>Reason</b>	Required by Local Government Act 1993, Local Government (General) Regulations 2008 and Council's Investment policy.
<b>Objective</b>	To report on Council Investments
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Project</b>	Financial Services

### Overview of Report

Council investments as at 28 February 2009 are estimated to be \$24,505,893 subject to final value of funds held under separate management being advised shortly.

The interest rate reported for February 2009 is estimated to be 4.24% in comparison to 6.34% for February 2008. Council's return of 4.24% is above the Bank Bill Swap Rate for the same period of 3.2%. The final interest return may vary due to actual returns achieved in the funds held under separate management.

### Background

The Local Government Act 1993 (Section 625), Local Government (General) Regulations 2005 (Regulation 212) 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 January 2009* \$23,714,099
- *Estimated Investments – at Market Value – 28 February 2009* \$24,505,893

The current rate of return on investments for February 2009 is estimated to be 4.24% compared to 6.34% for February, 2008. Council's return of 4.24% is above the Bank Bill Swap Rate for the same period of 3.2%. 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 discussion with the portfolio advisor.

Investments held in Longreach – Series 25 and ASPRIT III Trust are no longer paying coupons as reported previously and are shown on the Estimated Interest attachment with an interest rate and estimated interest for the period of zero.

In regards to the five investments affected by the Lehman Brothers Holdings bankruptcy (Beryl Esperance 2, Beryl Global Bank Note, Zircon Merimbula, Zircon Coolangatta and Zircon Miami), CPG Advisory (formerly Grove Research and Advisory) are still pursuing information in relation to their early termination. As advised last month, a coupon was unexpectedly received from these investments in December, however, it is unknown as to whether this was a one off payment or whether further coupons will be received prior to an early termination taking place. CPG have advised that it would be prudent not to accrue any interest on these investments until further information becomes available. Based on this, the Estimated Interest attachment shows an interest rate and estimated interest for the period of zero for these five investments.

Staff met with CPG Advisory recently to discuss a review of the investment policy and strategy. It will take into consideration changes in the Minister for Local Government's Investment Order and Department of Local Government directives. After a workshop in late May 2009, a report will go to Council's June 2009 meeting.

## **Attachments**

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

- Capital Value Movements including name of institution, lodgement date and maturity date.
- 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 Rate with bank bill swap rate and last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

## **Comments**

### **Financial Services**

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**

Not applicable.

### **Public consultation**

Not applicable.

### **Conclusion**

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For February 28, 2009, investments total \$24,505,893 and the annualised rate of return was 4.24%.

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

## **Recommendation**

That the report be received and noted.



**Capital Value Movements**  
**Summary of Investments held as at**  
**28 February, 2009**

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Base Capital Value	Estimated Current Market Value (Note 4)	
<b>Cash Based Returns</b>									
Longreach - Series 25	Equity Linked Investment	AA-	High	2/4/2007	4/4/2014	31/01/2009	\$ 1,000,000	\$ 718,000	Note 1,2
Aberdeen Income Fund	Managed Fund	A	High	14/3/2005	N/A	24/02/2009	\$ 790,076	\$ 512,797	Note 3
Blackrock Care & Maintenance Fund	Managed Fund	A	High	15/10/2008	N/A	24/02/2009	\$ 3,028,864	\$ 2,723,312	Note 3
Merrill Q A/A FRN / CBA	Floating Rate Note	A+	High	22/3/2005	8/6/2010	31/12/2008	\$ 1,000,000	\$ 918,710	Note 1
Summerland Credit Union	Subordinate Debt	Not Rated (Note 7)	High	21/5/2004	21/5/2009	1/10/2008	\$ 1,000,000	\$ 1,000,000	Note 1
ASPRIT III Trust	Equity Linked Investment	AA	High	13/7/2007	13/7/2013	31/12/2008	\$ 2,000,000	\$ 1,726,000	Note 1,2
Bank of Queensland Ltd	Term Deposit	A2	High	12/12/2008	12/3/2009	12/12/2008	\$ 2,000,000	\$ 2,000,000	Note 1
Suncorp - Metway Ltd	Term Deposit	A-1	High	3/2/2009	5/3/2009	3/02/2009	\$ 1,000,000	\$ 1,000,000	Note 1
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	12/2/2009	12/3/2009	12/02/2009	\$ 1,000,000	\$ 1,000,000	Note 1
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	24/02/2009	\$ 5,287,000	\$ 5,287,000	Note 1
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/9/2006	NA	24/02/2009	\$ 245,638	\$ 245,638	Note 1
ANZ High Yield Cash Account	Cash Management Account		High	N/A	N/A	24/02/2009	\$ 2,188,174	\$ 2,188,174	Note 1
Bishopsgate (Wentworth)	Floating Rate CDO	AA+	High	1/9/2006	20/9/2010	24/02/2009	\$ 500,000	\$ 465,670	Note 1,5
Herald Limited (Quartz)	Floating Rate CDO	BBB-	Medium	1/9/2006	20/12/2010	24/02/2009	\$ 30,000	\$ 21,747	Note 1,5
Cypress (Lawson)	Floating Rate CDO	A-	High	1/9/2006	30/12/2010	24/02/2009	\$ 500,000	\$ 467,450	Note 1,5
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated (Note 7)	High	1/9/2006	18/10/2011	24/02/2009	\$ 250,000	\$ 210,250	Note 1,5
BELO (Kalgoorlie)	Commodity Backed Security	AA+	High	1/9/2006	27/2/2012	24/02/2009	\$ 700,000	\$ 586,950	Note 1,5
Magnolia (Flinders)	Floating rate CDO	AA	High	1/9/2006	20/3/2012	24/02/2009	\$ 300,000	\$ 230,370	Note 1,5
Omega (Hentley)	Floating Rate CDO	BB-	Medium	1/9/2006	22/6/2012	24/02/2009	\$ 400,000	\$ 270,280	Note 1,5
Beryl (Esperance 2)	Floating rate CDO	BB+	Medium	1/9/2006	20/3/2013	24/02/2009	\$ 400,000	\$ 221,596	Note 1,5
Corsair (Torquay)	Floating Rate CDO	BBB+	Low	1/9/2006	20/6/2013	24/02/2009	\$ 500,000	\$ 266,150	Note 1,5
Zircon (Merimbula)	Floating Rate Note	C	Medium	1/9/2006	20/6/2013	24/02/2009	\$ 300,000	\$ 93,450	Note 1,5
Corsair (Kakadu)	Floating Rate CDO	CCC+	Low	1/9/2006	20/3/2014	24/02/2009	\$ 500,000	\$ 217,755	Note 1,5
Helium (Scarborough)	Floating rate CDO	CCC+	Low	1/9/2006	23/6/2014	24/02/2009	\$ 200,000	\$ 112,520	Note 1,5
Beryl (Global Bank Note)	Floating Rate Note	C	Medium	1/9/2006	20/9/2014	24/02/2009	\$ 150,000	\$ 119,535	Note 1,5
Zircon (Coolangatta)	Floating Rate CDO	C	Medium	1/9/2006	20/9/2014	24/02/2009	\$ 500,000	\$ 153,550	Note 1,5
Aphex (Glenelg)	Floating Rate CDO	BBB-	Medium	1/9/2006	22/12/2014	24/02/2009	\$ 500,000	\$ 301,035	Note 1,5
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	14/12/2015	24/02/2009	\$ 500,000	\$ 482,050	Note 1,5
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	16/3/2016	24/02/2009	\$ 1,000,000	\$ 945,000	Note 1,5
Zircon (Miami)	Floating Rate CDO	C	Medium	1/9/2006	20/3/2017	24/02/2009	\$ 50,000	\$ 20,905	Note 1,5
<b>Investment on Hand</b>							<b>\$ 27,819,753</b>	<b>\$ 24,505,893</b>	

