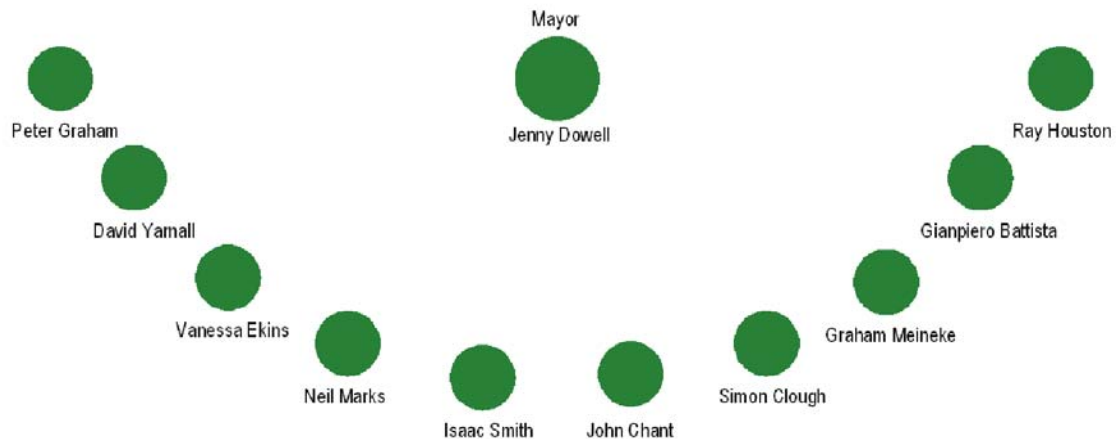


Notice of Council Meeting



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **Tuesday, 8 September 2009, 6:00pm** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

1 September 2009



Agenda

Opening of Meeting and Prayer (Mayor)	
Apologies and Leave of Absence	
Confirmation of Minutes Ordinary Meeting held on 11 August 2009	
Disclosure of Interest	
Public Access Session	
Public Question Time	
Condolences	
Mayoral Minutes – New South Wales State Plan	
Election of the Deputy Mayor	
Notice of Rescission Motions	
Notice of Motions	
Altering Order of Business (Consideration of altering the order of business to debate matters raised during Public Access).	
Reports	
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Committee Recommendations

Documents for Signing and Sealing

Financial Assistance - Section 356

Questions Without Notice



Lismore City Council Community Strategic Plan 2008 - 2018



Guiding Principles	Outcomes
Social Inclusion and Participation	That all Lismore residents enjoy equal opportunities within a strong, inclusive community.
Sustainable Economic Growth and Development	That Lismore's economy is vibrant and development is environmentally and socially sustainable.
Protect, Conserve and Enhance the Environment and Biodiversity	That Lismore's natural ecology is protected and maintained in a healthy and robust state for future generations
Best-Practice Corporate Governance	That best-practice management principles pervade our business; that we are innovative, ethical, and our use of resources provides maximum benefits to the community.

Community Strategic Priorities	Outcomes
Enhance Lismore as a Regional Centre	That Lismore retains and builds on its regional service centre role, including the provision of key medical, legal and tertiary education functions
Foster Youth Development	That young people are included in our community and can safely pursue their interests and aspirations.
Support an Ageing Population	That older people have access to appropriate services and facilities to enhance their health and wellbeing.
Provide Sustainable Land-use Planning	That land-use planning is founded on principles of sustainability.
Improve Catchment Management	That catchment management is integrated and holistic, in order to achieve a sustainable and balanced use of natural resources.
Revitalise the CBD	That the CBD becomes a vibrant meeting place and a cultural and entertainment hub for the Northern Rivers region.
Integrated Waste Cycle Management	That Lismore minimises waste to landfill by reducing, reusing and recycling.
Improve Roads, Cycleways and Footpaths	That Lismore has an extensive transport network and is an accessible, safe and efficient city for motorists, cyclists and pedestrians.
Mitigate Climate Change at a Local Level	That Lismore is a leader in reducing carbon emissions and minimising the impacts of climate change.
Develop and Support Art, Cultural, Sporting and Tourism Activities	That our regional art, cultural and sporting facilities remain a major component of Lismore life and an increasingly popular attraction for domestic tourists.
Integrated Water Cycle Management	That Lismore maintains long-term water security for its growing population through the efficient use of this precious resource.
Provide Greater Housing Choices	That Lismore offers a diverse range of housing options to accommodate a variety of households.
Improve Passive and Active Recreational Facilities	That Lismore retains and builds on its regional recreation centre to attract major events and tournaments.

Corporate Foundations	Outcomes
Efficient Use of Council Resources	That we maximise the value of our resources, continually review our operations to ensure best value, eliminate waste and duplication, and gain the full service potential from our assets
Engage With the Community	That the community is informed and consulted about the issues that are relevant to their lives and we are fully accountable to the community for our operations.
Promote a Constructive Corporate Culture	That customers and staff experience a supportive organisation, with a strong sense of integrity, which responds to their needs and provides innovative and creative services.
Whole of Council Corporate Planning	That we have clear goals and act as one in their co-ordinated implementation, in order to maximise the return on resource investment and staff expertise.
Providing Excellent Customer Service	That our primary focus is to understand and respond to the needs of the community we serve.

Mayoral Minute

Subject **New South Wales State Plan**

1. That Councillors consider the Draft State Plan and submit to the General Manager any individual input by Friday 11 September 2009.
2. That Councillor input be incorporated together with the concerns in this report, as a submission to the State Plan consultation process.
3. That the emphasis of the submission be placed on the lack of regional transport initiatives and that the overwhelming Sydney focus of the State Plan to the detriment of regional New South Wales be decried.

Background

The 2006 State Plan, the fundamental policy document designed to improve performance across the NSW public sector, is currently going through its three year review. A consultation draft has been produced which is now on public exhibition (<http://nswstateplan.net.au/>). This represents an opportunity for Lismore City Council to have input into a document which has considerable ramifications for our Local Government Area.

As part of this review, the 2006 State Plan is being updated to:

- respond to the economic downturn;
- incorporate the new targets and actions agreed by the Council of Australian Governments (COAG);
- reflect commitments recently made by the NSW Government:
 - Keep Them Safe, the Government's response to the Wood Special Commission of Inquiry into Child Protection Services;
 - the NSW Jobs Summits at which industry identified critical actions to support jobs in NSW;
 - Caring Together, the Government's response to the Garling Inquiry into the Health system;
 - the response to the CBD Mobility Forum; and
- align with the new super agency structure.

This report outlines a number of concerns for Lismore resulting from the State Plan.

General Concerns

The State Plan is Sydney centric with many of the strategies only concerned with the metropolitan area. Where areas other than Sydney are considered, only the highly populated regions rate more than a cursory mention. Initiatives that consider the specific attributes or needs of regional NSW are almost non-existent.

The draft State Plan barely mentions the role of Local Government or the support that Local Government can provide in delivering the State Plan objectives. If Local Government is supported by the NSW State Government by the development of working partnerships it can assist in the delivery of services and infrastructure. This is especially true within regional NSW.

Reducing Red Tape

The State Plan aims to significantly reduce red tape. Much of the red tape within Local Government comes as a result of State Government regulations. This is not acknowledged in the State Plan. With genuine support from the State Government and consideration of the red tape caused by the regulation of Local Government, the amount of red tape experienced by the customers of local Councils could be significantly reduced. The support for Local Government in reducing red tape should be a clear objective of the State Plan.

Affordable Housing

The State Plan's main objective is to ensure that there is an adequate supply of affordable housing within Sydney and the Central Coast. It makes no mention of any other region. It is of course well known that the affordable housing crisis extends well outside the metropolitan boundaries of Sydney and is especially acute in the Northern Rivers area. If this issue is to be tackled within this region there must be support from the State Government. The State Plan should be amended accordingly.

Role of Local Government

There are many objectives within the State Plan in which Local Government plays a key role. These include the provision of sporting, recreational and cultural facilities, its role in maintaining the environment and in promoting social inclusion. However, these roles are not acknowledged within the State Plan. This is an opportunity missed by the State Government. This could be rectified with an objective within the State Plan for the State Government to form a genuine partnership with Local Government to facilitate the delivery of the State Plan.

Specific Concerns

Strengthening Business and Supporting Jobs

While there is recognition of 12 Regional Business Growth Plans to be implemented through Regional Development Australia committees, there are no other initiatives that directly relate to the regions. As an example, there is recognition of the importance of Sydney and NSW in the nation's film industry but no acknowledgement that the North Coast has an active film-making industry. Neither is there any recognition that Byron Bay and Nimbin are the second and third most visited NSW destinations for overseas tourists after Sydney and the Blue Mountains.

Better Transport and Infrastructure

In the body of the revised Plan, there are several references to the regions but none appear in the specific targets. The efficiency targets on road networks relate only to Sydney's road corridors. While there is a commitment of \$3.2 billion over the next two years for the Pacific Highway rebuilding program, there is no specific reference to the North Coast. Progress on the delivery of infrastructure projects includes a commitment to 'regional transport integration, including negotiation with other states'. This is considerably less-specific than the commitments to dollars and numbers of rail carriages in Sydney metropolitan areas.

Although there are specific targets for safe and reliable public transport for the Sydney CBD and the Metropolitan areas, the plan makes no commitment to improve public transport within regional NSW. With increasing fuel prices and a need to reduce green house gas emissions, improved public transport is much needed within the Northern Rivers region. Support at a State level is required to address the regions public transport needs. The State Plan should commit to this support.

Clever State

The recognition of the importance of pre-school education and the need for increased funding is fully supported particularly for community based local pre-schools in isolated villages.

While the commitments to school retention rates and improving access to jobs and training is commendable, there is no specific reference to the needs of the regions in accessing apprenticeships, traineeships or skills development in light of limited access to transport and to on-line learning.

Healthy Communities

There are several specific references to upgrades of Sydney hospitals and others at Narrabri and Orange, and a re-announcement of the currently-underway Integrated Cancer Care Unit in Lismore, Stage 3 of the upgrade of Lismore Base Hospital is not mentioned in the Plan.

Neither is there recognition that lack of transport in regional areas is a major barrier to accessing health services.

Green State

The plan to appoint regionally based precinct coordinators to help drive and facilitate renewable energy is welcomed but requires more detail to ensure that these appointments have realistic and achievable targets and geographic footprint.

The commitment to the Country Towns Water and Sewerage Program is welcomed but the adequacy of the \$1.1 billion that is available should be outlined against the backlog of works.

Tackling climate change including sea level rise, coastal erosion and an increasing number and intensity of storm events is of particular relevance to the North Coast.

Improving the condition of native vegetation and habitat on both public and private lands, management of weeds on land and in waterways and the preservation of species such as the koala are particularly important to the North Coast. While Bitou Bush is specifically mentioned in the Plan, the threat to the water ways and the North Coast economy from Alligator weed should be recognised and funded accordingly.

Improving Urban Environments and Lifestyle

A more collaborative approach to land-use planning is recommended so that Lismore can develop residential and employment lands that are sustainable economically, socially and environmentally.

Housing Affordability targets relate only to Sydney Metropolitan Region and the Central Coast despite the North Coast being a major growth area.

The emphasis on Sport and Recreation and Arts and Cultural activities is commendable but with little specific reference to regional NSW.

Strengthening communities

The new emphasis on preventing and reducing homelessness is recognised and applauded. The need to provide crisis, transitional and long-term accommodation is apparent in regional areas and particularly on the North Coast. The aim of reducing primary homelessness (rough sleepers) by 25% by 2013 is courageous. It is recommended that initiatives to address homelessness are introduced on the North Coast in addition to Sydney metropolitan areas.

Specific targets to strengthen Aboriginal communities through addressing domestic violence, education, health and economic well-being are to be applauded as highly relevant to our community.

Keeping People Safe

Strong policies to reduce crime, anti-social behaviour and alcohol-related crime and disorder are welcomed as is the expansion of programs to protect women and children from domestic violence. These programs should be readily available throughout regional NSW including Lismore.

Conclusion

The State Plan contains many initiatives that should be applauded. However the document is overwhelmingly Sydney centric and does not adequately address the needs of regional NSW. Of particular concern to Lismore is the lack of focus on transport outside of metropolitan Sydney. The State Plan would be a far more equitable plan if the recommended amendments listed below were adopted.

- That the State Plan place an equitable emphasis on the needs of regional and urban NSW.
- That the State Plan include an initiative to create an active and equitable partnership with Local Government in order to facilitate the implementation of the State Plan.
- That an initiative to review the regulation of Local Government by the State Government is included within the State Plan with the objective to assist Local Government to reduce red tape.
- That the Northern Rivers region be included in the State Plan as an area requiring direct assistance from the State Government to address its affordable housing crisis.
- That the film industry and tourism rates of the North Coast be acknowledged in the State Plan.
- That specific transport infrastructure projects for the North Coast be included in the State Plan.
- That specific initiatives to provide and improve public transport within regional NSW be included in the State Plan.
- That community based pre-schools in villages and small communities be adequately funded
- That the specific needs of the people of regional NSW be considered in respect to accessing apprenticeships, traineeships and skills development opportunities.
- That stage 3 of the upgrade to the Lismore Base Hospital be included in the State Plan.
- That availability of transport be considered as essential for accessing health services
- That Green State section of the State Plan includes more detail on how the specific needs of the North Coast will be addressed.
- That the potential economic damage caused by Alligator Weed and other weed species be recognised and that funding for control and eradication be commensurate with the threat.
- That an initiative to create a partnership with Local Government to improve the delivery of sustainable land use planning be included in the State Plan.
- That Housing Affordability targets be established for the North Coast and Lismore
- That specific initiatives to improve Sport and Recreation and Arts and Cultural activities in the North Coast region be included in the State Plan.
- That initiatives to address homelessness are introduced on the North Coast as well as the Sydney metropolitan areas.
- That specific targets to strengthen Aboriginal communities be supported for the North Coast and Lismore
- The State Plan should ensure that programs to reduce crime, anti-social behaviour and alcohol-related crime and disorder and to protect women and children from domestic violence are available in regional NSW including Lismore.

(ED09/11590:EF09/704)

ELECTION OF DEPUTY MAYOR

(ED09/11373:EF09/647)

1.1 TERM OF DEPUTY MAYOR

Section 231 (Local Government Act 1993)

- 1) *The Councillors may elect a person from among their number to be the Deputy Mayor.*
- 2) ***The person may be elected for the mayoral term or a shorter term.***
- 3) *The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.*
- 4) *The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.*

From a practical viewpoint it is preferable that Council elect a Deputy Mayor. Council needs to determine the period of this appointment. It can be for the remaining term of this Council or for a lesser period.

Council resolved at its meeting held on September 2008 that the initial appointment of the Deputy Mayor would be until September 2009.

Recommendation

That Council elect a Deputy Mayor and that the period of appointment for the Deputy Mayor be until September 2010.

1.2 METHOD OF ELECTION OF DEPUTY MAYOR

The method of election is to be found in Schedule 7 of the Local Government (General) Regulation 2005. Relevant extracts of this Schedule are detailed below:-

Returning Officer

- 1) *The General Manager (or a person appointed by the General Manager) is the Returning Officer.*

Nomination

- 2) (1) *A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.*
- (2) ***The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.***
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.*

Election

- 3) (1) *If only one Councillor is nominated, that Councillor is elected.*
- (2) *If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) *The election is to be held at the Council meeting at which the Council resolves the method of voting.*
- (4) *In this clause:
“ballot” has its normal meaning of secret ballot;
“open voting” means voting by a show of hands or similar means.*

Previously this Council has determined that the election for Deputy Mayor would be by open voting.

Recommendation

That should there be more than one nomination, the method of election for Deputy Mayor be by open voting.

1.3 ELECTION OF DEPUTY MAYOR

1.3.1 POLICY NO. 1.2.10

Prior to any election, each candidate for the position of Deputy Mayor may give a short presentation outlining her/his reasons for standing, how s/he would operate as Deputy Mayor, what time commitment would be given and the skills s/he would have to offer. Each candidate may be asked questions from the floor about their candidacy.

1.3.2 PRESENTATION BY CANDIDATE/S

1.3.3 ELECTION PROCEDURE UNDER THE INSTRUCTIONS OF THE RETURNING OFFICER

Report

Subject	Draft LEP Amendment No.39 – 25 Roseview Road, McLeans Ridges
File No	ED09/10016:EF09/1957
Prepared by	Senior Strategic Planner
Reason	To advise Council of the applicants' response to Council's Resolution of May 12, 2009 to request the signing of the draft Planning Agreement.
Objective	To obtain direction from Council as to the future of draft Lismore LEP Amendment No. 39.
Strategic Plan Link	Provide Sustainable Land Use Planning
Management Plan Project	Implement Adopted Land Use Strategies

Overview of Report

At its meeting on May 12, 2009 Council resolved to request the developers of the proposed Roseview Estate to sign the draft Planning Agreement or withdraw the rezoning submission and, should neither of these actions occur, a report be prepared outlining Council's options with respect to the rezoning application. This report provides a brief history of the rezoning application, presents two options for Council's consideration and recommends the draft LEP Amendment No. 39 not proceed any further.

Background

At its meeting on May 12, 2009 Council resolved that:

- *the developers of the proposed Roseview Estate be requested to sign the draft Planning Agreement within 60 days or withdraw their submission to rezone the land at 25 Roseview Road, McLeans Ridges until the revision of the Lismore Rural Housing Strategy is completed and ratified.*
- *should the developer not sign the Agreement or withdraw their application within the 60 days, a report be prepared outlining Council's options pertaining to the rezoning application.*

PacLib Group responded to this request in a letter dated June 29, 2009. The following excerpt is taken from the letter, a copy of which is attached to this report. *'The quantum of contributions being sought by Council at over \$47,000 per lot makes the development unviable. Despite numerous letters from the Department of Planning outlining Council's responsibilities in regard to planning agreements and the fact that Councils should not rely on their statutory position in order to seek to obtain unreasonable public benefits from developers under planning agreements Lismore City Council is choosing to ignore these instructions. It is for that reason we cannot sign such an unreasonable planning agreement, nor do we believe it is fair and reasonable for council to ask us to withdraw our application if we have not signed within 60 days. I look forward to negotiating a fair outcome for all parties.'*

This report provides the background to the proposed amendment to the LEP and outlines Council's options pertaining to the rezoning application.

History and Overview of the draft LEP Amendment

On October 10, 2006 Council resolved to prepare and exhibit draft LEP Amendment 20, which proposed rural residential development at Cameron Road and Roseview Road, McLeans Ridges. While the proposals were made as separate rezoning submissions they were combined as a single draft LEP Amendment. The draft amendment proposed 30 rural residential lots plus 1 residual lot at 25 Roseview Road and 67 rural residential lots plus 1 residual lot at Cameron Road.

At the October 2006 meeting, the report to Council listed the matters the Planning Agreements for each site would address. At Roseview Road these included:

- The payment of a contribution to Council of \$12,535 per lot towards the cost of upgrading Cowlong Road to the Cameron Road intersection;
- The upgrading of Cowlong Road from the Cameron Road intersection to the Roseview Road intersection including upgrading the Roseview Road intersection;
- Payment of a contribution to Council of \$600 per lot towards the cost of upgrading the McLeans Ridges Hall;
- The provision of two bus shelters in agreed locations
- Rehabilitation works to be carried out in accordance with the Rehabilitation Plan prepared by LandPartners
- Payment of a security bond for the maintenance of rehabilitation works.

Following the exhibition of draft LEP 20 and consideration of submissions Council resolved on October 9, 2007 that both proposals were unacceptable and that draft LEP Amendment 20 should not proceed in its then form. Instead applicants were to be invited to submit proposals that incorporated a number of specifications, for example, a minimum lot width of 70m at the building line, along with amended draft Planning Agreements to include an additional \$2,366 per lot to be allocated towards the upgrading of Boatharbour Road (being equivalent to the s94 contributions for roads that would otherwise be payable).