**Investments Redeemed during period (Note 6)**

Blackrock Care & Maintenance	Managed Fund	A		15/10/2008	N/A		\$ 586,653	\$ 489,210
Aberdeen Income Fund	Managed Fund	A		14/3/2005	N/A		\$ 839,240	\$ 750,000

**\$ 29,245,645    \$ 25,745,102**

**Total Capital Movement - Gain/(Loss)**

**\$ (3,500,543)**

**Adjusted Capital loss reported for 2007/08**

**\$ (3,228,424)** Note 8

**Capital Movement since 01/07/08 - Gain/(Loss)**

**\$ (272,119)**

Note 1:  
Note 2:  
Note 3:  
Note 4:  
Note 5:  
Note 6:  
Note 7:  
Note 8:

Base Capital Value is the face value of the investment  
Capital Guaranteed note if held to maturity  
The Base Capital Value is the Market Value as at 30/6/08 plus additions less redemptions during the year.  
Latest estimates based on information provided by investment managers and prior period performance.  
Market Value is the Capital Value of the investment and any accrual of income.  
These investments were redeemed during the period and impact on the interest return for the period. They are not part of the Balance of Investment Held.  
These Counterparties & Products are authorised under the Minister Order and require no minimum Credit Rating.  
The amount shown as the Capital Loss reported for 2007/08 has been adjusted for the loss on the Managed Funds and actual impaired investments from 2007/08 realised in the current year. The loss on the managed funds has been factored into the Base Capital Value. Please see Note 3 for further explanation.

**"Indicative" Source of Funds**

Externally Restricted	13,961,007
Internally Restricted	10,544,886
	<u>\$ 24,505,893</u>

**Estimated Interest  
Summary of Investments held as at  
28 February, 2009**

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Estimated Current Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period
<b>Cash Based Returns</b>						
Longreach - Series 25	Equity Linked Note	AA-	0.00%	\$ 718,000	\$ -	0.00%
Aberdeen Income Fund	Managed Fund	A	3.39%	\$ 512,797	\$ 1,334	0.07%
Blackrock Care & Maintenance Fund	Managed Fund	A	0.00%	\$ 2,723,312	\$ -	0.00%
Merrill Q A/A FRN - CBA	Floating Rate Note	A+	4.99%	\$ 918,710	\$ 3,517	0.17%
Summerland Credit Union	Subordinate Debt	Not Rated	6.40%	\$ 1,000,000	\$ 4,910	0.24%
ASPRIT III Trust	Wholesale Managed Investment	AA	0.00%	\$ 1,726,000	\$ -	0.00%
Bank of Queensland Ltd	Term Deposit	A2	5.70%	\$ 2,000,000	\$ 9,682	0.48%
Suncorp - Metway Ltd	Term Deposit	A-1	4.39%	\$ 1,000,000	\$ 3,007	0.15%
Credit Union Australia (CUA)	Term Deposit	Not Rated	4.21%	\$ 1,000,000	\$ 1,845	0.09%
CBA - Business On Line Banking A/c	Cash Management Account	Cash	3.85%	\$ 5,287,000	\$ 15,615	0.77%
Macquarie Cash Management Trust	Cash Management Account	Not Rated	4.48%	\$ 245,638	\$ 844	0.04%
ANZ High Yield Cash Account	Cash Management Account		4.30%	\$ 2,188,174	\$ 7,218	0.36%
Bishopsgate (Wentworth)	Floating Rate CDO	AA+	8.79%	\$ 465,670	\$ 3,372	0.17%
Herald Limited (Quartz)	Floating Rate CDO	BBB-	8.87%	\$ 21,747	\$ 204	0.01%
Cypress (Lawson)	Floating Rate CDO	A-	8.59%	\$ 467,450	\$ 3,295	0.16%
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated	2.19%	\$ 210,250	\$ 420	0.02%
BELO (Kalgoorlie )	Commodity Backed Security	AA+	8.49%	\$ 586,950	\$ 4,559	0.23%
Magnolia (Flinders)	Floating rate CDO	AA	8.87%	\$ 230,370	\$ 2,041	0.10%
Omega (Henley)	Floating Rate CDO	BB-	8.17%	\$ 270,280	\$ 2,507	0.12%
Beryl (Esperance 2)	Floating rate CDO	BB+	0.00%	\$ 221,596	\$ -	0.00%
Corsair (Torquay)	Floating Rate CDO	BBB+	8.57%	\$ 266,150	\$ 3,287	0.16%
Zircon (Merimbula)	Floating Rate Note	C	0.00%	\$ 93,450	\$ -	0.00%
Corsair (Kakadu)	Floating Rate CDO	CCC+	8.37%	\$ 217,755	\$ 3,210	0.16%
Helium (Scarborough)	Floating rate CDO	CCC+	8.77%	\$ 112,520	\$ 1,346	0.07%
Beryl (Global Bank Note)	Floating Rate Note	C	0.00%	\$ 119,535	\$ -	0.00%
Zircon (Coolangatta)	Floating Rate CDO	C	0.00%	\$ 153,550	\$ -	0.00%
Aphex (Glennelg)	Floating Rate CDO	BBB-	8.62%	\$ 301,035	\$ 3,306	0.16%
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated	7.78%	\$ 482,050	\$ 2,984	0.15%
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated	7.98%	\$ 945,000	\$ 6,122	0.30%
Zircon (Miami)	Floating Rate CDO	C	0.00%	\$ 20,905	\$ -	0.00%
<b>Investment on Hand</b>				<b>\$ 24,505,893</b>	<b>\$ 84,624</b>	<b>4.18%</b>

Note 4

**Investments Redeemed during period**

Aberdeen Income Fund	Managed Fund	A	3.39%	\$ 750,000	\$ 702	0.03%
Blackrock Care & Maintenance	Managed Fund	A	5.30%	\$ 489,210	\$ 596	0.03%

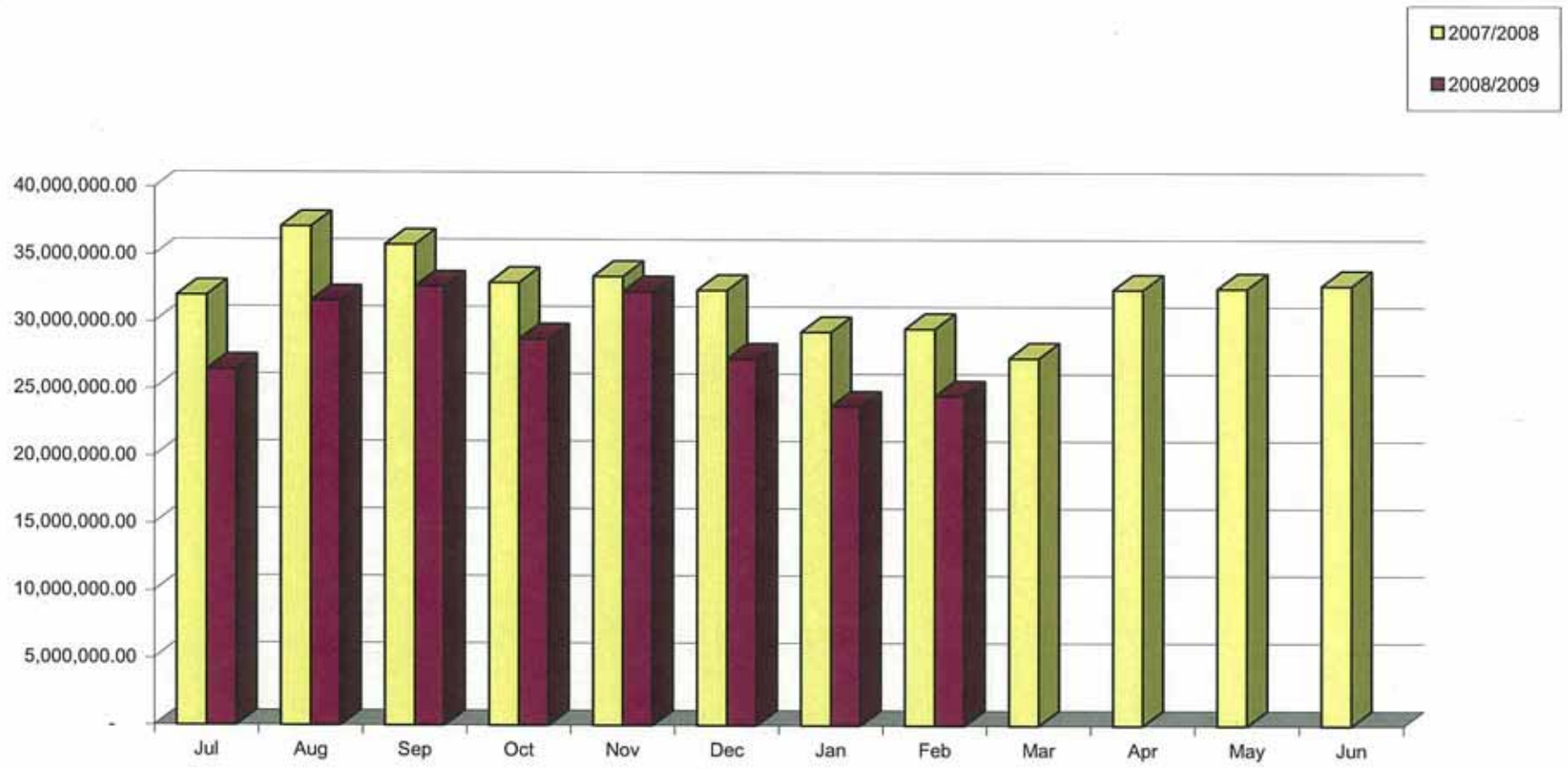
28/2/2009

4.24%

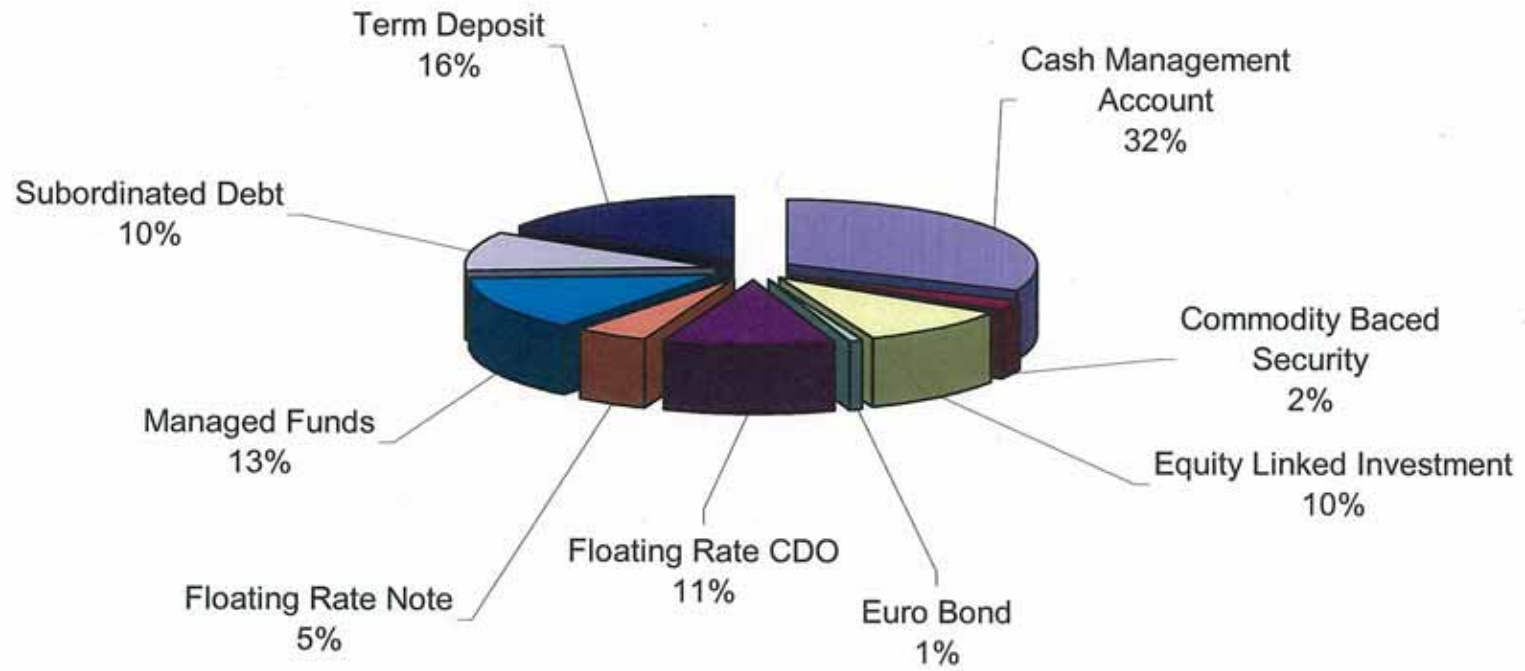
\$ 25,745,102	\$ 85,922
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- Note 1: Interest return is calculated on (actual interest + plus accrued interest + plus realised gains - losses on disposal - expenses) / principal value
- Note 2: Capital Guaranteed note if held to maturity
- Note 3: Managed Funds interest rate is calculated as an annualised rate based on the interest earned for the previous quarter.
- Note 4: Estimated Interest for Period is calculated by multiplying the annualised rate by the estimated current value and reflects both interest accrued and received.
- Note 5: No Coupon currently payable under terms of the investment.
- Note 6: Latest estimates based on information provided by investment managers and prior period performance.