The proponents for each site responded to the request at different times, which resulted in separate LEP Amendments for Cameron Road and Roseview Road, with LEP20 applying to the Cameron Road site. It is not proposed to further discuss LEP20.

An amended layout for Roseview Road, together with a revised Social Impact Assessment (SIA) and the proponents' request for reduced contributions, were presented to the April 8, 2008 Council meeting. The amended proposal, reduced to 25 rural residential lots and 1 residual lot, became draft LEP Amendment 39. As shown on the plan attached to this report, the 25 rural residential lots are proposed to range in size from 4330m² to 7.25 ha plus 1 residual lot of 19.66ha. Vehicle access for all lots is via an internal road network, five (5) metre landscaped area in "no build" areas along the first 40m of side boundaries of all lots and environmental rehabilitation works are to be implemented and maintained.

Council supported the amended layout but not the request for reduced contributions and resolved that:

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

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

The amended Planning Report and supporting documentation were subsequently provided to Council and on May 1, 2008 the community information meeting was held at McLeans Ridges Hall. Apart from providing plans that demonstrate the revised footpath requirements, points 3 and 6 have not yet occurred as the proponents have continued to seek a reduction in the contributions prior to signing the draft Planning Agreement.

The Draft Planning Agreement and Section 94 Contributions

The draft Planning Agreement provides for the following contributions to be made by the developers. The asterisks indicate the current estimates made by PacLib:

<u>Infrastructure/Service</u>	<u>Contributions Per Lot</u>
Upgrading of Cowlong Road	\$10,800
Upgrading of Boatharbour Road	2,366
Upgrading Cowlong Rd (from Cameron Rd to Roseview Road Intersection)	17,820*
Upgrading McLeans Ridges Hall	632
Bus shelter	280
Footpaths	2,400*
Environmental Repair	11,048*
Total	\$45,346

*Based on PacLib's estimates. Note that for Environmental Repair, the original estimate was \$3,400 but PacLib have provided an increased estimate on the basis that the site has been further degraded since the original estimate was made.

The draft agreement also includes security for performance, which is \$732,000 and Council's preferred form of payment of the security is by way of a bank guarantee to be lodged prior to the LEP amendment being made. A bond is also payable as security to ensure the completion of the environmental rehabilitation works. Both forms of security are released to the land owners on satisfactory completion of works.

If the draft LEP Amendment is adopted and a subsequent development application approved, section 94 contributions will also apply and will be levied on the consent. These contributions (at today's rates) would comprise:

<u>Infrastructure/Service</u>	<u>Contribution Per Lot</u>
Community Facilities	\$ 819
Community lot (acquisition & embellishment)	2,760*
SES	61
RFS	89
Total s94 Contributions	\$ 3,729

*This estimate by PacLib is based on the original proposal to provide a park on the site

The proponents have met with Council staff on a number of occasions seeking a reduction in the contributions and have also made submissions to the Department of Planning. The latter submissions have resulted in two (2) letters to Council, the first on September 5, 2008 wherein the Department of Planning advised that, *'this is a local matter between Council and Pacridge. However Council should have regard for the best practice guidelines and principles outlined in Part 4 of the Department's Planning Agreements Practice Note issued 19 July 2005...in particular...Council should ensure that the PA can objectively be considered as acceptable and reasonable in relation to the particular circumstances of the proposal.'*

On April 1, 2009 a further letter was received from the Department of Planning advising that planning authorities should not rely on their peculiar statutory position in order to seek to obtain unreasonable public benefits from developers under planning agreements. The Department requested that Council undertake a review of the proposed levies with the proponent of the development and further noted that Council should ensure that fairness is extended to all parties affected by the planning agreement and that the planning agreement can objectively be considered as acceptable and reasonable in relation to the particular circumstances of the proposal.

The *Environmental Planning & Assessment Act 1979* (the Act) allows the Minister to direct a Council to prepare or finalise a draft local environmental plan or to direct the Director General to be the relevant planning authority. If the latter occurs the Department of Planning determines the amendment. In light of the correspondence received from the Department of Planning, it is not unreasonable to expect that this could happen. While there is no provision for the Minister to require a Council to enter into a planning agreement, as they are voluntary, the Department has foreshadowed changes to the legislation that would place an upper limit of \$20,000 per lot on the amount of contributions to be included in a planning agreement.

Options and Implications

The amendment process for draft LEP 39 is effectively stalled and could remain unresolved unless Council agrees to reduce the contributions. While it is unresolved there is uncertainty for Council and the local community. It is considered that Council has two (2) options:

1. Reduce the Contributions

The proponents for the development have previously stated they are prepared to contribute \$26,700 per lot. In support of a reduction, the proponents have argued that:

- The development will have positive impacts on the McLeans Ridges community, as it will provide improvements to local infrastructure such as roads, community facilities and environmental restoration, both on and off site.
- If a reduction is not accepted by Council, the development will not proceed and other sources of funding will be needed to fund:
 - Road improvements to a portion of Cowlong Road;
 - Improvements to the local community hall;
 - Facilities in a new community park (to be provided in the Cameron Road proposal);
 - Footpaths to allow safe passage of pedestrians to sections of McLeans Ridges; and
 - A bus set down and shelter that would be used by existing residents.

- Council will miss an opportunity to have 8.5ha of land undergo environmental rehabilitation.

As shown in the above table, a contribution of \$26,700 per lot does not even cover the estimated cost of road works (\$30,986 per lot). As noted in the April 2008 report to Council, *'the proposed shortfall in contributions would most likely impact on the level of funds available for upgrading local roads....the proponents have stated that they are prepared to spend a greater amount on environmental restoration...however given their ceiling for overall contributions, this could potentially increase the shortfall in funds available for road upgrading.'* Contrary to suggestions made by the Department of Planning and the proponent, Council has not relied on its 'peculiar statutory position' to seek unreasonable public benefits from the developers. The contributions in the draft Planning Agreement reflect the real costs of rural residential development in this location and the limitations of the market for this style of development should not result in additional costs for the wider community to fund the infrastructure required to support the development.

The Lismore Rural Housing Strategy (LRHS), under which the submission to rezone the land was made, is based on two (2) key principles:

- (i) That new rural residential development should meet the actual servicing and infrastructure costs of the development; and
- (ii) There should be a positive environmental outcome from the development.

The LRHS further states that, *'Council will not agree to accept inferior standards on the grounds that expected selling price is inadequate to meet projected costs. Development should simply not proceed in these cases, or be deferred until the market is stronger.'*

The LRHS identifies that sections of Boatharbour, Cameron and Cowlong Roads will require upgrading to cater for new rural residential development at McLeans Ridges. Further, potential developers have always been made aware of the likely contribution for upgrading Cowlong Road (in the vicinity of \$10,000 per lot). The history of the LEP amendment process demonstrates that the terms of the Planning Agreement have been made clear to the land owners and proponents since October 2006, with additional matters added in October 2007 and April 2008. The level of contributions was not contested by the Cameron Road land owners (LEP20), who have since signed the Planning Agreement and provided bank guarantees and a reduction for the Roseview Road proponents would be inequitable.

The principles of the LRHS are also consistent with Council's Planning Agreements Policy (Policy No. 5.3.2), which includes seven (7) fundamental principles, one of which is that *'Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed planning agreement'*. These principles are adapted from a Practice Note issued by the (then) Department of Infrastructure, Planning and Natural Resources on 19 July 2005, which states in part that, *"planning agreements...are a means to enable the NSW planning system to deliver sustainable development, through which key economic, social and environmental objectives of the State and local government can be achieved...they facilitate the provision of planning benefits by developers. A planning agreement that provides for a planning benefit involves an agreement by the developer to contribute part of the development profit for a public purpose."*

Having said all of the above, Council could resolve to negotiate with the developers to reduce the contributions if it considers the development will result in benefits for Lismore through an increase in housing choice and an increase in the rate base. However, the outcomes of any negotiation are uncertain given the proponents stated cap on contributions and a reduction would be inconsistent with the LRHS and commitments given to the local community following public consultation.

2. Resolve to Not Proceed with the LEP Amendment Process

Council could resolve to not proceed with draft LEP Amendment 39. In this case the development would clearly not occur and, given Council's resolution to not accept any rezoning applications in McLeans Ridges after June 10, 2008 until the LRHS is reviewed, it is questionable that the land will be developed at all for rural residential housing. The financial and legal implications of taking this course of action are as follows:

Financial Implications

- The timeframe for the upgrading of Cowlong Road and Boatharbour Road (excluding the part of Cowlong Road from Cameron Road to the Roseview Road intersection) will be extended as the road works will be undertaken as the funds become available. Instead these roads will be upgraded to the extent possible from the funds provided through the Planning Agreement for LEP20. With regard to the part of Cowlong Road from Cameron Road to the Roseview Road Intersection, the works will not occur. However, the necessity for these road works arose out of the proposed rezoning, as the Roseview Road site is the only land identified in the LRHS to the north of the Cameron Road intersection.
- There will be less funding (\$15,800) available for the upgrade of McLeans Ridges Hall. The same per lot contribution is included in the Planning Agreement that applies to LEP20 (\$39,184 in total).
- A bus shelter, to be in a location approved by Council, will not be constructed. It may not also be required.
- The environmental rehabilitation works will not occur. However these works are independent of development, that is, these are a side effect or benefit if the development proceeds but could be undertaken at any time by the land owner, although it is realistic to assume it would not be carried out to the same extent.
- The Cameron Road proposal (LEP Amendment 20) provides for a centrally located community lot intended to service all future rural residential development in McLeans Ridges, including Roseview Road if it is approved. Funding of the park is to be achieved through a section 94 contributions plan (the draft will be presented to the October 2009 Council meeting), with the per lot contribution based on the number of potential rural residential lots in the McLeans Ridges area, the cost of land acquisition and the cost of embellishments. If the Roseview Road amendment does not proceed there will be a shortfall in funding for the park, unless the land is rezoned and developed by someone else in the future. This means that either the park will not be developed or Council will provide the shortfall. It is possible that this could amount to between \$3,000 to \$4,000 per lot.

Legal Implications

Legal advice was sought about the ability of an applicant to appeal a decision by Council to not approve a rezoning application. The advice is, *"in circumstances where there is no lawful application for a rezoning there is no right of appeal from a decision of a consent authority to not allow a rezoning. That is, whether land should be rezoned remains entirely in the discretion of the Council. (However), if it transpired that Council were in fact seeking a contribution that was so unreasonable that no reasonable planning authority could require it, then that administrative decision might be the subject of an appeal... I assume for present purposes that council has required contributions that are more or less consistent with what Council believes is objectively reasonable. If so it would be unlikely that a legal review of Council's decision would be successful.* This is consistent with advice from the Department of Planning that a council can stop the LEP process at any time, until it is sent formally to the Minister.

Legal advice was also sought on whether Council is compelled to publicly notify the draft amendment once the Department of Planning has issued a notification certificate under section 65 of the Act. The advice is that the obligation to do anything under this part of the legislation must be read in a manner that allows Council to stop the process in certain circumstances. *"It cannot be the case that Council must continue to observe the procedures on the making of a draft LEP...in circumstances where the motivating cause of the LEP has been removed or is no longer relevant."* The draft LEP amendment was proposed by Council on the basis that infrastructure costs would be met by the developer and environmental benefits would be delivered as required by the Lismore Rural Housing Strategy. If the land owner is unwilling to enter into a Planning Agreement to pay the full costs of the development then these assumptions cannot be met.

Comments

Financial Services

The options for consideration include a) reduce the contributions or b) not proceed with the amendment.

In regards to a), a reduction in the draft planning agreement contributions (\$45,346) and estimated S94 Plan contributions (\$3,729) to a maximum contribution of \$26,700 would result in a funding shortfall of approximately \$560,000 in the works and services required as a result of this development. If funding is not forthcoming from the developer, it would be required to come from other funding sources. As other funding sources are not readily available, Council would have to reduce recurrent works and services funding to meet this commitment.

In regards to b) while funding for works and services would be reduced, the demand or necessity to provide would also be reduced. As such, from a financial perspective, the impact of b) is considered more favourable than a).

As identified in the report, the main impact of not proceeding is that this proposal was to significantly contribute towards the acquisition and development costs of the McLeans Ridges 'centrally located community lot'. This financial commitment is created via the Cameron Road proposal (LEP20). Council will more than likely meet the acquisition cost upfront and these will be reimbursed through S94 contributions over time as subdivision occurs. As no further rezoning proposals are to be considered until the Lismore Rural Housing Strategy is reviewed, this could take some time. The shortfall between costs incurred and collections received would be met internally within all S94 funds.

Other staff comments

Council's Development Engineer and Natural Resource Management Officer have been consulted in the preparation of this report.

Public consultation

Not required as a consequence of this report.

Conclusion

Council requested the developers of the proposed Roseview Road Estate to sign the draft Planning Agreement connected to the draft LEP Amendment. The developers have advised they will not sign the draft Agreement unless there is a reduction in contributions. Nor will they withdraw their submission to rezone the land. Two (2) options have been presented in this report.

Under the first option Council could resolve to enter into negotiations to reduce the contributions. This would result in a shortfall in funding for the development and/or a reduction in the development's contribution to improving the natural environment and local services. However, Council could choose to conduct further negotiations with the developer on the basis that the development will provide increased housing choice and increased population for Lismore.

The second option requires a resolution from Council to not proceed with the draft amendment to the Lismore LEP. This option has potential implications on the provision of services that have been proposed in conjunction with LEP amendment 20. However, unless Council is prepared to negotiate with the developers to reduce the contributions, the draft Planning Agreement will remain unsigned and the amendment will continue to be unresolved.

It is recommended that Council discontinue draft LEP Amendment No. 39.

Recommendation

That Council not proceed with draft LEP Amendment No. 39 and advise the land owners, developers and the Department of Planning accordingly.

Attachment 1 – Roseview Estate - proposed layout

LEP Amendment Request
 Lot 16 DP 1011612, Roseview Road, McLeans Ridge



LandPartners Limited.
 80 Campbell Street, 4th Floor, 10th
 Level, Sydney, NSW 2000 Australia
 Ph: (02) 9239 1100 Fax: (02) 9239 1101
 www.landpartners.com.au

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Project: LM060073 Date: 21.04.08 Scale: 1:5,000

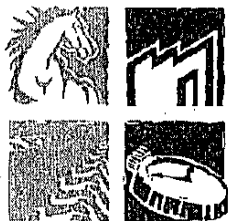
**ROSEVIEW ESTATE -
 PROPOSED LAYOUT**

Aerial Photography - Department of Lands 2004
 Lot Layout - LandPartners 2008
 Buildings - LandPartners 2008
 Proposed Road - LandPartners 2008
 Potential Future Bus Stop - LandPartners 2008

Drawn: AV
 April: MVS

File: File: LM060073_EV3C

Figure 3. Proposed Layout



PaLib Group

29th June 2009

Paul O'Sullivan
General Manager
Lismore City Council
43 Oliver Ave
Goonellabah NSW 2480

Dear Paul

Proposed Draft LEP Amendment, Roseview Road, McLeans Ridges

In response to letter dated 18th May 2009 received from your office requesting us to sign the draft planning agreement within 60 days or withdraw our application.

Whilst we are committed to providing substantial contributions, works in kind and road upgrades that will produce significant positive social and economic benefits for the local community. The achievement of these public benefits is wholly dependent of the feasibility of the development. At present the quantum of contributions being sought by council at over \$47,000 per lot makes the development unviable.

Despite numerous letters from the Department of Planning outlining Councils responsibilities in regard to planning agreements and the fact that Councils should not rely on their peculiar statutory position in order to seek to obtain unreasonable public benefits from developers under planning agreements Lismore City Council is choosing to ignore these instructions.

It is for that reason we cannot sign such an unreasonable planning agreement, nor do we believe it is fair and reasonable for council's to ask us to withdraw our application if we have not signed within 60 days. I look forward to negotiating a fair outcome for all parties.

Yours Sincerely,
PaLib Group

Chris Holmes
Development Manager

Cc Mayor Jenny Dowel
Paula Newman
Steve Murray Department of Planning

Report

Subject	Shelter for the Homeless
File No	ED09/11446:EF09/101
Prepared by	Manager Community Services
Reason	To advise the Council of the changed circumstances regarding the delivery of a homeless shelter.
Objective	To sign off on the \$100,000 commitment to establishing a shelter for the homeless.
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services

Overview of Report

The Lismore Soup Kitchen Incorporated (Lismore Soup Kitchen) has requested Council confirm its previous commitment of \$100,000 for the development of a homeless shelter. The funds would be applied towards the purchase of the Winsome Hotel, which will be established as a community facility to cater for homeless people. This report recommends the allocation of such funds for that purpose.

Background

At the ordinary Council meeting of August 2007, it was determined that Council and a range of community partners would pursue the development of a homeless shelter in Lismore. Subsequently the Lismore Homeless Shelter Working Party was formed and began meeting on a regular basis to progress the development of the shelter. Together with Council, the Lismore Soup Kitchen and St Vincent de Paul Society were the key members of the Working Party.

Identifying suitable land or an existing building for the purposes of a homeless shelter has been very difficult. Proximity to services within the CBD, a location preferably out of flood and away from sensitive residential areas were requirements that could not be easily accommodated.

The Winsome Hotel has been for sale for some time and this building was considered a strong possibility to serve as a homeless shelter / crisis accommodation and low cost accommodation venue. To this end, the Lismore Soup Kitchen has purchased the hotel with the intention of providing low cost and crisis accommodation for disadvantaged people including the homeless, and relocating the South Lismore Soup Kitchen.

Following the 2007 election of the Labor government, the Federal Department of Families, Housing, Community Services and Indigenous Affairs (FAHCSIA) committed \$220,000 toward the development of a homeless shelter in Lismore, and in June 2009 transferred the funds to Lismore City Council. As a result of the change in circumstances regarding the lead agency for the project (which is now the Lismore Soup Kitchen), FAHCSIA has provided written approval for Council to transfer the \$220,000 grant to the Lismore Soup Kitchen. Transfer conditions include all funds must be allocated for the initial establishment of the facility and not for ongoing operational costs, and that the facility will be managed in partnership by the Lismore Soup Kitchen, the Lismore branch of St Vincent de Paul Society and Lismore City Council.

FAHCSIA has indicated that the flooding issue in respect of funding is not a fatal flaw as that can be

resolved through DA conditions.

In the 2009/10 Budget Council approved an allocation of \$100,000 towards the construction or development of a homeless shelter. The Lismore Soup Kitchen has written to Council requesting access to those funds to assist with the purchase of these premises. In order to accommodate such a request, a number of issues should be considered by the Council:

1. These funds should be used to assist with the establishment of the facility only, not ongoing operating costs.
2. The facility will be operated and managed by the Lismore Soup Kitchen in partnership with St Vincent de Paul with some support from Lismore City Council.
3. Facility to operate as a not-for-profit entity, catering to the lower socio-economic demographic, including the homeless.
4. A development application (DA) to change the use of the building from hotel to community facility is to be lodged prior to the end of December 2009. The DA will include a full social impact assessment and management plan for the facility.
5. A condition that requires the funds to be returned to Council if the premises is sold or if the Homeless Shelter is discontinued within five years.

An agreement between the Lismore Soup Kitchen, St Vincent de Paul and Lismore City Council is to be drawn up regarding the management of funds received from FAHCSIA and Lismore City Council.

Comments

Financial Services

Council has allocated \$100,000 in the 2009/10 Budget for a Homeless Shelter. The initial concept was developed on the basis that Council would have partial ownership of the facility and contribute to its annual operating costs. Under the proposal being considered now, Council would have no ownership in this facility. In regards to the annual operating cost contribution there is no budget approved in 2009/10.