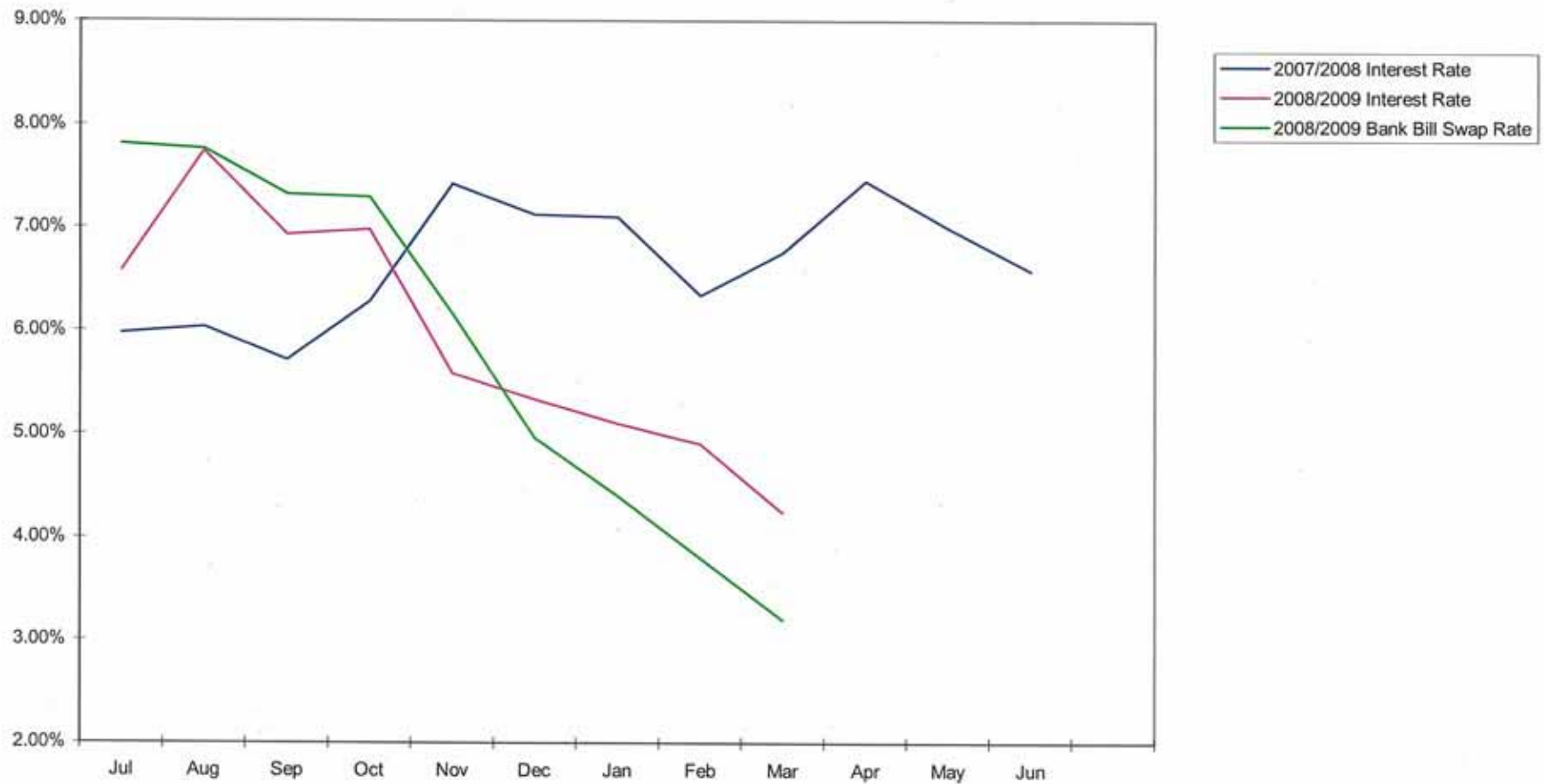
### TOTAL INVESTMENT PORTFOLIO



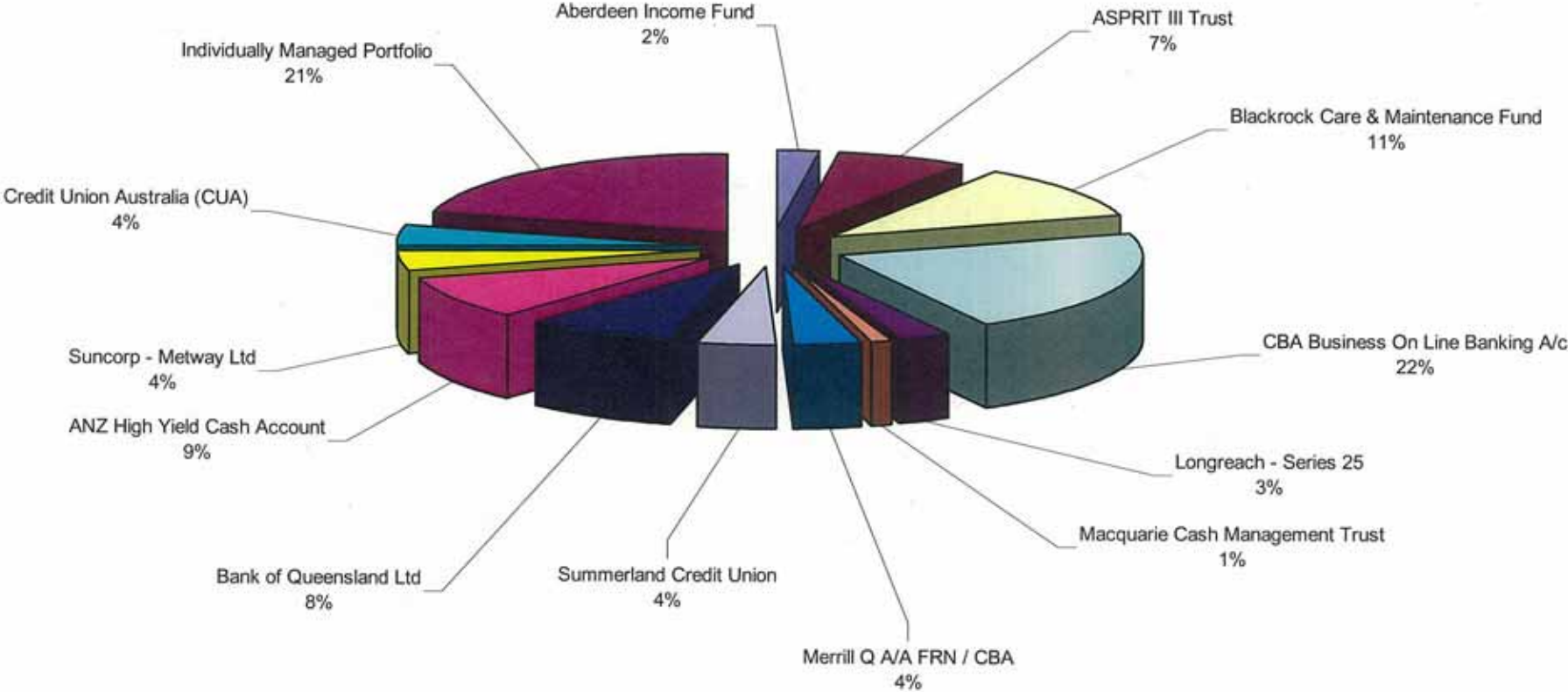
### INVESTMENT BY TYPE



### WEIGHTED AVERAGE INTEREST RATE



# Investment by Institution



# **Committee Recommendations**

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MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING  
HELD ON FEBRUARY 18, 2009, AT 10.00 AM.

	<b>Present</b>	Councillor Jenny Dowell ( <i>Chairperson</i> ), Bronwyn Mitchell on behalf of Thomas George, MP, Stefan Wielebinski ( <i>RTA</i> ), Snr Const Rob Clarke ( <i>Lismore Police</i> ).
	<b>In Attendance</b>	Lisa Marshall ( <i>Road Safety Officer</i> ), and Bill MacDonald ( <i>Traffic &amp; Emergency Services Coordinator</i> ).
TAC1/09	<b>Apologies</b>	An apology for non-attendance on behalf of Thomas George MP was received and accepted.
TAC2/09	<b>Minutes</b>	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on December 17, 2008, were confirmed by Council on February 10, 2009.

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**Disclosure of Interest**

Nil

**Part 'A' – Committee Recommendations**

**Northern Rivers Cycling Club**

Forwarding an application for a cycle road race series at Dungarubba.

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Council's Rural Works Engineer has advised that they have no objection to the proposed road races which were held in the same area over the previous twelve months, provided Council is indemnified against any incident that may occur as a result of the races. The course will need to be checked by the organisers prior to each event as road conditions will vary and it may not be possible to carry out maintenance to suit individual events. It should be the organiser's responsibility to assess the condition of the route prior to each event and decide if it is safe to proceed. All signage must be removed by the organisers immediately upon completion of individual events.

- TAC3/09 **Recommended:** that approval be granted in accordance with the traffic management plan submitted and provided the above conditions are included, and that the races are conducted in accordance with the NSW Guidelines for Bicycle Road Races. (09-92:R5804,S336)

## Part 'B' – Determined by Committee

### B-09-02:1 **David Scholtz**

Raising concerns about the dangers presented to cyclists and pedestrians who use the footpath/cycleway on the northern side of Ballina Road in vicinity of KFC due to the limited sight motorists have of footpath users, when exiting the property onto Ballina Road.

---

An onsite meeting was held on February 10, 2009 with the Manager of the Lismore KFC to discuss the issue raised. The Manager was aware of the concerns and has agreed to arrange for a suitable warning sign to be made and erected at the boundary of the property to warn motorists to watch for cyclists. In addition, the Manager will arrange the trimming of the hedge at the front of the property with a view to increasing available sight distance.