While the annual operating cost contribution could be linked to the actual service delivery hence a service delivery agreement appropriate, to protect Council's ownership interest it may be prudent to require security over the property. The security could take the form of either a mortgage over the property or personal guarantee of the owner.

As Council's contributions can be considered as the provision of financial assistance to the Lismore Soup Kitchen and it is significant, in accordance with the Local Government Act 1993 - Section 356, it should be advertised for 28 days prior to formal approval.

As to the FAHCSIA conditional funding, it would appear that this property will not meet the original requirement for the location to be 'not at risk of flooding'. The current agreement is for this project to be managed by Lismore City Council in partnership with the St Vincent De Paul Society and the Lismore Soup Kitchen. As the lead agency, Council is responsible for meeting all conditions associated with the Federal funding. It is suggested that further discussion take place with FAHCSIA requesting they remove the 'not at risk of flood' condition and consider the lead agency conditions so as they better reflect the proposed service delivery model.

FAHCSIA have also strongly recommended that Council seek some form of assurance that a development application will be successful prior to committing the funds we strongly recommend that this be done. While it may not be possible to provide an assurance as to the outcome of the development application, as the current lead agency it may be appropriate that the FAHCSIA funding be also linked to development consent rather than the development application. The same approach could be taken with Council's funding and therefore it is recommended that both contributions be treated as part of a deferred settlement subject to development consent.

Other staff comments

Not required.

Public consultation

The in-principle support to the contribution of \$100,000 will be advertised for 28 days.

Conclusion

The Lismore Soup Kitchen Incorporated has taken the initiative to provide low cost crisis accommodation for disadvantaged people including the homeless, and to relocate their operations from Norco Lane to the Winsome facility. It is beyond the resource capacity of Lismore City Council to establish and operate a facility such as a homeless shelter. The emergence of the Lismore Soup Kitchen as a lead agency to a facility that caters to the needs of those who are most disadvantaged and in need of food and housing is very timely and warrants public support through government and Council.

Recommendation

1. That Council provides in-principle support to the proposal to apply \$100,000 from the 2009/10 Budget towards the purchase of the Winsome Hotel by the Lismore Soup Kitchen Incorporated for a Homeless Shelter.
2. The proposal be advertised for 28 days and be brought back to Council for a final determination.
3. An agreement be prepared between Lismore Soup Kitchen Incorporated and Council where the Council's funds are to be returned if the premises are sold or if the Homeless Shelter is discontinued, within five years.
4. The agreement in 3. is to be secured by bank guarantee, mortgage or personal guarantee.
5. The Department of Families, Housing, Community Services and Indigenous Affairs be requested to amend the funding agreement so as to remove the 'not at risk of flood' condition and to better reflect the proposed service delivery model.
6. A separate service level agreement be prepared which sets out Council's, Lismore Soup Kitchen Incorporated and St Vincent De Paul Society commitment and responsibilities in regards to the provision of the Homeless Shelter, meeting the Department of Families, Housing, Community Services and Indigenous Affairs requirements, the lodgement of development application by December 2009 and any other condition deemed prudent.
7. Council's and the Department of Families, Housing, Community Services and Indigenous Affairs' contribution be released to the Lismore Soup Kitchen Incorporated for establishment of the intended low cost accommodation and associated services after Council makes its final determination, all agreements are in place and development consent to operate defined expanded services from these premises is issued.

Report

Subject	Lismore Outside of School Hours Care Service
File No	ED09/13303:EF09/1832
Prepared by	Manager Community Services
Reason	To update Council on a proposal to merge two existing child care services
Objective	That Council approve the transfer of Council's run Lismore Outside of School Hours Care service to the Lismore Neighbourhood Centre to be operated in conjunction with the Lismore Vacation Care in the same location.
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services

Overview of Report

This report outlines a proposal to merge two existing child care services, to be operated and managed by the Lismore Neighbourhood Centre. This will result in the Lismore City Council having no involvement in this service.

Background

Lismore Outside of School Hours Care (LOOSHC) has been operating from the Lismore Public School since the early 1990s. The service provides after school hours care for primary school aged children during school terms, from 3.10pm – 6.00pm weekdays. The service has capacity for up to 75 placements and caters for all schools in the Lismore area.

Lismore City Council staff and Lismore Neighbourhood Centre management have held several discussions regarding the possibility of merging their respective services into one operation. The Lismore Neighbourhood Centre operates Lismore Vacation Care during the school vacation periods, and uses the same premises as LOOSHC at the Lismore Public School.

The Proposal

In the past two different services operating from the same venue has led to confusion for families as Council operates a care service during school terms, and the Neighbourhood Centre operates the vacation care service. It has been proposed to merge the services under one banner to alleviate such confusion and to capitalise on the potential benefits a merger would offer. This will result in the Lismore City Council not providing this service. The key proposed benefits are as follows:

- **Consistency of staffing:** many children are cared for by both services, however there is always a change of staff during the transition from school term into vacation periods. A merger would provide the opportunity to employ staff across the year and thus foster familiarity between staff and children attending the service.
- **Economies of scale:** one large service will be able to develop an annual budget that incorporates both activities. Equipment can be housed in one area across the year and can be used throughout the year without transport or additional management issues.

- A merger would allow a seamless transition of the management of the services from two entities to one. There would not be any change to the provision of service which would continue to offer an after school care service from the date of the merger and therefore families attending the centre would not experience any undue change.
- A merger of the services would enable a more sustainable outcome for the provision of this type of child care in Lismore.
- From a Council perspective not providing this service will remove an area of risk.

Due to recent LOOSHC staff resignations, there would be limited impact on staff working at LOOSHC especially now that the new service provider supports taking the remaining staff member on as part of their operation. The majority of staff are employed casually and the Lismore Neighbourhood Centre has indicated a willingness to employ those casual LOOSHC staff within the new entity.

Transition

There are a number of arrangements that will have to be worked through to ensure a seamless transition:

- The residual staff issue/transfer requires resolution.
- Work through any changes in the licensing requirements.
- Assure parents that there will be a continuous service provided and that there will not be a gap in service delivery.

Of note, there are no asset transfers as there are only minor items which have been provided by both LOOSHC and the Neighbourhood Centre over the years. Once the above issues have been worked through a firm transfer date can be determined.

Comments

Financial Services

The transfer of LOOSHC for the reasons outlined in the report is supported. From a financial perspective, there is anticipated to be little impact on Council's overall budget as this service is budgeted to run on a break-even basis excluding activity based costs.

Other staff comments

Not required.

Public consultation

Families attending the service have been advised of the proposed changes.

Conclusion

The opportunity arises to merge two separate child support services that deliver essentially the same services in the same location to the Lismore community. The Lismore Neighbourhood Centre is a well-respected community organisation that has the proven capacity to operate and manage a service that caters to the needs of the community and meets all national accreditation requirements. This will mean that Council can withdraw as a service provider in this specialised area.

Recommendation

That:

1. Council approve the transfer of the Council's Lismore Outside of School Hours Care (LOOSHC) service to the Lismore Neighbourhood Centre to be managed and operated in conjunction with Lismore Vacation Care.
2. The effective transfer of service outlined in (1) above occur when the transitional issues outlined in the report are resolved to ensure that there is a continuous service provided to LOOSHC patrons.

Report

Subject	Reclassification of Council Properties
File No	ED09/11356:EF09/821
Prepared by	Property Officer and Senior Strategic Planner
Reason	To instigate the process for the reclassification of certain Council owned properties.
Objective	To obtain Council's resolution to reclassify certain Council owned properties.
Strategic Plan Link	Provide Sustainable Land Use Planning
Management Plan Project	Exhibit Draft LEP

Overview of Report

A number of Council owned properties require reclassification from community to operational to ensure that Council can undertake activities for which the land was acquired. Changing the land classification from community to operational requires an LEP amendment and the preparation of the draft Lismore Local Environmental Plan 2009 is an opportunity to undertake land reclassifications. This report identifies the properties and seeks a resolution to commence the reclassification process. The report also identifies a neighbourhood park that is currently classified as operational and requires reclassification to community land. A resolution from Council is necessary to achieve this, but not a local environmental plan amendment.

Background

The *Local Government Act 1993* requires all land vested in a Council (except a road or land to which the *Crown Lands Act 1989* applies) to be classified as either "community" or "operational". The classification will generally be achieved by a Local Environmental Plan. The preparation of the draft Lismore Local Environmental Plan 2009 is an opportunity to review and amend, where appropriate, the classification of Council owned land.

The purpose of classification is to identify clearly that land which should be kept for use by the general public (community) and that land which need not (operational). The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, lease or some other means.

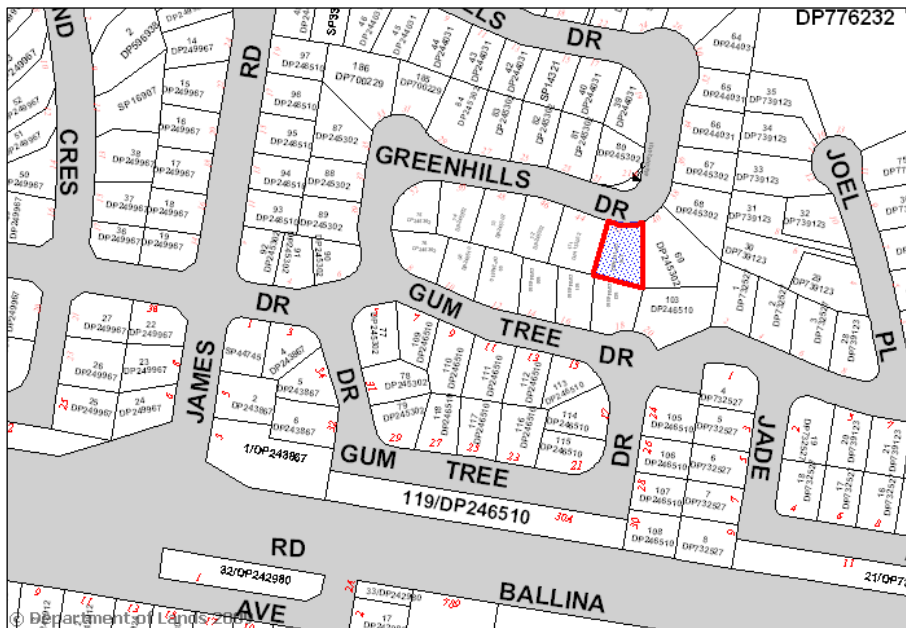
This report identifies one (1) Council owned property that is presently classified as operational and should be reclassified as community. The remainder of the recommended reclassifications are from community to operational. A description of each parcel and the reason for proposing the reclassification is provided below along with a map identifying the location of the land.

Summary of Properties and Council's Interest in the Land

Reclassification from Operational to Community

Lot 170 DP 1133062 – 42 Greenhills Drive, Goonellabah

The land at 42 Greenhills Drive is a neighbourhood park that was formerly classified as community land. In accordance with Council's report dated March 14, 2006 the land was reclassified from community to operational land to enable a boundary adjustment to be carried out with an adjoining landowner to rectify a building encroachment onto the park. Following completion of the boundary adjustment the remainder of the park was to be reclassified as community land. The boundary adjustment is now complete.



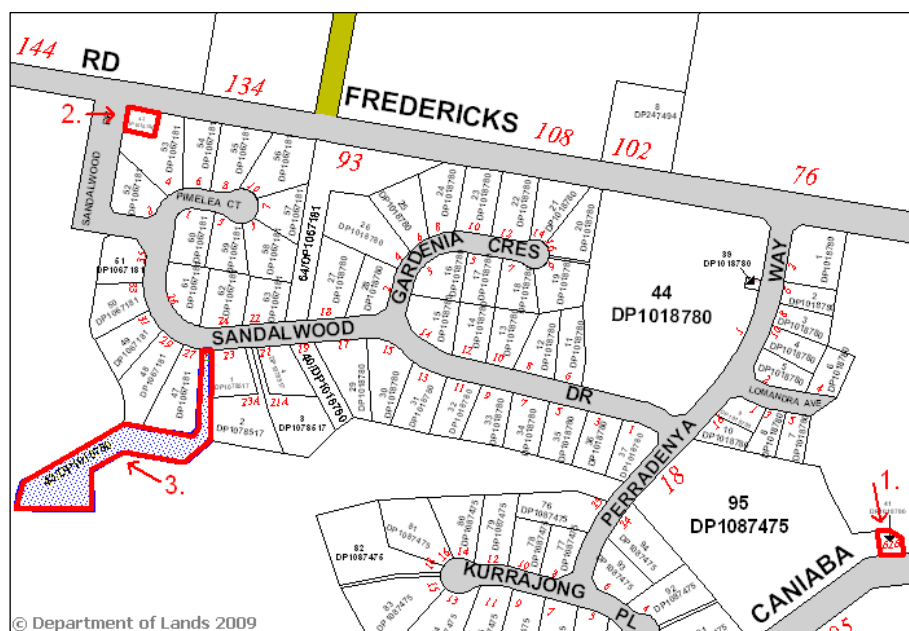
Reclassification from Community to Operational

Under the *Local Government Act 1993* any land acquired by Council that is not classified as community or operational is, at the end of three (3) months, taken to have been classified under a LEP as community land. For the following properties, either the resolution was not made for the land to be classified as operational, or the resolution was made and the administrative process not carried out.

1. **Lot 41 DP 1018780 - 626 Caniaba Road, Caniaba**
2. **Lot 42 DP 1018780 - 147 Fredericks Road, Caniaba**
3. **Lot 43 DP 1018780 - 25 Sandalwood Drive, Caniaba**

These parcels contain two sewer pump stations (1 & 2) and a reservoir (3) at the Perradenya Estate at Caniaba. They were transferred to Council from Rous County Council in 2001. The land use is operational by nature.

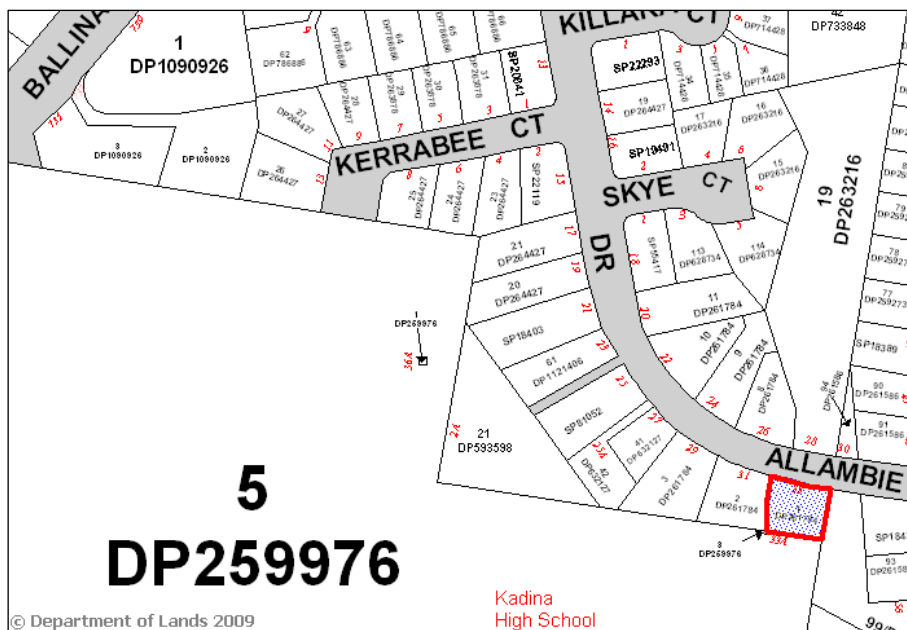
Parcel No.s 1-3



4. Lot 1 DP 261784 - 33 Allambie Drive, Goonellabah

The land is the site of Allambie Drive Sewer Pump Station No. 19. The property was vested in Council by the Public Works Department pursuant to NSW Government Gazette No. 108 dated 19 July 1991. The land use is operational by nature.

Parcel No. 4

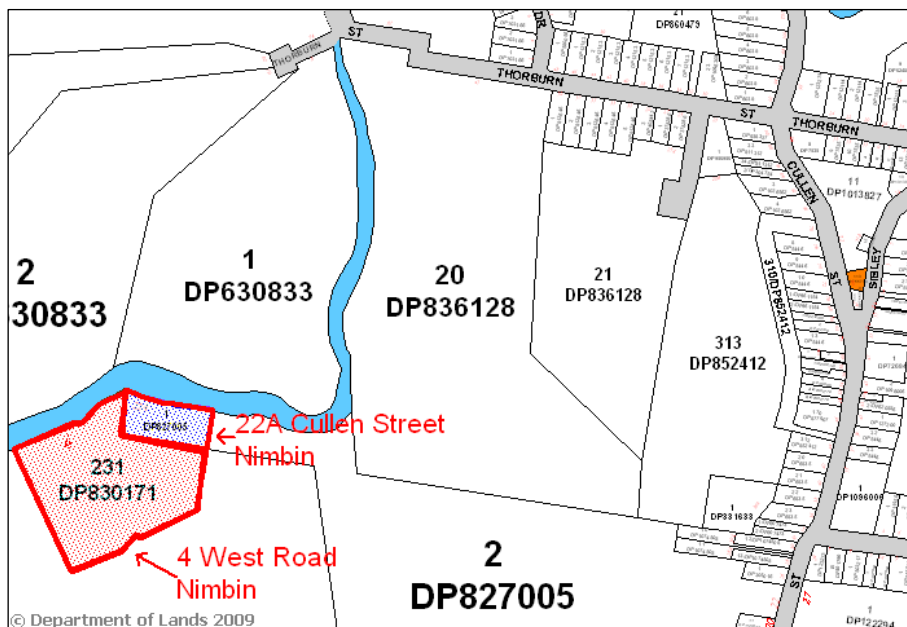


5. Lot 1 DP 827005 – 22A Cullen Street, Nimbin

6. Lot 231 DP 830171 – 4 West Road, Nimbin

The Nimbin Wastewater Treatment Plant is located on these lots, which were transferred to Council from the Department of Public Works in 1997. The land use is operational by nature.

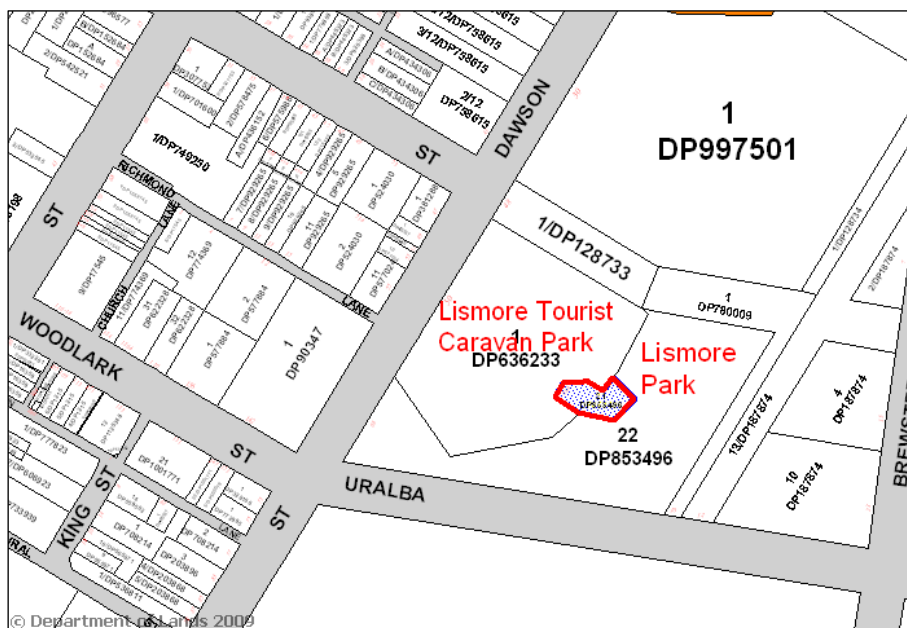
Parcel No.s 5-6



7. Lot 21 DP 853469 – 68A Dawson Street, Lismore

The land is the site of the Dawson Street Sewer Pump Station No. 3 and was acquired from the Department of Public Works as part of the Lismore Sewerage Augmentation. The land use is operational by nature.

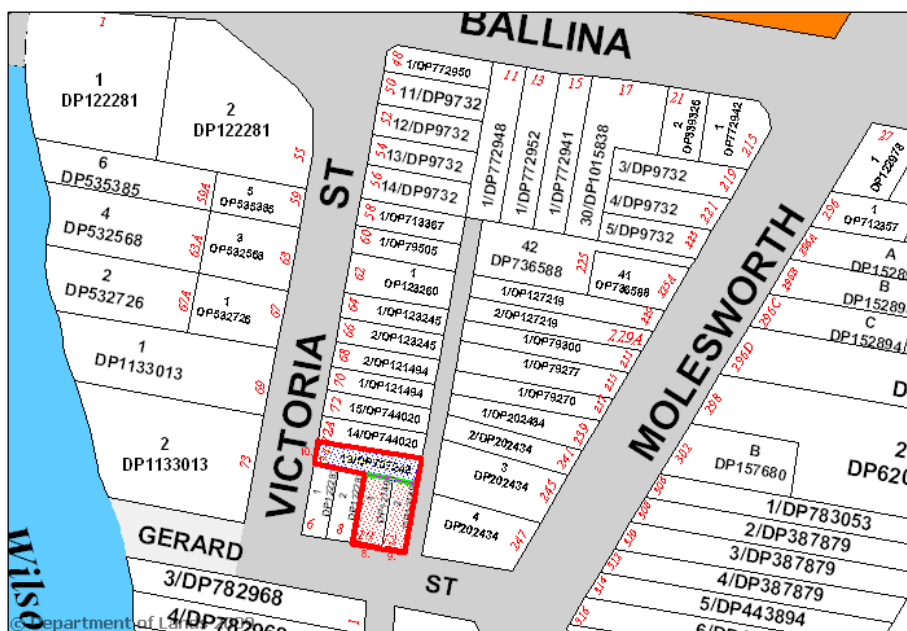
Parcel No. 7



- 8. Lot 1 DP 121499 - 10 Gerard Street, East Lismore**
- 9. Lot 2 DP 122283 - 12 Gerard Street, East Lismore**
- 10. Lot 13 DP 707243 - 74 Victoria Street, East Lismore**

The Gerard Street Sewer Pump Station No. 5 is located on the site. The lots were flood prone acquisitions in 1980, 1990 and 1998 respectively. The land use is operational by nature.

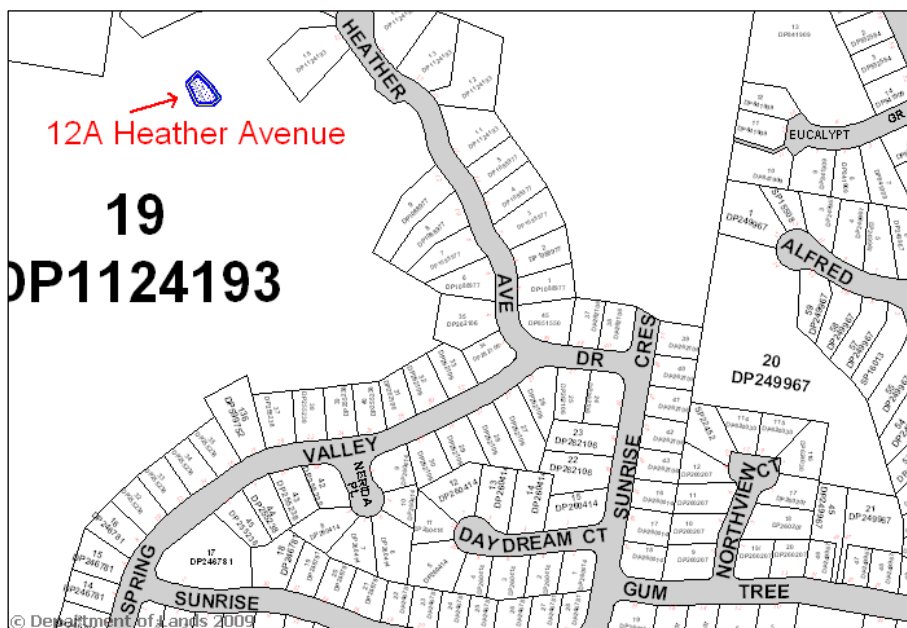
Parcel No.s 8-10



11. Lot 10 DP 1088977 – 12A Heather Avenue, Goonellabah

The land is the site of the Heather Avenue Pump Station. Pursuant to Condition 9(d) of DA Consent 2002/699 the developer was to transfer the lot to Council as operational land. The land was transferred to Council in May 2008; however a resolution was not made to classify the land operational. The land use is operational by nature.

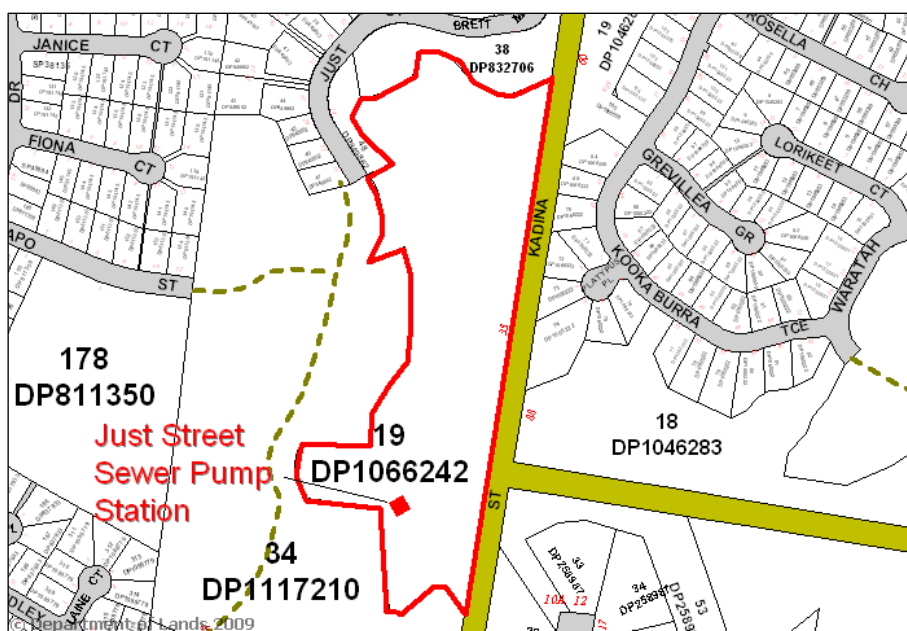
Parcel No. 11



12. Lot 19 DP 1066242 – 35 Kadina Street, Goonellabah

The land is dedicated as a public reserve upon which has been erected the Just Street Sewer Pump Station No.18. It is intended that the site of the sewer pump station will be excised by survey and subdivided, and the remainder of the reserve would then be reclassified back to community land.

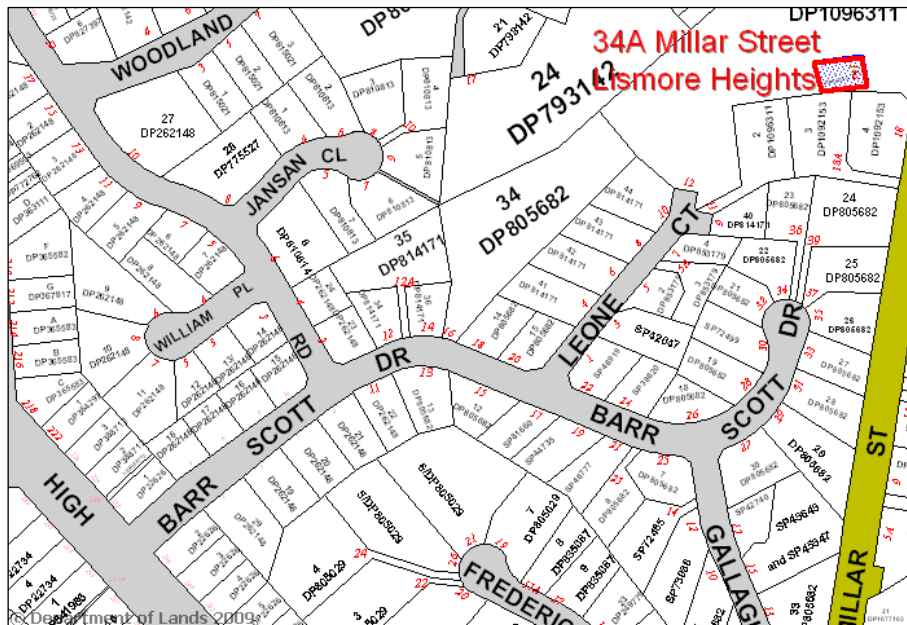
Parcel No. 12



13. Lot 5 DP 882373 – 34A Millar Street, Lismore Heights

The land is the site of the Millar Street Sewer Pump Station No. 20. Title was vested in Council by the Department of Public Works pursuant to NSW Government Gazette No. 104 dated September 10, 1999. The land use is operational by nature.

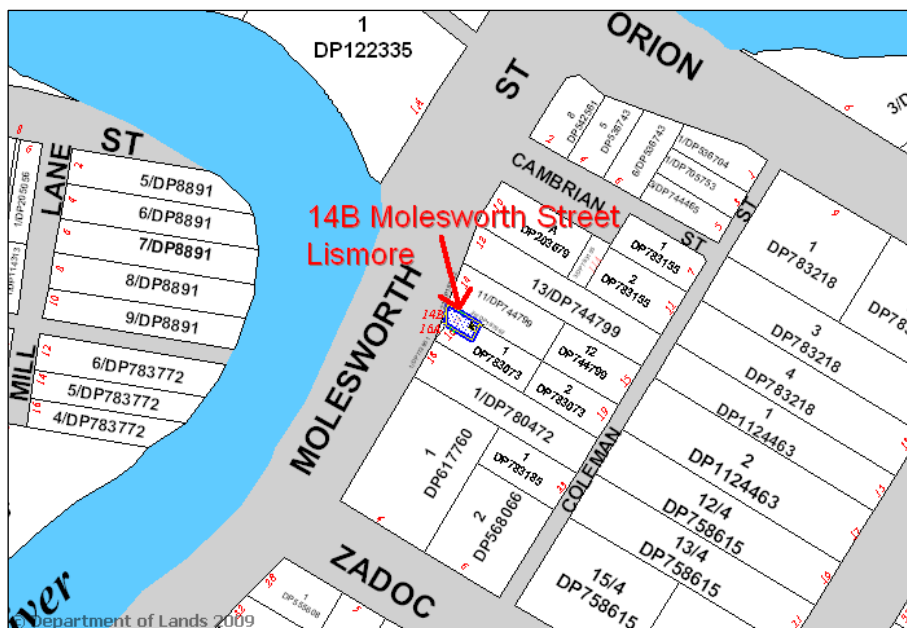
Parcel No. 13



14. Lot 21 DP 187062 – 14B Molesworth Street, Lismore

The land forms part of the site for the Molesworth Street Sewer Pump Station No. 11. The land was acquired by Resumption in September 1940. The land use is operational by nature.

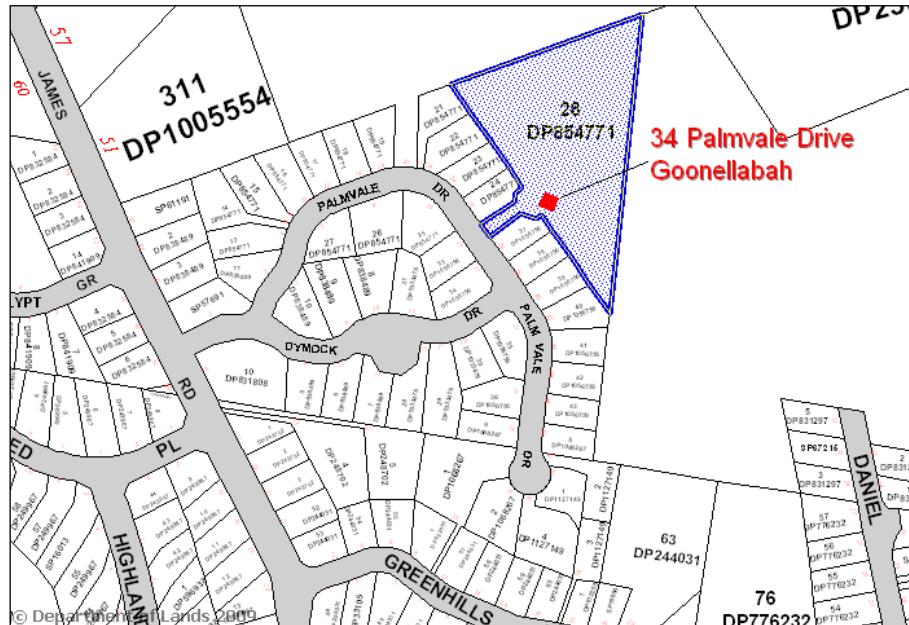
Parcel No. 14



15. Lot 28 DP 854771 – 34 Palmvale Drive, Goonellabah

The land is dedicated as a public reserve upon which has been erected the Palmvale Drive Sewer Pump Station No. 27. It is intended that the part of the site on which the sewer pump station is located would be excised by survey and subdivided and the remainder of the reserve would then be reclassified back to community land.

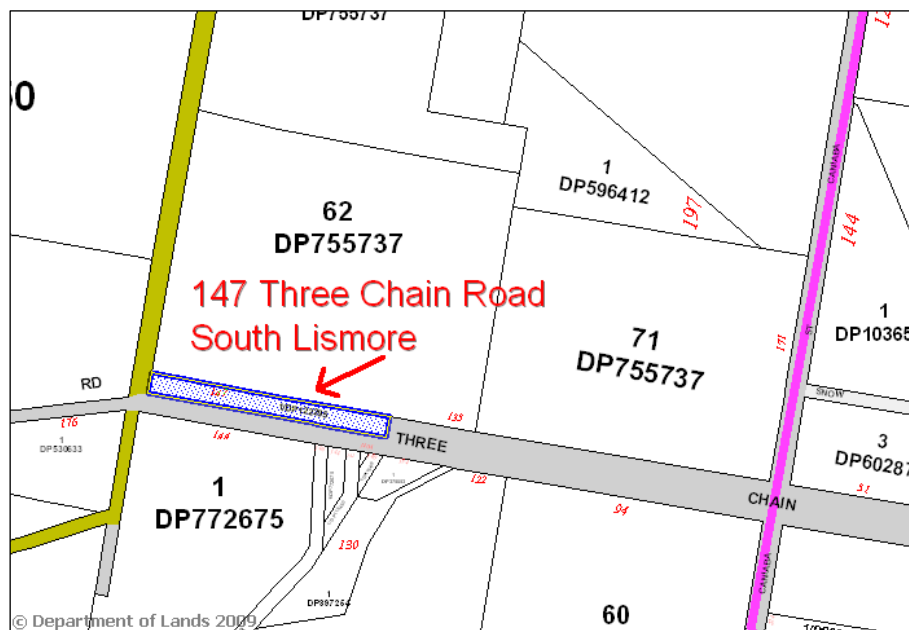
Parcel No. 15



16. Lot 1 DP 122295 – 147 Three Chain Road, South Lismore

The land adjoins the Lismore Treatment Plant. The land was resumed for sewerage purposes on August 2, 1989. The land use is operational by nature.

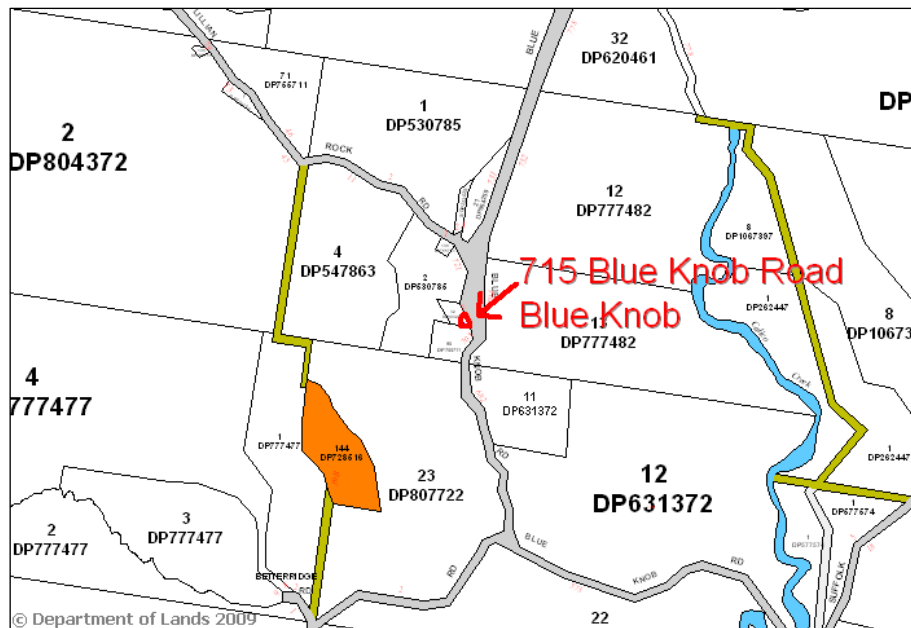
Parcel No. 16



17. Lot 31 DP 880280 – 715 Blue Knob Road, Blue Knob

The land is the site of the Blue Knob Rural Fire Station. The land was acquired in 1998 for the purposes of the Rural Fire Service from the adjoining landowner. The land use is inconsistent with its classification as community land.

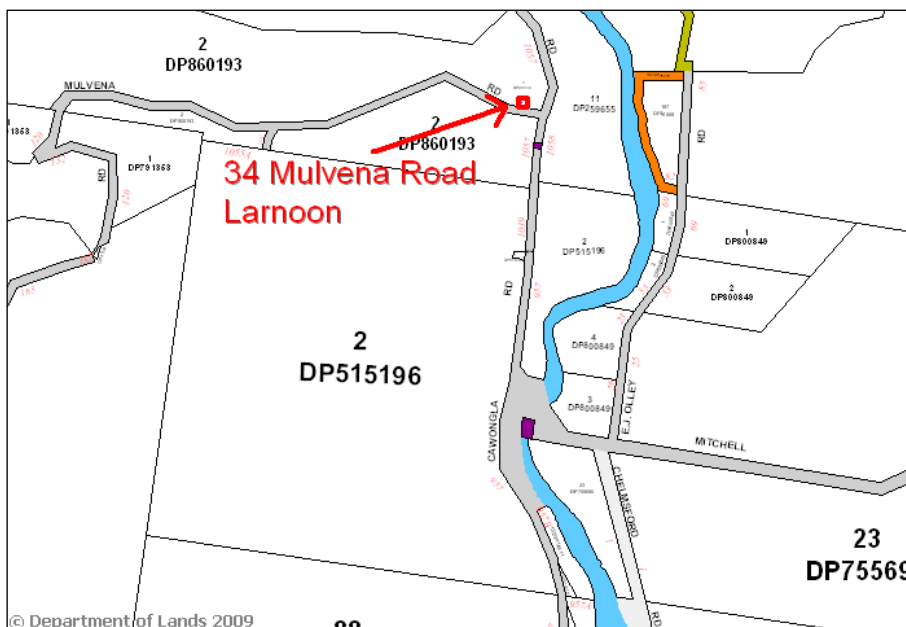
Parcel No. 17



18. Lot 1 DP 860193 – 34 Mulvena Road, Larnook

The land is the site of the Larnook Rural Fire Station. The land was acquired from the adjoining landowner on April 2, 1997. The land use is inconsistent with its classification as community land.