**It was agreed:** that the writer be advised of the proposed action. (09-104:R6408)

### B-09-02:2 **Ms Fiona Miller – On-Focus Inc**

Requesting consideration of providing additional accessible parking spaces in the vicinity of On-Focus at 210 Keen Street due to the strong demand and lack of available on street parking generally.

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There is room for two vehicles in the existing accessible parking area on the eastern side of Keen Street, in close proximity to On-Focus. With the high demand on parking, this is considered adequate provided existing parking conditions are enforced for the accessible parking space and other period parking restrictions in the vicinity.

**It was agreed:** that the writer be advised that arrangements have been made to have existing parking conditions more closely monitored by Councils Rangers and that the area will be monitored to assess the extent of any further improvements that may be required. Further that the special conditions relating to parking, in that it is permissible to park for extended periods in time limited parking areas be pointed out to clients to ensure they are aware of all the parking options. (09-261)

### B-09-02:3 **Steve Barnier**

Raising concerns regarding the danger being created for through traffic as a result of motorists reversing out onto Molesworth Street just north of DOCs new building.

---

The area in question is used largely by DOCs and Police employees who are unable to access on site parking. Whilst not ideal there is no history of accidents occurring as a result of the use of this area for nose in parking. There are a couple of large figs in the area in question and it is felt that if the undergrowth was trimmed this would provide more acceptable sight distance for motorists attempting to reverse onto Molesworth Street. Reverting to parallel parking would seriously impact on the amount of available parking and may lead to problems being created in other areas. The area could be reassessed in six months to determine if any significant problem still exists.

**It was agreed:** that the growth under the large figs be trimmed to afford better sight of oncoming vehicles and the area be monitored to determine if any further action is required. (09-838:R7322)

**Roads and Traffic Authority on behalf of Margaret Clarke**

Requesting action be taken to address the inadequate vision of the School Zone signage on the southern approach to Goolmangar Public School.

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Several of the signs on the southern approach to Goolmangar Public School were partly obscured by vegetation. Arrangements have been made to have this removed. The number and location of the existing signage is considered appropriate.

B-09-02:4 **It was agreed:** that the writer be advised in accordance with the above. (08-12463:R2801)

**Mr R & Mrs H Koppen**

Pointing out that Crofton Road, Nimbin has no speed limit posted and requesting that a safe speed limit be posted due to existing road conditions and activities along the road.

---

Crofton Road is a typical sealed rural road approximately 5 km in length. Development along its length is staggered and generally set well back. The road falls under the general state limit of 100kph although the onus is on the motorist to drive to conditions. There are two 'one lane' bridges on the road which would benefit from signage on its approaches being upgraded to the appropriate standard. Under existing warrants a reduced speed limit is not required. There have been 4 accidents on Crofton Road over the last 5 years which is not considered excessive. Results of a recent survey indicate that the 85<sup>th</sup> percentile speed was 66kph and daily volume was approximately 230 vehicles daily.

B-09-02:5 **It was agreed:** that signage on the approaches to the two 'one lane' bridges be upgraded to the appropriate standard and that the writer be advised that the existing general state speed limit is considered appropriate given the existing conditions and warrants. (08-12262:R2102)

**Mrs Robyn Jones – Dingo Ridge Community**

Raising concerns about the increasing dangers presented to residents and visitors using Gungas Road, Nimbin and suggesting a number of measures to improve safety.

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The first 2.5km of Gungas Road is bitumen and the last 3km is a narrow gravel formation. There is a Mill and Hardware and B&B off the road with the balance being rural residences at staggered intervals along the road. There have been 7 accidents in the last five years although it is not clear whether they were on the bitumen or gravel section. A recent survey indicated that the 85<sup>th</sup> percentile speed is 65kph and the average daily volume is 610. There are a number of 'one lane' causeways or bridges on Gungas Road and these would benefit from the signage on the approaches being upgraded to the appropriate standard. Road side growth close to the bridges also contributes to a restricted view of oncoming traffic. Whilst a reduction in speed limit is unlikely to meet existing warrants, there are a number of measures that will assist in improving road safety generally. Safety on the gravel section of the road would be further enhanced by the erection of council's standard "Caution – Gravel Road – Drive to Conditions" signage.

B-09-02:6 **It was agreed:** that the 'No Through Road' sign be enlarged and repositioned to the left hand side of the road. Further that signage on the approaches to the 'one lane' bridges and causeways be upgraded to the appropriate standard. Further that road side growth on the approaches and beside the bridges and causeways be cleared to afford better visibility of oncoming traffic and a "Caution – Gravel Road – Drive to Conditions" sign be erected at the start of the gravel section of Gungas Road. (09-669:R2120)

**Ms Pauline Bourke**

Raising concerns regarding the number of heavy vehicles using Tregeagle Road and Robson Road and the danger they create and requesting that the speed limit be reduced and a weight limit imposed and the roads be repaired as soon as possible

---

It has not been possible to ascertain the origin and destination of the heavy vehicles using these roads, however under current laws there is nothing to prohibit them from using the roads the same as any other registered vehicle with the same rights. The imposition of a weight limit would be extremely difficult to enforce and may also impact on many of the local industries who rely on heavy vehicles being able to access their properties. A survey will be carried out to determine actual speeds and therefore the need for any further consideration.

- B-09-02:7 **It was agreed:** that a weight limit not be imposed on Tregeagle Road and Robson Road and further that classifiers be installed to ascertain speed and volumes with these results being referred to the RTA for a more comprehensive speed limit assessment. Further that the writer be advised that Police have arranged additional patrols of these roads to ensure compliance with existing conditions. (09-415:R5301,R5209)

**Roads & Traffic Authority on behalf of the South Lismore Progress Association**

Suggesting lighting at the intersection of Union and Casino Street was inadequate which would compromise the safety of pedestrians and motorists alike.

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There are four street lights surrounding the intersection of Union Street however, there is no specific pedestrian lighting above the existing marked pedestrian crossing in Casino Street or at the crossing in Union Street adjacent to the Lismore Railway Station. Safety at both of these locations would be enhanced with the installation of pedestrian lighting.

- B-09-02:8 **It was agreed:** that this matter be referred to the appropriate Council Officer with a view to obtaining a quotation for the installation of pedestrian lighting at both the above locations with the results being submitted for consideration in the upcoming budget process for 2009/10. (09-34,08-10936:R6907,R6938,S785)

**Nimbin Public School Principal**

Raising the issue of car hooning near the school and suggesting a speed hump be installed in the street leading off Thorburn Street, Nimbin down to the school.

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This issue was raised at a Nimbin Community Forum late last year. A recent survey has indicated that the 85<sup>th</sup> percentile speed is 38kph and a weekday daily volume averaging 290. Whilst there is evidence of tyre marks in the cul-de-sac it is unlikely that a speed hump further up the road would have any impact on this activity. As suggested at the Community Forum it would probably be more appropriate to call the local police to deal with this issue when it is happening.

- B-09-02:9 **It was agreed:** that the results of the survey and the above comments be relayed to the Nimbin Central School Principal. (R1702)

**Alison Maiden**

Expressing her concern about the absence of speed signs other than a 40km school zone on Boatharbour Road, Eltham and requesting a review of speed restrictions.

Boatharbour Road is a sealed road approximately 10km in length that links Bangalow Road to Eltham Road. The 5km section between Eltham Road and Cameron Road is virtually one lane wide with an uneven surface and with oncoming vehicles having to move off the bitumen to pass. There is a significant volume of traffic travelling to and from Eltham School on this section. The section of Boatharbour Road between Cameron Road and Bangalow Road is wider and generally of a higher standard. A reduction of the speed limit on this section is not considered warranted.

B-09-02:10 **It was agreed:** that classifiers be installed on the section of Boatharbour Road between Eltham Road and Cameron Road with the results being forwarded to the RTA with a request that an assessment be carried out to determine the most appropriate speed limit.

(09-934:R4408)

**Late Item**

**Intersection of Ballina Road and William Blair Avenue (western end)**

Sgt Jodie Hamilton of Lismore Police raising concerns regarding the ongoing issue of serious accidents continuing to occur at this intersection and requesting that action be taken to remedy this situation at the earliest opportunity.

This intersection is included as part of a Bruxner Highway Traffic Report currently being prepared by Consultants with a view to identifying deficiencies and proposing measures to address issues at individual locations along the highway. Given the ongoing accident history at this intersection it is likely that any proposed upgrade measures will be high on any priority list.

B-09-02:11 **It was agreed:** that the above concerns be related to the Consultants and the Roads & Traffic Authority.

(R6408)

**Closure**

This concluded the business and the meeting terminated at 11 am.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Traffic and Emergency  
Services Coordinator



# **Documents for Signing and Sealing**

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# **Section 356 Donations**

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## Financial Assistance - Section 356

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

Budget: \$700 Amount available: \$700

Friends of the Koala Incorporated are seeking a donation towards the hire fee of \$101 for the cost of displaying street banners within the Lismore CBD during the week commencing April 27, 2009.

*In accordance with policy.* \$100

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

Budget: \$2,700 Amount available: \$1,700

Southern Cross University are seeking a sponsorship donation towards the Northern Rivers Science and Engineering Challenge to be held June 19, 2009.

**\$100**

Ms Candy Fitness is seeking a sponsorship donation for Joel Fitness who will be attending the Australian Surf Lifesaving Championships in Scarborough, Western Australia in March 2009.

**\$50**

The Immune Deficiencies Foundation is seeking a donation towards the Circus Quirkus to be held at the Lismore District Workers Club on March 15, 2009.

**\$50**

## Recommendation

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



# **Questions Without Notice**

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# Council Minutes

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD  
IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, FEBRUARY 10, 2009, AT 6.00PM.**

**Present** Mayor, Councillor Dowell; Councillors Battista, Clough, Chant, Ekins, Graham, Houston, Marks, Meineke, Smith and Yarnall, together with the General Manager; Executive Director Infrastructure Services, Executive Director Development & Governance, Manager Finance, Manager Planning Services, Planning Services Coordinator, Manager Environmental Health & Building Services, Development Assessment Planner (N Black), Environmental Health Officer (S Hunnisett), Coordinator Environmental Health (Regulations), Corporate Compliance Coordinator, Communications Coordinator and Acting Personal Assistant to the General Manager.

01/09 **Apologies/  
Leave of  
Absence**

Nil

**RESOLVED** that leave of absence be granted for:  
Councillor Marks – February 22 to March 6, 2009  
Councillor Chant - February 16 to 20 and February 21 to 25, 2009  
Councillor Smith - February 16 to 20, 2009  
(Councillors Meineke/Clough)

02/09 **Minutes**

The minutes of the Ordinary Meeting held on December 9, 2008, were confirmed. Subject to it being noted that Councillor Clough declared a Significant Conflict of Interest in respect to PAG Membership.  
(Councillors Marks/Smith)

**Disclosure of Interest**

Councillor Battista declared a non significant conflict of interest in the following item:

**Report – Membership of Code of Conduct Review Committee**

Nature of Interest: Known to one of the proposed applicants, Keith Graham, having participated at 2 Business Breakfast Meetings.

Councillor Chant declared a non significant conflict of interest in the following item:

**Report – Development Application No. 2008/233 – Champions Quarry**

Nature of Interest: Known to Jeff Champion for 14 years having sold motor vehicles to him and his family have handed out election material for me at 2 elections.

Councillor Houston declared a non significant conflict of interest in the following item:

**Report – Development Application No. 2008/233 – Champions Quarry**

Nature of Interest: I wrote a submission early in the year before I was a Councillor based on opinion at that time.

Councillor Marks declared a non significant conflict of interest in the following item:

**Report – Development Application No. 2008/233 – Champions Quarry**

Nature of Interest: Jeff Champion's daughter handed out for a member of my team on Election Day. Did not know her before that day.

Councillor Yarnall declared a non significant conflict of interest in the following item:

**Report – Development Application No. 2008/233 – Champions Quarry**

Nature of Interest: During my election campaign I received a small donation from one of the objectors to the above development application.

Councillor Graham declared a non significant conflict of interest in the following items:

**Report – Development Application No. 2008/233 – Champions Quarry**

Nature of Interest: Champion family assisted in election campaign.

**Report – Membership of Conduct Review Committee**

Nature of Interest: Relation to one of the nominees.

Councillor Smith declared a significant conflict of interest in the following item:

**Report – Membership of Conduct Review Committee**

Nature of Interest: I have a strong personal interest with one of the applicants.

Councillor Dowell declared a non significant conflict of interest in the following item:

**Report – Development Application No. 2008/233 – Champions Quarry**

Nature of Interest: 3 people who wrote letters of objection assisted in my election campaign by standing on my team, attending a fundraiser or handing out material. None live within 15 km of the quarry. I do not regard this as being a significant conflict of interest and I will participate in the vote.

## 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:

**Diana Roberts – Notice of Motion – Nimbin Community Centre**

Ms Roberts outlined the history of the community in acquiring and developing the property. She stressed the commitment of community to its future. She objected to the imposition of the requirement for a mortgage.

**Jenny Kendall – Notice of Motion – Blue Knob Hall Art Gallery**

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Ms Kendall outlined the history of the Hall, its use and its modern revival. She requested support of the development by the donation of funds equivalent to the Section 94 levies.

- 03/09 **RESOLVED** that the public access time be extended to 15 minutes for each presentation regarding DA 2008/233 – Champions Quarry.  
(Councillors Clough/Graham)

**Malcolm Scott – DA 2008/233 Champions Quarry**

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Mr Scott spoke in support of the development. He outlined his professional and personal experience of quarries. He detailed the development proposal, the process which led to its submission and the benefit that will bring to the community.

**Donna Griffith – DA 2008/233 Champions Quarry**

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Ms Griffith set out the broad community support for the refusal of the quarry. She requested Council refuse the application citing concerns about deficiency in the application with respect to compliance with the LEP, the buffer zone, noise issues, visual impact, cultural issues and Traffic.

## Mayoral Minute

**Donation to Victorian Bushfire Appeal**

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- 04/09 **RESOLVED** that Council donates \$5000 to the Victorian Bushfire Appeal Fund  
(Councillors Dowell/Graham)

**Development Application No. 2008/233 Champions Quarry**

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At the request of the Mayor the Mayoral Minute was withdrawn.  
(DA2008/233)

## Notice of Rescission Motions

**Policy Advisory Group**

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Formal notice having been given by Councillors Yarnall, Chant and Clough it was:

- 05/09 **RESOLVED** that resolution 267/08 in respect to the appointment of Policy Advisory Group Community Members be rescinded.  
(Councillors Yarnall/Battista) (S36)

**Voting against:** Councillors Meineke, Marks and Graham

## Notice of Motions

### Policy Advisory Group

Formal notice having been given by Councillor Yarnall it was:

06/09 **RESOLVED** that:

1. Readvertise for community members for its Policy Advisory Panels with nominations closing strictly at 4.00pm on Monday, March 2, 2009.
2. All nominations received prior to the December meeting be eligible for appointment unless withdrawn by March 2, 2009.
3. All eligible nominations be reported to the Council in the circulated March Council meeting agenda.

(Councillors Yarnall/Battista) (S36:08-12356)

**Voting against:** Councillors Meineke, Marks and Battista

### Nimbin Community Centre

Formal notice having been given by Councillor Clough it was:

07/09 **RESOLVED** that Council does not seek security for the Section 94 (S94) contributions from the Nimbin Community Centre Incorporated in respect of the transfer of title of the community centre as outlined in the Council decision dated 8th July 2008.