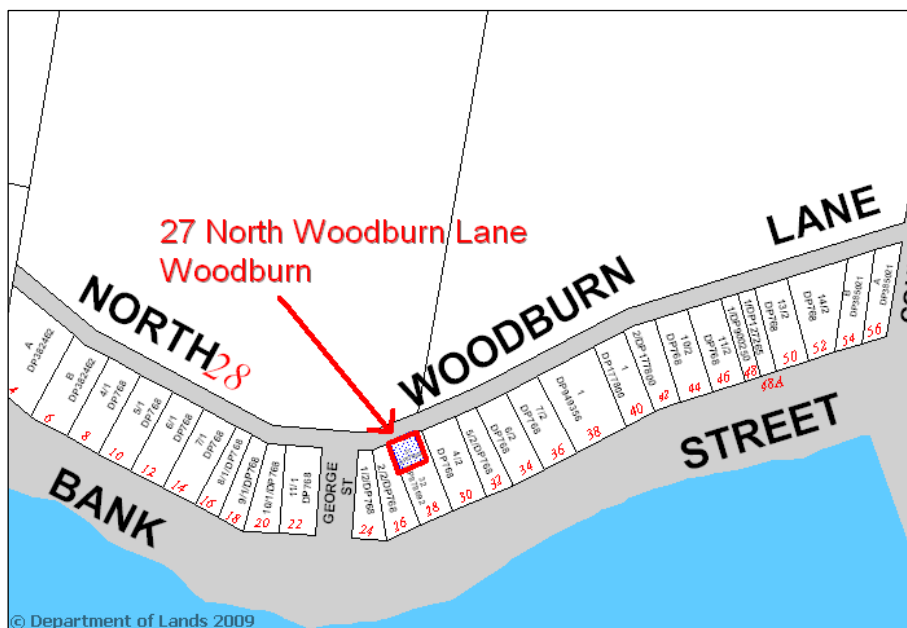
Parcel No. 18



19. Lot 31 DP 878692 – 27 North Woodburn Lane, Woodburn

The land is the site of the Woodburn Rural Fire Station and was acquired from the adjoining landowner on July 4, 1998. The land use is inconsistent with its classification as community land.

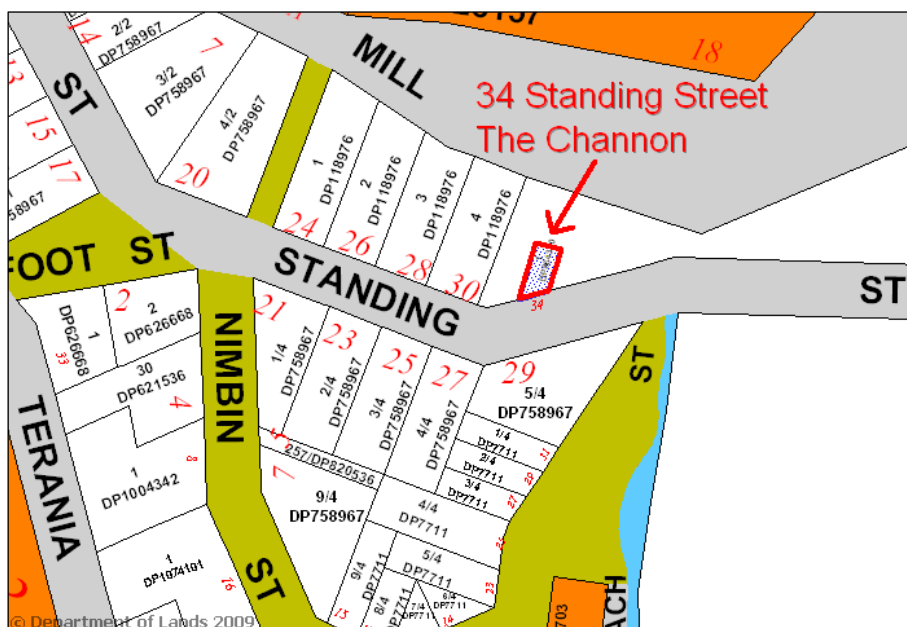
Parcel No. 19



20. Lot 1 DP 864350 – 34 Standing Street, The Channon

The land is the site of The Channon Rural Fire Station and was acquired from the adjoining landowner in 1996 for the purposes of the Rural Fire Service. The land use is inconsistent with its classification as community land.

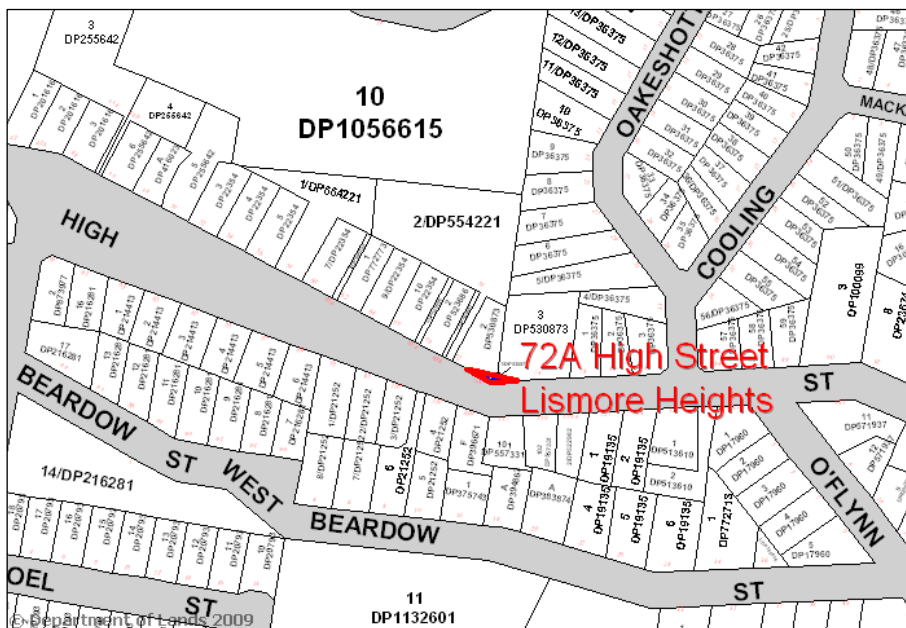
Parcel No. 20



21. Lot 1 DP 530873 – 72A High Street, Lismore Heights

The lot was acquired in 1969 and appears to have been created for road widening purposes. Land transaction records are unavailable. The land is required to be classified as operational in order to be dedicated as road.

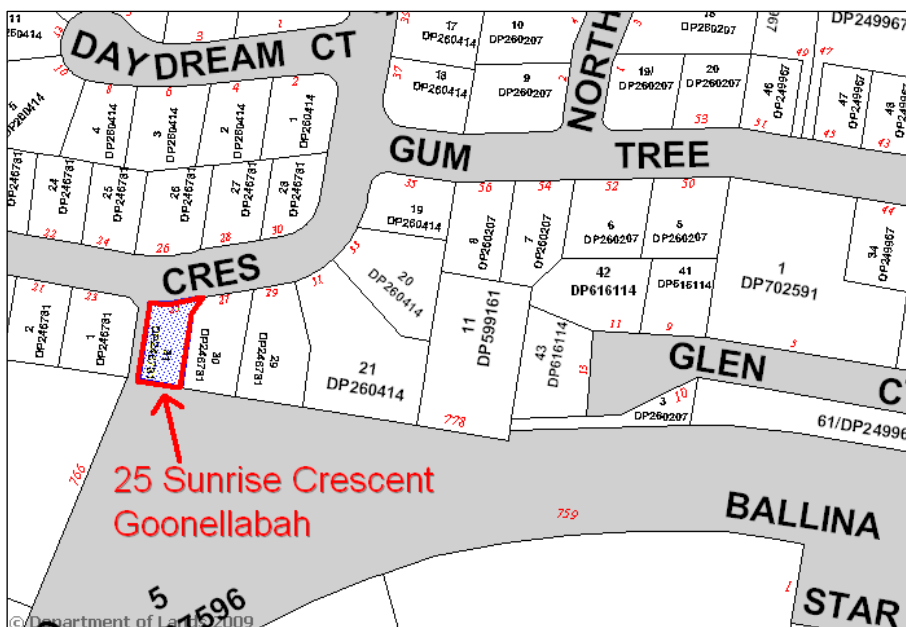
Parcel No. 21



22. Lot 31 DP 246781 – 25 Sunrise Crescent, Goonellabah

The land was acquired in 1976 at the time of subdivision of the estate. Land transaction records are unavailable. A road is constructed on this lot. The land is required to be classified as operational to allow it to be dedicated as road.

Parcel No. 22

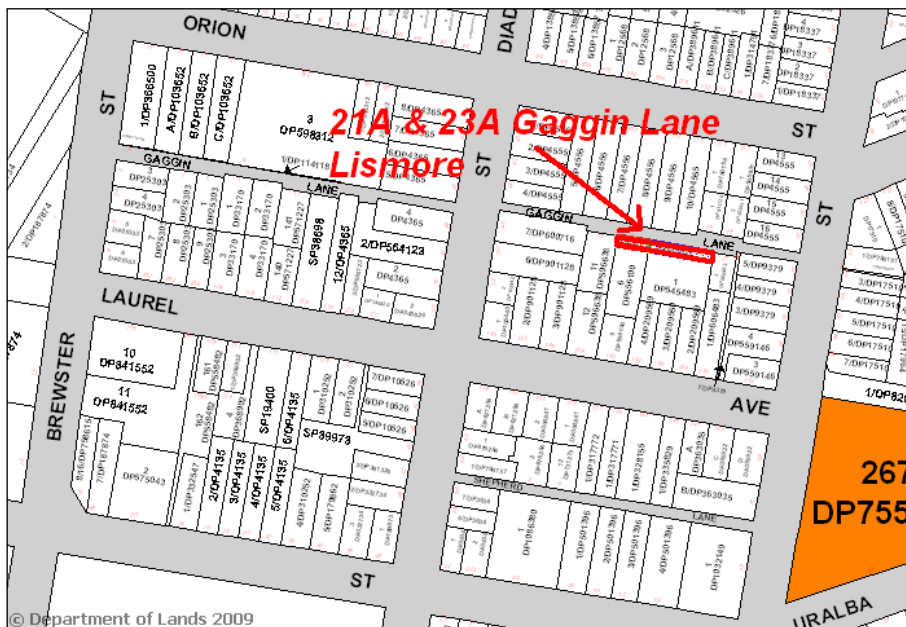


23. Lot 7 DP 556100 – 21A Gaggin Lane, Lismore

24. Lot 2 DP 545483 – 23A Gaggin Lane, Lismore

The lots were subdivided and the plans were registered in 1970 and 1973 respectively. Both lots were acquired in 1973. Land transaction records are unavailable. The land is not required for road widening or a public purpose. Therefore, reclassification to operational is required to allow the land to be sold or leased.

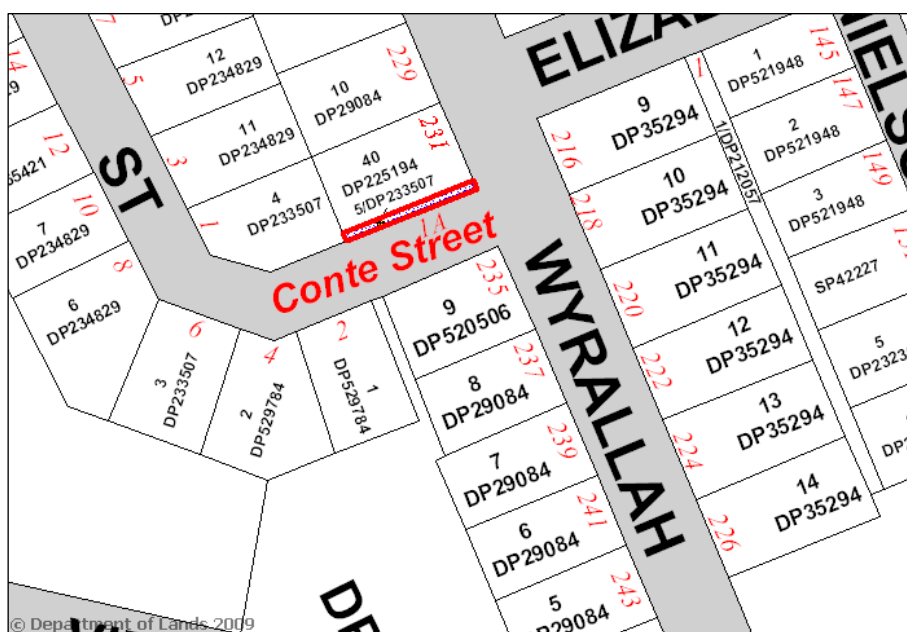
Parcel No. 23-24



25. Lot 5 DP 233507 – 1A Conte Street, East Lismore

The land appears to have been acquired for future road widening purposes from the adjoining land owner in 1970. In order to offer the land for sale to the adjoining landowner or to dedicate it as road, the land is required to be classified as operational.

Parcel No. 25



26. Lot 96 DP 263169 – 69 Cynthia Wilson Drive, Goonellabah

The land is a neighbourhood urban park. In order to complete the alignment of the proposed road widening it is necessary to reclassify the park as operational land and excise the strip along Cynthia Wilson Drive to be dedicated as road reserve. Following excision of this strip the remainder of the park would be reclassified back to community land.

27. Lot 42 DP 249486 – 1A Chilcott Drive, Goonellabah

28. Lot 43 DP 249486 – 2A Chilcott Drive, Goonellabah

29. Lot 38 DP 246195 – 1 Figtree Drive, Goonellabah

30. Lot 39 DP 246195 – 2 Figtree Drive, Goonellabah

31. Lot 19 DP 246560 – 99 Invercauld Road, Goonellabah

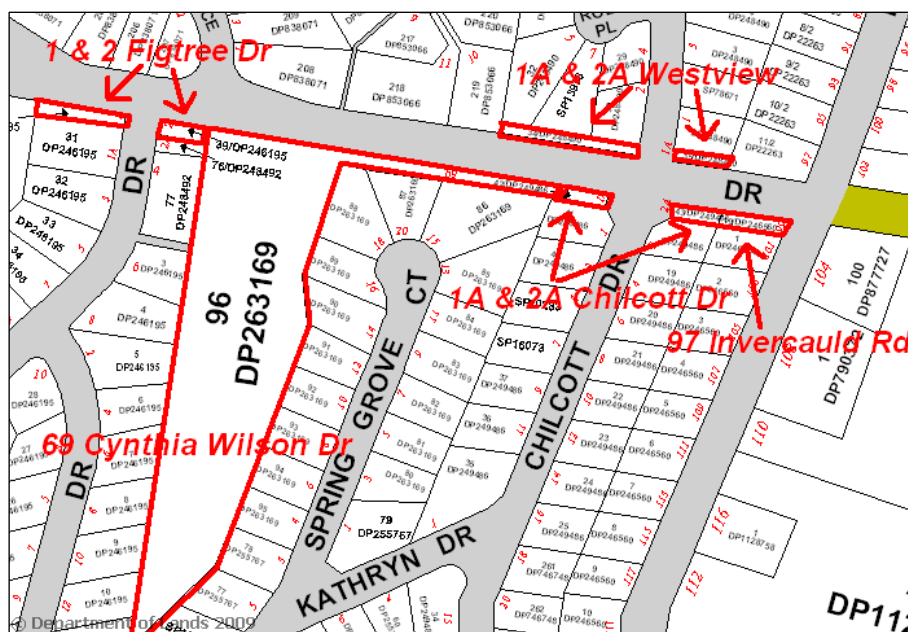
The above lots appear to have been created for road widening. The land is required to be classified as operational to allow it to be dedicated as road.

32. Lot 35 DP 248490 – 1A Westview Drive, Goonellabah

33. Lot 34 DP 248490 – 2A Westview Drive, Goonellabah

The subdivision plan was registered in 1974 and the lots acquired in 1978. The land appears to have been created for road widening purposes. To allow it to be dedicated as road or offered to the adjoining owners for sale if it is not required for road widening, the land needs to be classified as operational.

Parcel No. 26-33



36. Lot 1 DP 537452 – 5 King Street Lismore

This lot, which appears to have been intended to be dedicated as road in 1969, is 6.3m². Land transaction records are unavailable. The land is required to be classified as operational to enable it to be dedicated as road.

Parcel No. 36

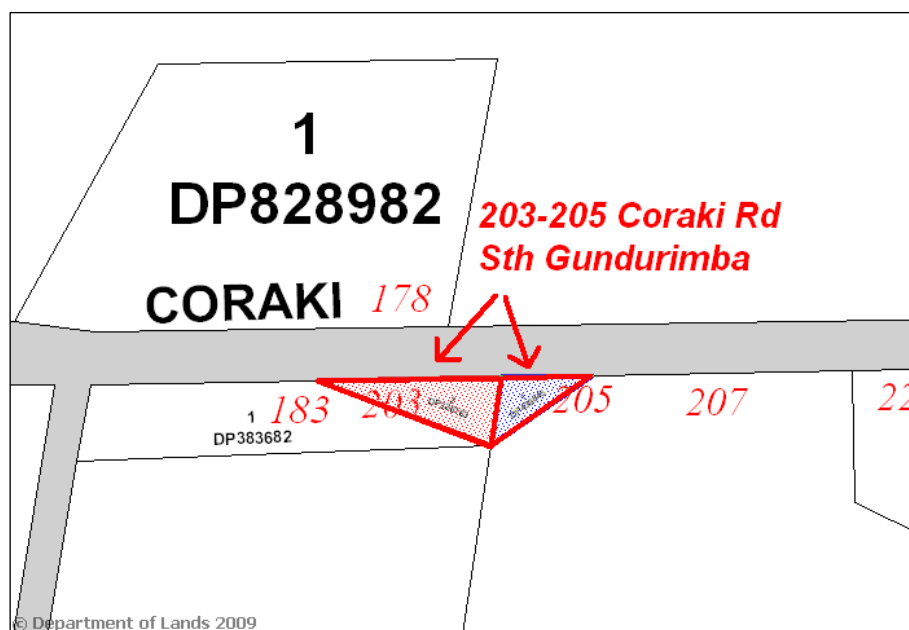


37. Lot 2 DP 326163 – 203 Coraki Road, South Gundurimba

38. Lot 1 DP 439845 – 205 Coraki Road, South Gundurimba

The land was resumed by Gundurimba Shire Council in 1955 for the purpose of a quarry. The two parcels comprising a former quarry site are currently used as a stockpile area by Council and as such should be classified as operational land.

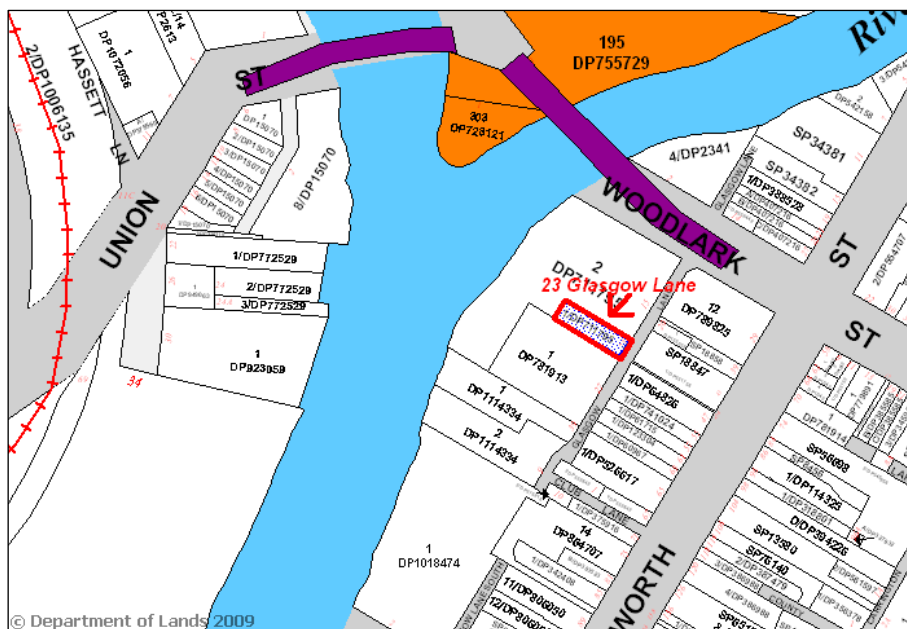
Parcel No.s 37-38



39. Lot 1 DP 711795 – 23 Glasgow Lane, Lismore

The lot is part of Hensley’s Car Park. Council resolved (resolution 104/95) at its meeting on March 21, 1995 to enter into negotiations to purchase this property and if successful the land to be classified as operational land. The administrative process was not completed. It has been Council’s practice since 1993 to classify all car parks as operational land. A number of car parks in the CBD are in the process of being reclassified as operational land through LEP40.