(Councillors Clough/Yarnall) (P27399:09/635)

**Voting against:** Councillors Meineke, Marks, Chant and Graham

### Draft LEP

Formal notice having been given by Councillor Ekins it was:

08/09 **RESOLVED** that Council invite the Environmental Defenders Office to make a presentation to councillors at a future LEP Workshop, early in the process.

(Councillors Ekins/Yarnall) (S946:09-649)

### Blue Knob Hall Art Gallery

Formal notice having been given by Councillor Houston it was:

09/09 **RESOLVED** that in view of the community benefits to be derived from the Blue Knob Hall Art Gallery, Council make a donation to the Hall of \$2,616.60 representing 30% of the Development Application, Construction Fee and Section 94 Charges.

(Councillors Houston/Smith) (S164:D07/273:09-585)

**Voting against:** Councillors Meineke, Marks, Chant and Graham

**Road Reconstruction & Maintenance**

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Formal notice having been given by Councillor Yarnall it was:

- 10/09 **RESOLVED** that Council holds a workshop on February 23 on the current funding and future schedule for road reconstruction and maintenance.  
(Councillors Yarnall/Clough) (S339:09-619)

Reports

**Development Application No. 2008/233 – Champions Quarry**

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- 11/09 **RESOLVED** that the Councils Officer's Recommendation not be adopted and that the application be refused on the following grounds:

1. The development does not comply with the prescribed buffers in the Lismore Development Control Plan and will create land use conflict.
2. The development inconsistent with the relevant zone objectives in the Lismore Local Environment Plan 2000.
3. Traffic impacts are very significant and will have an unacceptable impact on the road network over the life of the quarry.
4. The development will generate unacceptable levels of noise especially during the proposed construction period. There is no consideration of the noise and vibration impacts on nearby fauna such as koalas.
5. The development will generate unacceptable levels of dust, including silica dust that poses health risk to adjoining residents and fauna.
6. The development may have impacts on flora and fauna. There has been insufficient investigation to determine the level of impact.
7. The development will have unacceptable impacts on water systems, soil stability and there is an inadequate rehabilitation plan.
8. Visual impacts will be significant and unacceptable for many people living in the area especially within the buffer zones.
9. The development may negatively impact on Aboriginal sites of archaeological and cultural significance.
10. The application does not address the economic impacts on eco tourist businesses.
11. This development cannot be held to comply with the public interest.  
(Councillors Clough/Smith)

**Section 375A Voting Record**

**Voting For:** Councillors Dowell, Houston, Battista, Clough, Smith, Ekins and Yarnall

**Voting against:** Councillors Meineke, Marks, Chant and Graham

**Supporting Information for Planning Applications**

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A MOTION was MOVED that Council:

1. Notes that there is no enforceable process under which Council can undertake or commission key documents supporting development or rezoning applications.
2. Notes the unfunded resourcing demands associated with introducing such a system under voluntary principles.  
(Councillors Meineke/Graham) (S371)

An AMENDMENT was MOVED that:

1. Notes that currently there is some ability to require information supporting rezoning proposals to be prepared by Council and paid for by the applicant should the applicant agree.
2. Notes that there is no enforceable process under which Council can undertake or commission key documents supporting development or rezoning applications.
3. Notes the unfunded resourcing demands associated with introducing such a system under voluntary principles.  
(Councillor Yarnall/Clough)

On submission to the meeting the AMENDMENT was DEFEATED

**Voting against:** Councillors Battista, Smith, Ekins, Chant, Graham, Marks and Meineke

12/09 **RESOLVED** that:

1. Notes that there is no enforceable process under which Council can undertake or commission key documents supporting development or rezoning applications.
2. Notes the unfunded resourcing demands associated with introducing such a system under voluntary principles.  
(Councillors Meineke/Graham) (S371)

**Voting against:** Councillors Clough, Ekins and Yarnall

**Management Contract – Nimbin Caravan Park and Pool**

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13/09 **RESOLVED** that:

1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation, Council decline to accept any tenders for the management of the Nimbin Caravan Park and Pool Complex.
2. In accordance with Clause 178(3)(e) of the Local Government (General) Regulation, Council resolve to enter into negotiations with Mr Jonathan Pell,

# Council Minutes

## February 10, 2009

Mr Wayne Van Boheemen and Mr Ashley Cooper to undertake the management of the Nimbin Caravan Park and Pool Complex.

3. In accordance with Clause 178(4)(a) of the Local Government (General) Regulation, the reasons that Council declines to invite fresh tenders are that:
  - Council has already conducted an expression of interest and selective tender process and received a reasonable response,
  - The respondents to those processes are capable of delivering the services that Council requires,
  - The responses received to those processes are a workable solution for Council, but require some amendment to more closely match Council's budget,
  - A reasonable outcome can be achieved through a negotiation process and there is no need to call fresh tenders.
4. In accordance with Clause 178(4)(b) of the Local Government (General) Regulation, the reasons that Council has chosen the parties that it intends to negotiate with are:
  - they are all respondents to the expression of interest process conducted by Council in 2008,
  - Mr Ashley Cooper also is the current lessee of the Council owned Lismore Tourist Caravan Park.
5. The General Manager be authorised to enter negotiations and report the outcome to Councillors prior to finalising the contract.
6. The Mayor and General Manager be authorised to execute the Contracts, once finalised, on Council's behalf and attach the common seal.  
(Councillors Graham/Meineke) (T2009-19)

### **Bus Shelter Supply, Maintenance and Advertising**

- 14/09 **RESOLVED** that the report be deferred to a future Council meeting.  
(Councillors Graham/Yarnall) (T2009-13)

### **Lismore Flood Safe Reference Group**

- 15/09 **RESOLVED** that Council support the continuation of the FloodSafe Reference Group and that it endorse the community membership nominations received from John Habib, John Barnes, Barry Davidson, Keith Alcock, Ellen Thacker, Neil Short, Jean Rose-Rapmund and Charlie Rapmund.  
(Councillors Chant/Graham) (S106)

**December 2008 Quarterly Budget Review**

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16/09 **RESOVLED** that:

1. Council adopt the December 2008 Quarterly Budget Review Statement for General, Water and Sewerage Funds.
2. This report is forwarded to Council's Auditor for information.  
(Councillors Graham/Meineke) (S960)

**December 2008 Quarterly Management Plan Review**

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17/09 **RESOLVED** that report be received and noted.  
(Councillors Graham/Clough) (S952)

**Membership of Conduct Review Committee**

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Disclosure of Interest

At this juncture Councillor Smith left the meeting

A MOTION was MOVED that:

1. Bronwyn Connolly, Keith Graham, David Spain and Lindsay Taylor be appointed as Code of Conduct Reviewers for four years from the date of appointment.
2. Council continue to pursue with surrounding councils the options of joint conduct reviewers.
3. Mr David Wolfe be thanked for his past involvement in the role of a Code of Conduct Reviewer.  
(Councillors Graham/Marks) (S44)

AN AMENDMENT was MOVED that:

1. Bronwyn Connolly and Lindsay Taylor being external to this area be appointed to the "Conduct Review Committee" subject to the Mayor or her nominee receiving favourable comments from the referees of these candidates.
2. Council re-advertise for expressions of interest for local people to apply for the committee and the current and any further applicants be considered for the position.
3. Council continue to pursue with surrounding Councils the options of joint conduct reviewers.
4. Mr David Wolf be thanked for his past involvement in the role of a Code of Conduct Reviewer  
(Councillors Clough/Yamall)



PROCEDURAL MOTION

- 18/09 **RESOLVED** that consideration of this matter be deferred to the end of the meeting and be considered in Closed Council Meeting.  
(Councillors Battista/Yarnall)

At this juncture Councillor Smith rejoined the meeting.