Parcel No. 39

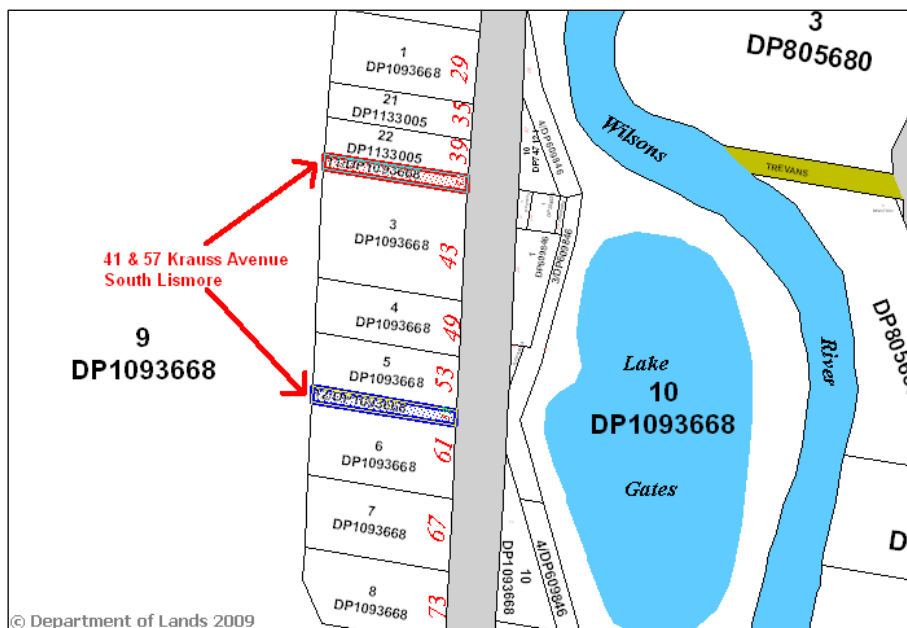


40. Lot 11 DP 1093668 – 41 Krauss Avenue, South Lismore

41. Lot 12 DP 1093668 – 57 Krauss Avenue, South Lismore

The lots were incorrectly dedicated as public reserve at the time of subdivision of the Airport Industrial Estate. To permit future easements, rights of carriageway or other interests to be granted it is necessary that the lots be reclassified as operational land.

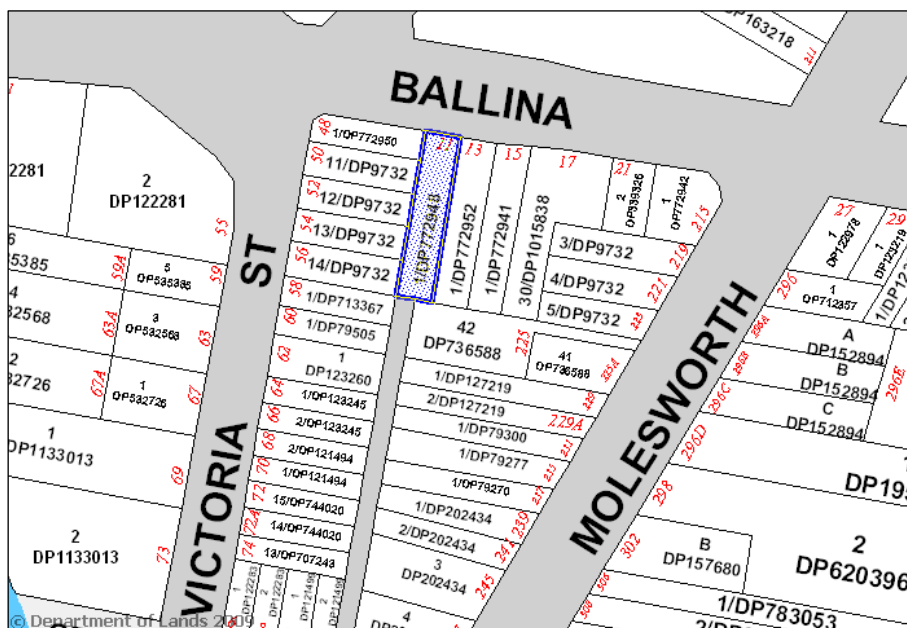
Parcel No.s 40-41



42. Lot 1 DP 772948 – 11 Ballina Road, East Lismore

The land was acquired in August 1985 as a flood prone acquisition. The land is suitable for light industrial uses and for such uses to be permitted the land is required to be reclassified as operational land. The two adjoining lots to the east are Council-owned lots classified as operational land.

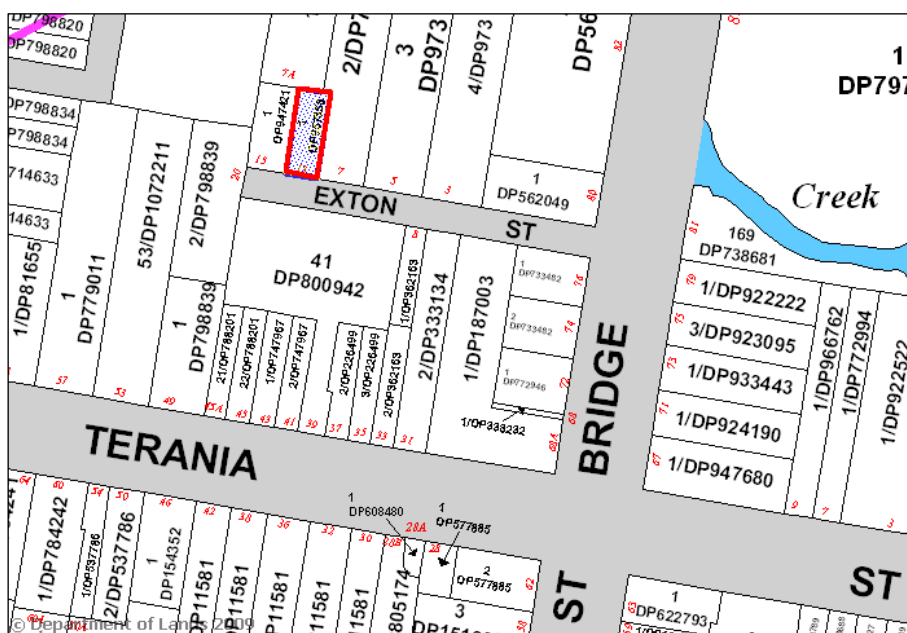
Parcel No. 42



43. Lot 1 DP 957358 – 13 Exton Street, North Lismore

This land was acquired for overdue rates in 1986. The draft LEP 2009 proposes to re-zone the lot from Recreation to Rural Landscape as it is not likely to ever be used for public recreation purposes. The annual cost to Council of maintaining isolated lots is significant and the land has not been identified for future public use. The site can be used for rural uses consistent with the proposed Rural Landscape Zone but for this to occur it is required to be reclassified as operational.

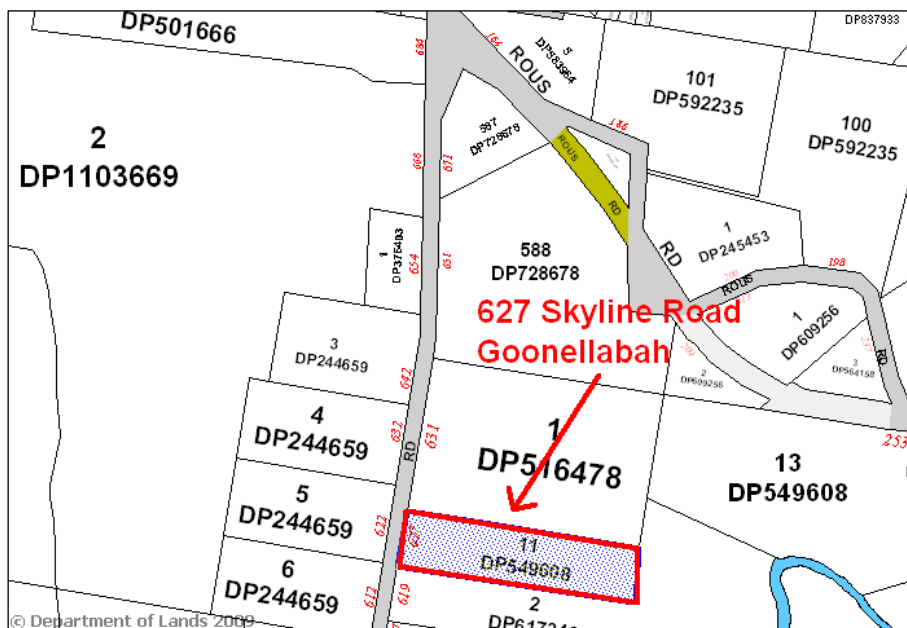
Parcel No. 43



44. Lot 11 DP 549608 – 627 Skyline Road, Goonellabah

Following a report to Council on April 10, 2007, it was resolved to purchase this property for inclusion into the Lismore Memorial Gardens' operations. Settlement occurred on June 25, 2007. A current residential tenancy agreement is in place. The current land use and future proposed use by the Memorial Gardens are operational by nature.

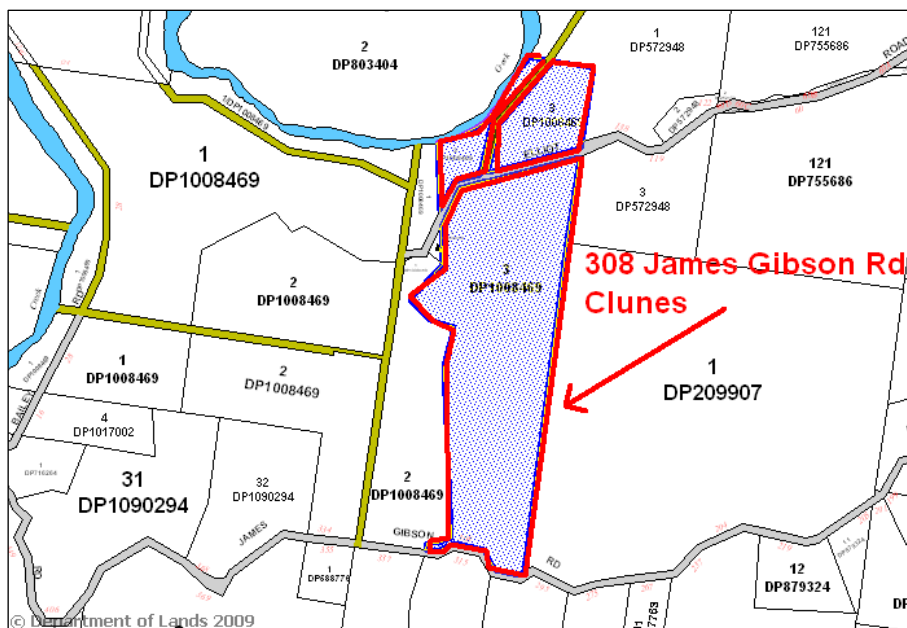
Parcel No. 44



45. Lot 3 DP 1008469 – 308 James Gibson Road, Clunes

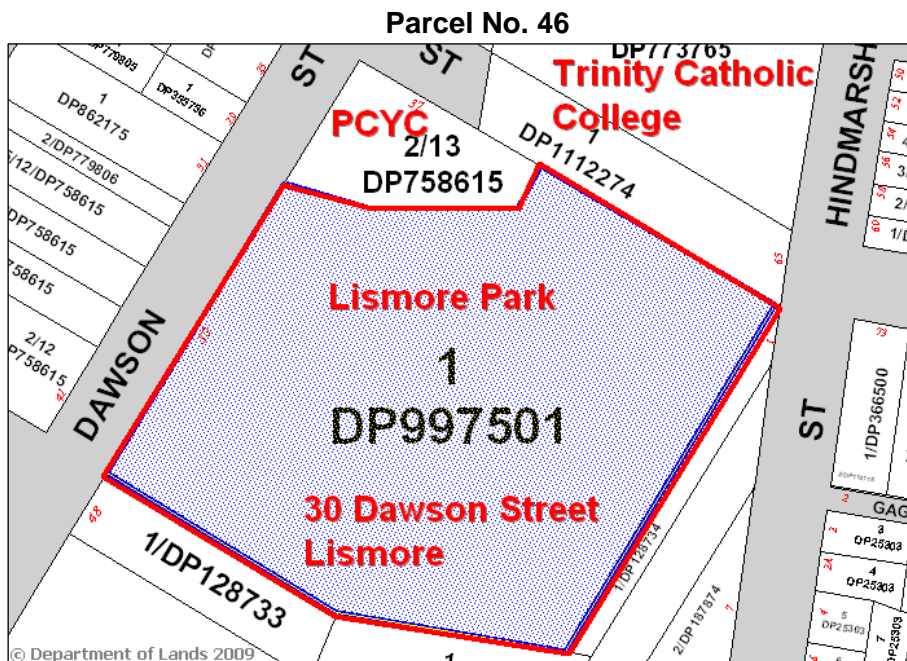
Council resolved (resolution 422/07) to purchase this property as operational land on August 14, 2007 as the proposed site of the future Clunes Wastewater Scheme. However, the administrative process was not completed. Council currently has in place a residential tenancy of the dwelling and its curtilage and a grazing licence for the remainder. The existing and proposed land uses are operational by nature.

Parcel No. 45



46. Lot 1 DP 997501 – 30 Dawson Street, Lismore

The land is part of Lismore Park, which was resumed for public recreation in 1976. During construction of a building on adjoining land to the north by Trinity Catholic College the screw piles (footings) of the building encroached into Lismore Park. In order to create an easement over this land it is required to be reclassified as operational. The land will be reclassified back to community land once the land transaction has been finalised.

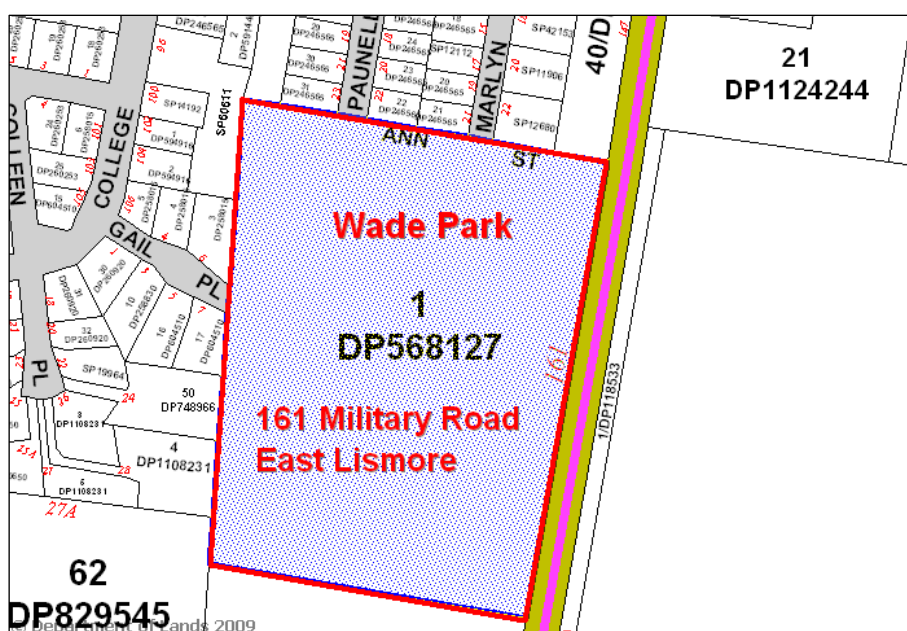


47. Lot 1 DP 568127 – 161 Military Road, East Lismore

This property is known as Wade Park. A sewer pump station has been constructed on part of the property. Land upon which a sewer pump station is constructed is required to be classified as operational land. Ann Street, which traverses the northern boundary of the land, is required to be dedicated as a road reserve. In order for such dedication to take place the land is required to be classified as operational.

Once re-classification has taken place a survey will be carried out to excise the site of the sewer pump station and the Ann Street road reserve, the remainder will be reclassified back to community land.

Parcel No. 47



48. Lot 2 Sec 7 DP 4372 – 14 Taylor Street, South Lismore
49. Lot 2 DP 127281 – 7 Hollingsworth Street, South Lismore
50. Lot 1 Sec 7 DP 4372 – 1 Wardell Street, South Lismore
51. Lot 1 DP 127280 – 5 Wardell Street, South Lismore
52. Lot 2 DP 127280 – 5A Wardell Street, South Lismore
53. Lot 1 DP 127281 – 7 Wardell Street, South Lismore

These six lots form part of an area which has historically been licensed for grazing. The zoning of these lots is proposed to be changed from Recreation to General Industrial in the draft LEP. Reclassification will permit future leasing, which will reduce maintenance costs and better utilise the land.

54. Lot 1 DP 122285 – 16 Taylor Street, South Lismore – Riverview Park Reserve

Historically, part of this lot has been licensed by a transport company. The lot is affected by building encroachments. Reclassification will allow this issue to be resolved by:

- (a) subdividing the portion of the land on which there are building encroachments followed by its sale to the adjoining landowner; and
- (b) leasing the area utilised for parking and manoeuvring of trucks.

The estimated area affected by the above is indicated in broken lines on the map on the next page. This area is also proposed to be included in the General Industrial Zone under the draft LEP. Once the subdivision process is complete, the remainder of the lot will be reclassified back to community land.

Council sought to resolve this matter in 2007 through LEP Amendment No. 33. However, following the adoption of the amendment the Department of Planning advised that the reclassification would not be supported unless the land was included in the appropriate zone, rather than simply reclassifying the land and leasing it for industrial purposes.

The reclassification and rezoning will reflect the historical use of this part of the land and, given that this area is not able to be used for park purposes, will not effectively result in a loss of park land.

55. Lot 1 DP 772523 – 182A Union Street, South Lismore

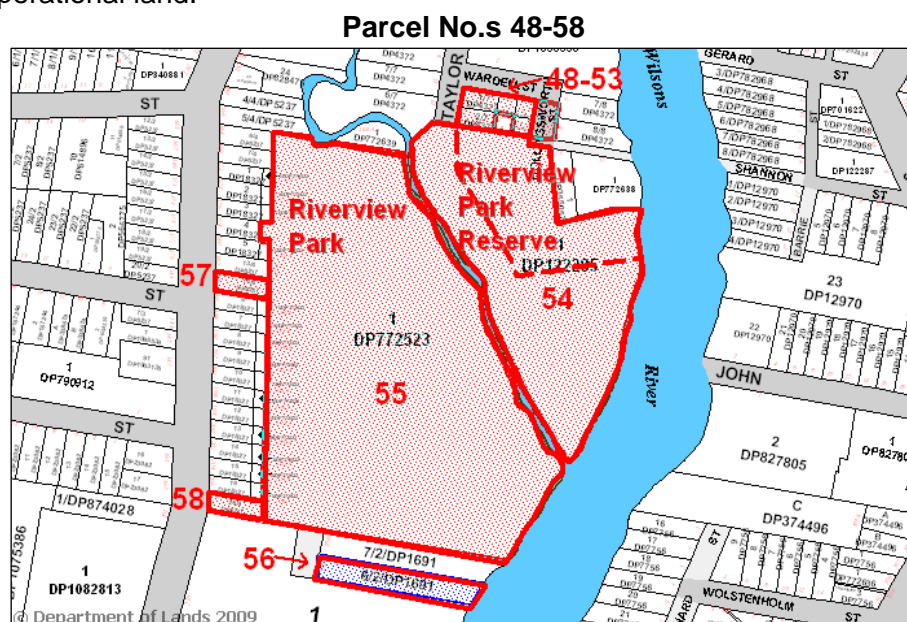
56. Lot 6 Sec 2 DP 1691 – 208B Union Street, South Lismore

The boundary fencing has not been erected in the correct location. Privately owned land is utilised for Riverview Park and vice versa. A storage shed has recently been inadvertently constructed on private land. A boundary adjustment is required. Reclassification of the land is required to allow this process to be completed.