**Disclosure of Pecuniary Interest Returns 2007/08**

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- 19/09 **RESOLVED** that the report be received and the tabled Pecuniary Interest Return be acknowledged.  
(Councillors Meineke/Chant) (S18)

**Investments – December, 2008 and January, 2009**

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- 20/09 **RESOLVED** that the report be received and noted.  
(Councillors Clough/Yarnall) (S178)

## Committee Recommendations

**Traffic Advisory Committee December 17, 2008**

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- 21/09 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.  
(Councillors Graham/Yarnall) (S352)

## Documents for Signing and Sealing

- 22/09 **RESOLVED** that the following documents be executed under the Common Seal of Council:  
(Councillors Smith/Clough) (S352)

**Voting against:** Councillor Ekins

**Lease to Lismore City Pipe Band- 64 Brewster, Lismore**

Lease to Lismore City Pipe Band for a period of five years of 64 Brewster Street, Lismore, being Lot 11 DP 812156.

**Licence to Men & Family Centre Inc - 90 Brunswick Street, Lismore**

Licence to Men & Family Centre Inc for a period of twelve months for part of 90 Brunswick Street, Lismore, being part of Lot 1 DP 324500.

**Subdivision and sale of land in Bristol Circuit, Goonellabah (P29331)**

A plan of subdivision has been prepared for Lot 47 DP 1087889 creating four residential allotments and a residue allotment and Section 88B Instrument creating and releasing easements.

The Mayor and General Manager be authorised to sign and affix the Council seal to plan of subdivision, Section 88B Instrument, Contracts for Sale of Land (four lots) including transfer documents and any other documents deemed necessary to complete this transaction.

**Crown Reserve Trust matters:**

**Council as Trustee of Gundurimba Reserve – Reserve Number R87093**

**Grazing Licence to O’Mealley - Wharf Road, Gundurimba**

Licence to graze livestock over this Crown reserve for a period of three years - Lot 267 DP 728508. The Department of Lands consent has been received and Licence is to be forwarded for their execution.

**Council as Trustee of Albert Park Reserve – Reserve Number R89503**

**Owner’s consent for Development Application – Lismore Workers’ Golf Club**

Provide owner’s consent for the erection of a proposed shed for the purpose of a golf cart garage on Lot 188 DP 755718 and Lot 7002 DP 1058659. This use is consistent with the purpose of the reserve – which is for recreation. Area of proposed garage is 9m x 85m. If approved, a copy of the Development Consent Conditions shall be forwarded to the Department of Lands after the completion of Council’s planning processes.

**Financial Assistance - Section 356**

23/09 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.  
(Councillors Graham/Chant) (S164)

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

Budget Approved: \$11,700 Budget Available: -\$2,074

Gurgun Bulahnggelah, Lismore Aboriginal Health and NORPA requesting Council discount the hire charges (\$1,776) for an Aboriginal Art & Craft Exhibition at City Hall on January, 23, 24, 25 and 26, 2009. An entrance fee is to be charged (S164&P6816).

**Recommendation:** In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies

**\$355.20**

Laurie Lawrence Kids Alive Do The Five Show requesting Council donate all hall hire charges (\$300) for a drowning prevention show on February 17, 2009. The show is free to all local schools, preschools and the public.(S164&P6816).

**Comment:** Council supported a similar request to waive charges for this show in 2008.

**Recommendation:** In accordance with Clause 5 of the policy, a donation of 100% of the hire fee applies.

**\$300.00**

# Council Minutes

## February 10, 2009

The Northern Star with the assistance of Lismore City Council will be holding a public forum on Bullying in the Community on Wednesday February 25 and have requested Council to waive the hire charges (\$121). No entrance fee is to be charged (S164&P8616).

**Recommendation:** In accordance with Clause 5 of the policy, a donation of 25% of the hire fee applies with the balance of being donated from Mayor's Discretionary Fund (GL390.485.15)

<b>\$30.25 (390.125.15)</b>	Budget: \$11,700	Budget Available: -\$2,074
<b>\$90.75 (GL390.485.15)</b>	Budget: \$2,700.00	Budget Available: \$1,800.00
<i>In accordance with policy.</i>		<b>\$121.00</b>

### b) Council Contributions to Charitable Organisations

#### Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$10,000      Budget available after these donations: \$4416.44

#### Contributions for the period of December 2009

Animal Right & Rescue \$12.73

Challenge Foundation \$33.27

Five Loaves \$141.22

Friends of the Koala \$12.73

Lismore Soup Kitchen Inc \$

LifeLine \$210.00

Lismore & Dist Police Boys Club \$0.00

Saint Vincent De Paul \$15.91

Salvation Army \$13.09

Westpac Life Saver Rescue Helicopter \$47.27

Shared Vision Aboriginal Corporation \$0.00

*In accordance with policy.*

**\$486.22**

#### Contributions for the period of January 2009

Animal Right & Rescue \$6.36

Challenge Foundation \$41.89

Five Loaves \$101.18

Friends of the Koala \$6.36

Lismore Soup Kitchen Inc \$0.00

LifeLine \$210.00

Lismore & Dist Police Boys Club \$0.00

Saint Vincent De Paul \$16.91

Salvation Army \$0.00

Westpac Life Saver Rescue Helicopter \$12.73

Shared Vision Aboriginal Corporation \$0.00

*In accordance with policy.*

**\$395.43**

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

Budget Approved: \$300.00      Budget Available: \$-644.15

DA Fees for the Blue Knob Fire Station Extensions (30%)

*In accordance with policy.*

**\$944.45**

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

Budget Approved: \$2,700.00      Budget Available: \$1,800.00

Nimbin Agricultural Society Inc seeking donation on behalf of the Nimbin Quilters with regards to their Quilters Exhibition to be held on March 20-21, 2009.

*In accordance with policy.*

**\$50.00**

e) **Miscellaneous Donations**

Lismore District Cricket Association requesting Council pay for the cost of lighting at Oakes Oval for a day/night game of cricket between a Lismore District Cricket Association representative team and a New Zealand Colts team. The Association would pay for the costs of the ground and the Gordon Pavilion (S164, P15870:08-12341)

*Comment:* Council has supported these type of requests in the past as it is a representative fixture. The lighting charge for this event would be \$429.20 and it is proposed that the fee be waived and the lighting costs be funded from the Parks & Reserves operating budget.

*Recommendation:* That Council agree to the request and waive the lighting charge for the cricket match between a Lismore District Cricket Association representative team and a New Zealand Colts team.

**\$429.20**

## Confidential Closed Council Meeting

Disclosure of Interest

At this juncture Councillor Smith left the meeting

24/09 **RESOLVED** that the Council exclude members of the press and public from the meeting and move into closed Council as a Committee of the Whole to consider the following matter:

(Councillors Battista/Yarnall)

**Item**

**Membership of Conduct Review Committee**

**Grounds for Closure**

**Section 10A(2) (a):**

**Public Interest**

Discussion of this matter in an open meeting would on balance be contrary to the public interest because it would involve discussion personal matters concerning particular individuals

## Resumption of Open Council

That Council having met in as a Committee of the Whole in a closed session to consider the report entitled Membership of Conduct Review Committee. Council made no recommendations within the Closed Council Meeting.

### **Membership of Conduct Review Committee**

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At the request of the mover and seconder the MOTION was withdrawn.

At the request of the mover and seconder the AMENDMENT was withdrawn.

25/09 **RESOLVED** that:

- 1 Council re-advertise for expressions of interest for people to apply for the Code of Conduct Committee and the current and any further applicants requested to provide referees.
- 2 Council continue to pursue with surrounding Councils the options of joint conduct reviewers.  
(Councillors Chant/Battista)

## Closure

This concluded the business and the meeting terminated at 10.03 pm.

CONFIRMED this March 10, 2009 at which meeting the signature herein was subscribed.

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**MAYOR**