57. Lot 14 Sec 4 DP 5237 – 184 Union Street, South Lismore

58. Lot 26 Sec 4 DP 5237 – 208 Union Street, South Lismore

Both lots are currently used as access to Riverview Park. Prior to dedication as road the land is required to be classified as operational land.



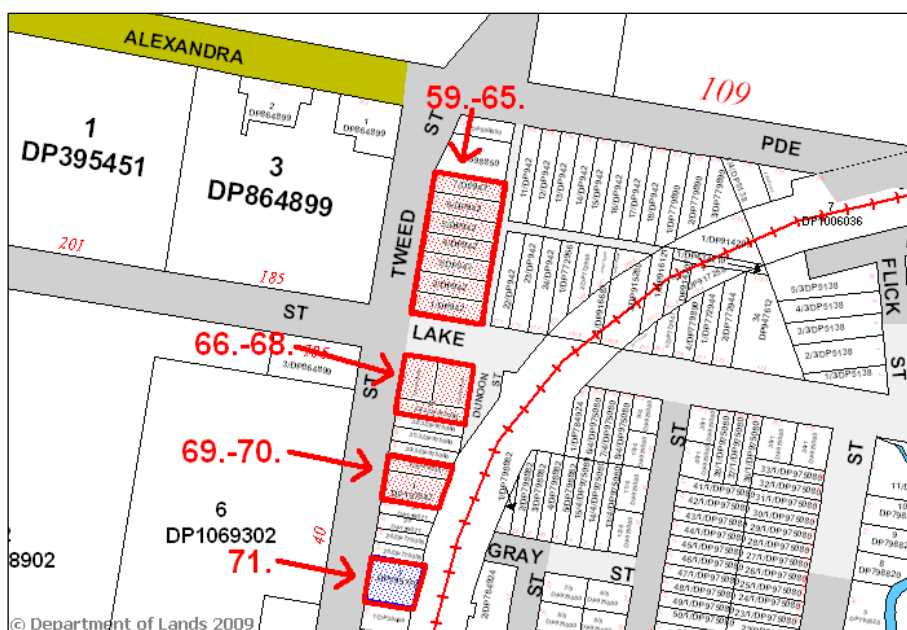
- 59. Lot 7 DP 942 – 123 Tweed Street, North Lismore
- 60. Lot 6 DP 942 – 121 Tweed Street, North Lismore
- 61. Lot 5 DP 942 – 119 Tweed Street, North Lismore
- 62. Lot 4 DP 942 – 117 Tweed Street, North Lismore
- 63. Lot 3 DP 942 – 115 Tweed Street, North Lismore
- 64. Lot 2 DP 942 – 113 Tweed Street, North Lismore
- 65. Lot 1 DP 942 - 111 Tweed Street, North Lismore
- 66. Lot 34 Section 3 DP 975080 – 107 Tweed Street, North Lismore
- 67. Lot 33 Section 3 DP 975080 – 105 Tweed Street, North Lismore
- 68. Lot 35 Section 3 DP 975080 – 184 Lake Street, North Lismore
- 69. Lot 2 DP 197047 – 97 Tweed Street, North Lismore
- 70. Lot 1 DP 197047 – 91 Tweed Street, North Lismore

These vacant parcels of land are in the vicinity of the Lismore Saleyards. No.s 59-65 were acquired between 1944 and 1949 but the purpose of the purchase is unclear. No.s 66-70 were flood prone acquisitions. No.s 59-68 are currently included in the Recreation Zone but are unlikely to ever be used for recreation purposes and the zone is proposed to be changed to Rural Landscape in the draft LEP. No.s 69-70 are currently included in the Residential (Flood Liable) Zone and are also proposed to be included in the Rural Landscape Zone in the draft LEP as the Residential (Flood Liable) Zone is not a zone in the new LEP. The annual cost of maintaining such lots is significant and the land has not been identified for future public use. The land has future prospects for sale or leasing, which requires it to be classified as operational.

71. Lot 1 DP 795770 – 77 Tweed Street, North Lismore

This land was also a flood prone acquisition and is currently included in the Residential (Flood Liable) Zone. As this zone can no longer be used the Draft LEP 2009 proposes to include it in the Rural Landscape Zone. The land is suitable for light industrial uses under the current zone, but for Council to lease it for these purposes it is required to be reclassified as operational land.

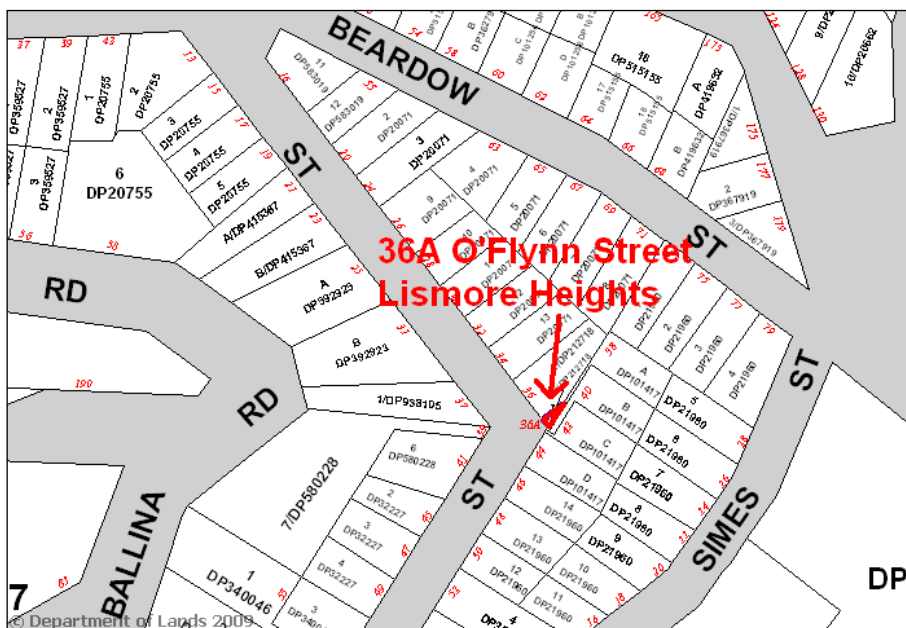
Parcel No.s 59-71



72. Lot 2 DP 212718 – 36A O’Flynn Street, Lismore Heights

This parcel of land is used as a common access to privately owned properties. A right of way exists for the benefit of adjoining landowners. The land is required to be reclassified as operational to enable the dedication of the road.

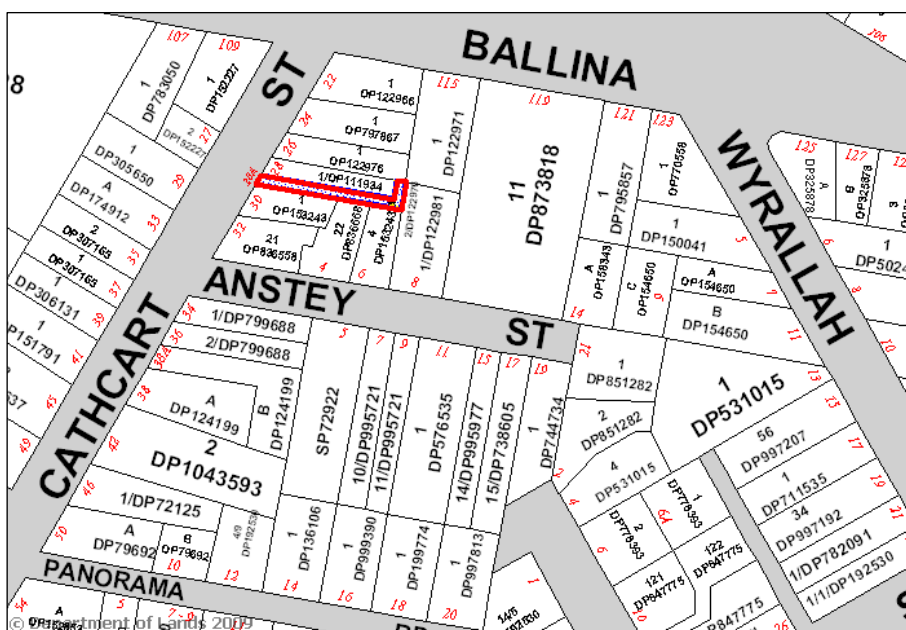
Parcel No. 72



73. Lot 2 DP 122976 – 28A Cathcart Street, Lismore

It had been thought that this land was, in fact, a road reserve. However, investigations have revealed that the property had been privately owned since approximately 1902. The owner could not be located and eventually the property was listed for sale at auction for unpaid rates. A report was tabled at the Council meeting of 8 February 2005, recommending that Council purchase the land at auction. Resolution 24/05 stated that if Council was successful in purchasing the property, the land was to be classified as operational. Council was the successful purchaser. However, the necessary processes for classification of the land as operational were not carried out.

Parcel No. 73



Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

If Council resolves to proceed with the proposed reclassifications from community to operational, they will be part of the public exhibition of the draft Lismore LEP 2009 and, following this, will be the subject of a public hearing.

Conclusion

The lands identified in preceding sections of this report are not appropriately classified as required under the *Local Government Act 1993*. All but one of the lots is currently classified as community land. These properties are recommended for reclassification to operational land to ensure that:

- the properties can continue to be used for the purpose for which they were acquired; or
- to allow Council to lease or enter into commercial arrangements for existing or future development on the lands; or
- to allow boundary adjustments to occur followed by classification back to community land.

The means to do this is through a local environmental plan. The Department of Planning has advised that this should occur through the current draft Lismore LEP2009.

One of the properties is to be reclassified as community land. Under the *Local Government Act 1993* this requires a resolution of Council but not a local environmental plan.

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

In accordance with Section 57 of the *Environmental Planning and Assessment Act 1979* and Section 47G of the *Local Government Act 1993*, Council must also arrange a Public Hearing following the public exhibition of the draft LEP. The intention of the Public Hearing is to allow members of the community to make submissions on the proposed classifications to an independent party, who then reports to Council on these submissions.

Recommendation

That Council,

1. Pursuant to Sections 27 and 31 of the *Local Government Act 1993*, resolve to reclassify the parcels listed below from community to operational land for inclusion in the new comprehensive Local Environmental Plan consistent with the standard instrument:

Real Prop. Description	Street address
Lot 41, Lot 42 and Lot 43 DP 1018780	626 Caniaba Road, 147 Fredericks Road and 25 Sandalwood Drive, Caniaba
Lot 1 DP 261784	33 Allambie Drive, Goonellabah
Lot 1 DP 827005	22A Cullen Street, Nimbin
Lot 231 DP 830171	4 West Road, Nimbin
Lot 21 DP 853496	68A Dawson Street, Lismore
Lot 1 DP 121499	10 Gerard Street, East Lismore

Lot 2 DP 122283	12 Gerard Street, East Lismore
Lot 13 DP 707243	74 Victoria Street, East Lismore
Lot 10 DP 1088977	12A Heather Avenue, Goonellabah
Lot 19 DP 1066242	35 Kadina Street, Goonellabah
Lot 5 DP 882373	34A Millar Street, Lismore Heights
Lot 21 DP 187062	14B Molesworth Street, Lismore
Lot 28 DP 854771	34 Palmvale Drive, Goonellabah
Lot 1 DP 122295	147 Three Chain Road, South Lismore
Lot 31 DP 880280	715 Blue Knob Road, Blue Knob
Lot 1 DP 860193	34 Mulvena Road, Larnook
Lot 31 DP 878692	27 North Woodburn Lane, Woodburn
Lot 1 DP 864350	34 Standing Street, The Channon
Lot 1 DP 530873	72A High Street, Lismore Heights
Lot 31 DP 246781	25 Sunrise Crescent, Goonellabah
Lot 7 DP 556100	21A Gaggin Lane, Lismore
Lot 2 DP 545483	23A Gaggin Lane, Lismore
Lot 5 DP 233507	1A Conte Street, East Lismore
Lot 96 DP 263169	69 Cynthia Wilson Drive, Goonellabah
Lot 42 and Lot 43 DP 249486	1A and 2A Chilcott Drive, Goonellabah
Lot 38 and Lot 39 DP 246195	1 and 2 Figtree Drive, Goonellabah
Lot 19 DP 246560	99 Invercauld Road, Goonellabah
Lot 34 and Lot 35 DP 248490	2A and 1A Westview Drive, Goonellabah
Lot 220 DP 800502	20 Airforce Road, East Lismore
Lot 1 DP 845473	184 Keerrong Road, Blakebrook
Lot 1 DP 537452	5 King Street, Lismore
Lot 2 DP 326163	203 Coraki Road, South Gundurimba
Lot 1 DP 439845	205 Coraki Road, South Gundurimba
Lot 1 DP 711795	23 Glasgow Lane, Lismore
Lot 11 and Lot 12 DP 1093668	41 and 57 Krauss Avenue, South Lismore
Lot 1 DP 772948	11 Ballina Road, East Lismore
Lot 1 DP 957358	13 Exton Street, North Lismore
Lot 11 DP 549608	627 Skyline Road, Goonellabah
Lot 3 DP 1008469	308 James Gibson Road, Clunes
Lot 1 DP 997501	30 Dawson Street, Lismore
Lot 1 DP 568127	161 Military Road, East Lismore
Lot 2 Sec 7 DP 4372	14 Taylor Street, South Lismore
Lot 2 DP 127281	7 Hollingsworth Street, South Lismore
Lot 1 DP 124271	7 Wardell Street, South Lismore
Lot 1 Sec 7 DP 4372	1 Wardell Street, South Lismore
Lot 1 and Lot 2 DP 127280	5 and 5A Wardell Street, South Lismore
Lot 1 DP 122285	16 Taylor Street, South Lismore
Lot 1 DP 772523	182A Union Street, South Lismore
Lot 26 Sec 4 DP 5237	208 Union Street, South Lismore
Lot 14 Sec 4 DP 5237	184 Union Street, South Lismore
Lot 6 Sec 2 DP 1691	208B Union Street, South Lismore

Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6 and Lot 7 DP 942	111 Tweed, 113 Tweed, 115 Tweed, 117 Tweed, 119 Tweed, 121 Tweed and 123 Tweed Street, North Lismore
Lot 33, Lot 34 and Lot 35 Sec 3 DP 975080	105 Tweed Street, 107 Tweed Street and 184 Lake Street, North Lismore
Lot 1 and Lot 2 DP 197047	91 and 97 Tweed Street, North Lismore
Lot 1 DP 795770	77 Tweed Street, North Lismore
Lot 2 DP 212718	36A O'Flynn Street, Lismore Heights
Lot 2 DP 122976	28A Cathcart Street, Lismore

2. Pursuant to Sections 27 and 33 of the *Local Government Act 1993* resolve to reclassify the parcel listed below from operational to community land:

Lot 170 DP 1133062 – 42 Greenhills Drive, Goonellabah

3. Arrange a Public Hearing on the reclassification following the public exhibition of the new comprehensive Local Environmental Plan.

Report

Subject	Draft S94 Contributions Plan – Complying Development
File No	ED09/11377:EF09/829
Prepared by	Strategic Planner
Reason	To amend the Contributions Plan to require private certifiers to levy contributions for complying development and to outline the responsibility of certifiers regarding the payment of contributions.
Objective	Council resolution to exhibit the draft amendment to the Contributions Plan.
Strategic Plan Link	Provide Sustainable Land-use Planning
Management Plan Project	Review and update planning controls

Overview of Report

This report advises Council of a proposed amendment to the Contributions Plan. The amendment will require private certifiers to impose a condition under Section 94 of the Environmental Planning and Assessment Act 1979, for complying development certificates. The amendment will also outline the responsibility of certifiers in relation to the issuing of construction certificates and the payment of monetary contributions. It is recommended that Council exhibit the draft amendment.

Background

Complying development is development that is classified as 'complying' under a local or state environmental planning instrument. Complying development is common or routine development, where the impact on the environment is predictable or minor. If a development meets the criteria for complying development, a complying development certificate must be obtained from an accredited certifier or the council. The complying development certificate will be issued usually subject to conditions.

The Environmental Planning & Assessment Act 1979 (EP&A Act) contains provisions to allow Council and accredited certifiers to impose conditions requiring contributions, when issuing complying development certificates. In relation to an application made to an accredited certifier for a complying development certificate, a Contributions Plan must specify whether an accredited certifier is to impose a condition under Section 94 of the Act.

The existing Contributions Plan does not require an accredited certifier to impose a condition under section 94 of the EP&A Act for a complying development certificate. In most cases, complying development will not require section 94 contributions to be levied; however, the recently introduced State Environmental Planning Policy (Affordable Rental Housing) 2009 provides for secondary dwellings and group homes to be classified as complying development if they meet the complying development criteria specified in the policy. This is likely to result in an increase in complying development certificates that require contributions to be levied.

The purpose of the amendment is to include a provision in the Contributions Plan, requiring accredited certifiers to impose a condition under section 94 for complying development certificates that require contributions to be levied in accordance with the Contributions Plan.

The amendment will also outline the responsibility of accredited certifiers in relation to issuing construction certificates and the payment of monetary contributions. It is proposed that a provision will be included in the Contributions Plan, stating that a certifier must not issue a construction certificate unless it has been verified that any condition requiring the payment of monetary contributions has been satisfied.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Clause 32 of the Environmental Planning and Assessment Regulation 2000 provides that a Council may amend a Contributions Plan by a subsequent Contributions Plan. It is proposed to amend Council's existing Contributions Plan through the preparation of a draft Contributions Plan that incorporates the attached amendment. Clause 26 of the Regulation provides that a draft Contributions Plan must be publicly exhibited for a period of at least 28 days.

Conclusion

Within the current Contributions Plan, there is no requirement for an accredited certifier to impose a condition under section 94 of the Act for a complying development certificate. The proposed amendment will require certifiers to impose a condition requiring monetary contributions, in relation to complying development to which the Contributions Plan applies. The amendment will also outline the requirement for certifiers to verify the payment of monetary contributions prior the issue of a construction certificate.

Recommendation

That Council exhibit a draft Section 94 Contributions Plan that incorporates the attached Section 5 and Section 10.1 for a period of 28 days.

Attachment 1

Section 5 – How does this Plan operate?

“In determining a Development Application, Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this plan. Contributions are generally calculated as an amount per equivalent tenement and are based on the cost of providing the necessary facilities to service the anticipated increase in population. Where the use of a facility is to be shared between the existing population and future residents of new development, the contribution attributable to new development is apportioned according to the anticipated level of use by future residents.

This Plan requires an accredited certifier, when issuing a complying development certificate relating to development to which this Plan applies, to impose a condition under section 94 of the EP&A Act requiring the payment of monetary contributions in accordance with this Contributions Plan”.

Section 10 – When are contributions payable?**10.1 Construction certificates and the obligation of accredited certifiers**

In accordance with section 94EC of the EP&A Act and clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has been verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to this requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the Council or where the applicant has entered into a planning agreement with the Council. In such cases, Council will issue a letter confirming that an alternative payment arrangement has been agreed with the applicant”.

Report

Subject	Waste Management - Ballina Shire Council
File No.	ED09/14238:EF09/2177
Prepared by	Manager - Commercial Services
Reason	To obtain Council approval to enter into a Memorandum of Agreement with Ballina Shire Council on waste management initiatives.
Objective	To provide information to Council relevant to the opportunities available for the ongoing improvement of waste operations.
Strategic Plan Link	Infrastructure
Management Plan Project	Integrated Waste Management

Overview of Report

It is apparent that there are many waste management activities where a joint Council approach could deliver economies of scale to provide mutual benefits. Endorsement of a Memorandum of Understanding between Lismore and Ballina Councils would encourage staff to develop programs to take advantage of these opportunities.

Background

Council's waste operations focus has been changing for a number of years with an ever increasing focus on recycling, recovery and diversion initiatives in line with community and government expectations for resource re-use and reducing waste. This emphasis will only continue to increase as evidenced by the introduction of the New South Wales Landfill Levy introduced to this region in July 2009 on all materials going to landfill.

Council already conducts many and varied activities towards this end and has been investigating further activities to continue the trend. Some of these activities require an increase in operational size to enable adequate cost efficiencies to warrant the expenditure needed – that is, they are volume driven. For example, composting and recycling activities require significant capital inputs to achieve low unit costs of operation. A suitable organics shredder will cost around \$900,000. Lismore City Council currently hires a shredder at significant monthly costs. An efficient Materials Recovery Facility (MRF) to process recyclable materials will cost around \$2,500,000.

Discussions have been ongoing between Ballina and Lismore Council staff for more than two years over waste management joint operations. These discussions have led to the recognition that a significant number of waste initiatives could benefit from a shared approach.

The avenues for cooperation identified to date include:

- *Organics shredding* – One set of equipment could carry out the shredding for both Councils providing full utilisation and reduced costs for both operations.

- *Education programs* – With similar activities and issues it is practical to utilise the same community education programs over the two council areas. This has the potential to reduce costs and standardise the message without regard to a line on the map.
- *Transport operations* – Both councils run similar trucking fleet for waste collection activities. Synergies are to be found in having the same type of fleet, possible increased utilisation of the fleet and backup operations during breakdowns. An eventual outcome could be a combined fleet collecting waste across both council areas. Both councils currently pay high contractor prices to transport recyclable products to processing plants to the north.
- *Diversion activities such as wood and rubble processing* – This is a volume driven exercise which could potentially reduce costs to process or open up new markets or alternative disposal activities should volumes increase.
- *Joint tenders for various activities* – From equipment purchases to joint contracts for product disposal or sales, increased volumes should drive better value results for both councils.

In a bid to extend these and other proposals, further, management seeks in principle support through the endorsement of a Memorandum of Understanding (Appendix A). Endorsement of this MoU by both councils will give management confidence to further develop concepts for joint cooperation.

Comments

Financial Services

The investment in waste management activities has been and will continue to be considerable. The examples reported (organics shredder - \$900,000 and MRF - \$2,500,000), are an indication of the future investments that are likely to be incurred. The proposal to create an environment to explore resource sharing or joint venture opportunities that would reduce individual risk and enhance potential benefits where significant investment is involved is supported.

Other staff comments

General Manager

Resource sharing proposals abound in local government circles however, the absence of formal commitments from Councils leads to undesirable uncertainties. This Memorandum of Understanding will signal a new era and offers great potential for improved ratepayer outcomes for both Lismore and Ballina. I commend the Memorandum of Understanding as an important new milestone in inter-Council relations over core local government services.

Public consultation

Not required at this point in time.

Conclusion

To achieve further progress in the area of waste operations, efficiencies of scale need to be realised. One avenue of activity to achieve this is to cooperate with a neighbour with similar waste quantities, characteristics and objectives. Ballina and Lismore are very similar in many waste operation characteristics and are the preferred choice to form an alliance for a cooperative approach.

Recommendation (IS50)

That the Council endorse the attached Memorandum of Understanding between Lismore and Ballina for future cooperation on waste management initiatives and that the Mayor and General Manager be authorised to sign the document and attach the Council Seal.



MEMORANDUM OF UNDERSTANDING BETWEEN

BALLINA
SHIRE
COUNCIL

AND

LISMORE
CITY
COUNCIL

WASTE MANAGEMENT



MEMORANDUM OF UNDERSTANDING

PARTIES TO THE MEMORANDUM

BALLINA SHIRE COUNCIL and LISMORE CITY COUNCIL

PREAMBLE

During 2008 and 2009 Ballina Shire Council and Lismore City Council managers have met to discuss opportunities which provide scope for mutual benefits in the area of waste management. It is agreed that the establishment of some formality around these discussions is now desirable.

PARTNERSHIP OBJECTIVE

There are many waste management activities where a collaborative approach could deliver economies of scale to both Councils. A Memorandum of Understanding between the two Councils would enable staff to develop programs to take advantage of these situations, confident that the respective Councils are supportive of joint activities which deliver mutually beneficial operational and strategic outcomes in the field of waste management.

ORGANISATIONAL BACKGROUND

Ballina Shire Council

The Shire Council is in a rural-coastal locality and enjoys a temperate to sub-tropical climate. It has an area of 487 square kilometres and an approximate population of 40,000 people. Ballina's Waste Management Centre offers a wide range of services with a philosophy of 'Reduce, Reuse and Recycle'. Through effective management, the Waste Management Centre significantly reduces the amount of waste going to landfill-by sorting, recycling and reprocessing waste.

Lismore City Council

The City Council is a progressive and innovative organisation focused on providing professional quality services which benefit the people of Lismore, its economy and environment. The Council employs approximately 300 staff and services a population of more than 44,000 people. It is a leader in regional waste management evidenced by the results of community surveys which show that 90% of residents are satisfied with Council's waste management performance.

COMMITMENT

The parties to this agreement commit to jointly researching, investigating, evaluating and sharing waste management knowledge and to develop action plans which have potential to deliver enhanced outcomes for the communities of their respective Council areas.

EXPECTATIONS

Through a shared effort the parties expect to achieve economies of scale cost benefits in service delivery, recycling, resource utilisation, community education and sustainable waste management practices generally. Any outcome requiring a specific allocation of financial resources shall be the subject of a formal contract between both parties.

TERM

This Memorandum of Understanding will be effective until 31 December 2011 at which time it will be eligible for renewal. In the intervening period it may be voided by the mutual agreement of the parties.

Signatories

Councillor Phillip Silver
Mayor
Ballina Shire Council

Councillor Jenny Dowell
Mayor
Lismore City Council

Mr Paul Hickey
General Manager
Ballina Shire Council

Mr Paul G O'Sullivan
General Manager
Lismore City Council

SEAL

SEAL

Report

Subject	Tender – Supply of Stormwater Trench Drain and Stainless Steel Grating
File No.	ED09/14442:DAB:VLC:T10/7
Prepared by	Urban Works Engineer – Roads
Reason	To inform Council of the tenders received for the supply of stormwater trench drain and stainless steel grating for Woodlark Street within the Lismore CBD.
Objective	To obtain Council approval to award the Contract.
Strategic Plan Link	Infrastructure Services
Management Plan Activity	Improve roads cycleways and footpaths.

Overview of Report

This report outlines the recommendation to award the tender for the supply of stormwater trench drain and stainless steel grating for Woodlark Street within the Lismore CBD.

Background

The second stage of work required for the upgrade of Woodlark Street involves the reconstruction and beautification of the road and drainage systems. Part of the beautification involves replacement of the existing kerb and gutter with a box gutter and bollard arrangement.

The consultation process has already commenced for the upgrade of Woodlark Street, which included a public meeting on 21 July 2009, together with door to door consultation with all affected business owners within the subject section of Woodlark Street.

The major roadworks are scheduled to commence during January 2010, which will involve a complete road closure for approximately four (4) weeks, weather permitting. This period is seen as the only available construction window during the year as it is traditionally the quietest period of time within the Lismore CBD.

Council recently called a tender for the supply of stormwater trench drain and stainless steel grating for Woodlark Street within the Lismore CBD. The total length of stormwater drainage for this contract is 440 metres.

The request for tender was advertised in the '*Weekend Star*', the '*Courier Mail*' and the '*Sydney Morning Herald*', as well as "Tenders Live" through Lismore City Council's web page.

One (1) tender was received by the closing time of 2.00pm on 27 August 2009.

Tender Examination

A summary of the tenders received is given below –

Tenderer	Tender Price (\$)
ACO Polycrete Pty Ltd	220,980.00

Prices shown are **exclusive of GST**.

The tender is a schedule of rates tender. The “tender price” is the estimated price of the products as inserted by the Tenderers using their respective rates. The initial budget provided \$347,000 from the overall budget of \$3.75M.

An evaluation committee comprising Dean Baldwin (Urban Works Engineer), Darren Patch (Manager-Works) and Ross Davies (Contracts Officer), undertook the assessment of tenders.

The tender documents (Clause B7) defined five (5) areas by which each tender would be assessed:

1. Total Price
2. Capability and Past Experience
3. OH&S, Risk Management and Quality
4. Environment and Community
5. Local Content.

Taking all the assessment criteria into account, ACO Polycrete Pty Ltd fulfils all of the requirements of the tender to Council.

Referee Check

Lismore City Council has contracted ACO Polycrete Pty Ltd for many works in the past. During the last seven financial years, ACO Polycrete Pty Ltd has carried out similar works supplying the same product for the Molesworth Street and Keen Street beautifications. The company has also supplied tree surrounds for the Carrington Street beautification project.

Comments

Financial Services

The 2009/10 Budget includes \$3.75 million for the reconstruction and beautification of Woodlark Street. Based on the reported information, the tendered amount is less than the budgeted amount for this item and as such the recommendations are supported.

Other staff comments

Manager - Works

The selection of ACO Polycrete Pty Ltd as the preferred contractor to undertake the supply of stormwater trench drain and stainless steel grating for Woodlark Street within the Lismore CBD, is strongly supported due to its proven track record in the delivery of previous stormwater systems. ACO Polycrete Pty Ltd has also previously demonstrated that it is capable of delivering a quality product within the timeframe specified.

Conclusion

ACO Polycrete Pty Ltd is considered to have the ability to supply the product satisfactorily within the timeframe specified. It is recommended that the contract for the supply of stormwater trench drain and stainless steel grating be awarded to ACO Polycrete Pty Ltd at the rates submitted.

Recommendation (IS51)

That:

1. The contract for the supply of stormwater trench drain and stainless steel grating for Woodlark Street within the Lismore CBD, be awarded to ACO Polycrete Pty Ltd with the estimated price of works being \$220,980.00 plus GST, based on the clarified rates submitted.
2. The Mayor and General Manager be authorised to execute the contracts on Council's behalf and attach the Common Seal of the Council.

Report

Subject	Somerville Bridge – Renaming Proposal
File No	ED09/13695:VLC:R2707-03
Prepared by	Executive Director – Infrastructure Services
Reason	Request received from Yabur Yulgun CDEP Aboriginal Corporation.
Objective	To consider the renaming proposal.
Strategic Plan Link	Infrastructure
Management Plan Project	Roads & Bridges

Overview of Report

This report outlines the process taken following receipt of a request from the Yabur Yulgun CDEP Aboriginal Corporation to rename Somerville Bridge on Kyogle Road, Tuncester, the submissions received and recommends that the current bridge name be retained. The report also recommends that a culvert built in 2004 and located approximately 600m west of the bridge, be named “Cubawee Crossing” as the former timber bridge structure was locally known as Cubawee Bridge prior to its replacement with the culvert.

Background

Council has received a request from Yabur Yulgun CDEP Aboriginal Corporation to rename “Somerville Bridge” over Yak Yak Creek on Kyogle Road (MR544) at Tuncester to “Cubawee Bridge”. The bridge is located approximately 1.3km west of the Rifle Range Road intersection and directly east of a railway crossing; refer Appendix 1 attached to this report.

The old timber bridge is currently being replaced by a full concrete structure, funded through a shared arrangement (50:50) with the NSW Roads & Traffic Authority under the Regional Roads Timber Bridge Replacement Programme.

Somerville Bridge on Kyogle Road is one of two bridges locally named in honour of the Somerville Family, pioneers in the Tuncester / Boggumbil / Blakebrook / Goolmangar districts. The other bridge is situated on Rosehill Road.

Proposal

Yabur Yulgun’s proposal to rename the bridge is in honour of the Cubawee Aboriginal community which occupied nearby land from the early 1920s to the early 1960s. Yabur Yulgun CDEP Aboriginal Corporation has recently finished the first stages of rebuilding the old Cubawee Mission, located approximately 50m up the road from the bridge.

The renaming proposal was advertised in the local media inviting submissions from the general public as well as letters addressed to surrounding property owners and residents and Aboriginal community groups.

Four submissions were received in total; two letters advising of no objection to the name change and two letters raising the following objections:

- The bridge should remain known as Somerville Bridge in honour of the Somerville Family who have been a pioneer family in the Tuncester area for over 100 years.
- Continued respect be shown to the member of the Somerville Family for whom the bridge was named many years ago.

Given there is not clear support for the name change, it is proposed the name be retained.

In an attempt to find an acceptable solution for all parties, further contact was made with Yabur Yulgun CDEP Aboriginal Corporation to explain that an old single lane timber bridge approximately 600m west of the former Cubawee Mission was previously known as Cubawee Bridge on Council's Bridge Register. This bridge was replaced in 2004 with a two-lane culvert structure. As it is not usual practice for Council to name culverts, the signs were removed upon completion of the works. However, the naming of the culvert as "Cubawee Crossing" is a possible solution that would address all parties' concerns.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

The renaming proposal was advertised in Council's *City News* column of the 'Northern Rivers Echo' on 23 April 2009 and letters addressed to surrounding landowners and residents inviting comments.

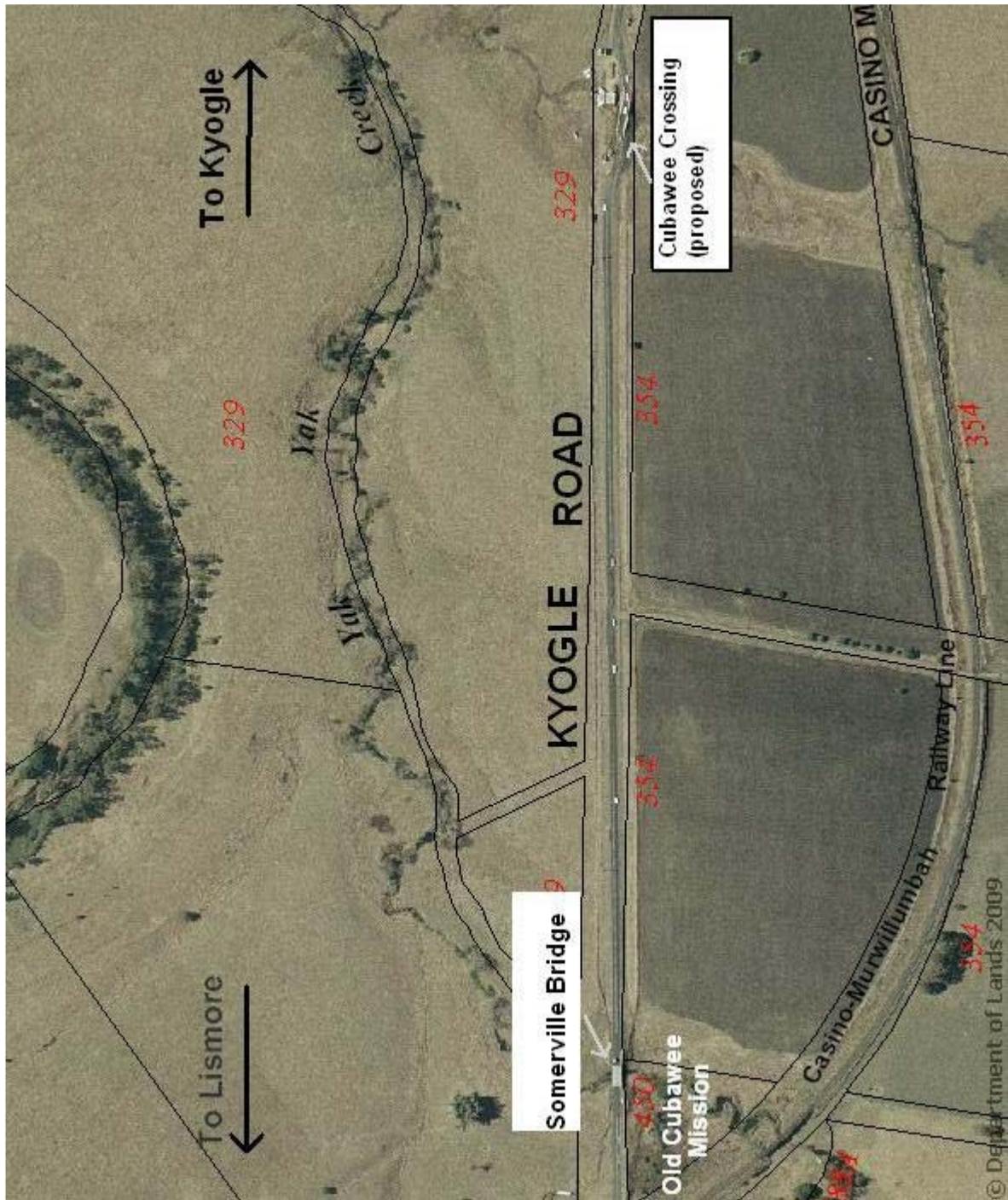
Conclusion

Following completion of a community consultation process to obtain views on the proposal to change the name of Somerville Bridge on Kyogle Road, Tuncester, there was not clear support for the name change. In such cases, the status quo is recommended. It is suggested that the culvert located approximately 600m west of the bridge be named "Cubawee Crossing" as the former timber bridge was locally known as Cubawee Bridge prior to its replacement with the culvert structure in 2004.

Recommendation (IS49)

That:

1. The name of Somerville Bridge on Kyogle Road, Tuncester, be retained.
2. The culvert located approximately 600m west of Somerville Bridge on Kyogle Road, Tuncester, be named Cubawee Crossing.



Report

Subject	Policy 1.5.9 – Pricing Policy – Fees and Charges
File No	ED09/14408:EF09/2381
Prepared by	Management Accountant
Reason	Review and update existing policy
Objective	A compliant and contemporary Pricing Policy for Fees and Charges
Strategic Plan Link	Best –Practice Corporate Governance
Management Plan Project	Financial Services

Overview of Report

Council may determine a fee under Part 10 Division 2 of the Local Government Act 1993 only in accordance with a pricing methodology adopted by the Council. Policy 1.5.9 – Pricing Policy – Fees and Charges sets out the methodology used by each Program when determining or reviewing Fees and Charges. This policy was last reviewed in 2006

Background

The intent of the Pricing Policy is to disclose to all stakeholders the rationale behind the fee established for any Council product or service. A council may charge and recover an approved fee for any service it provides, other than a service provided on an annual basis for which it is authorised or required to make a charge under the Local Government Act 1993.

The services for which an approved fee may be charged include:-

- The supply of a service, product or commodity
- Giving information
- Providing a service in connection with the exercise of the council's regulatory functions, and
- Allowing admission to any building or enclosure.

A council may not determine an amount that is inconsistent with the amount determined under any other Act, charge an additional fee to an amount determined under any other Act, or charge a fee for a service that is prohibited under another Act.

Policy 1.5.9 – Pricing Policy – Fees and Charges has been reviewed by Program Managers and a copy is attached. In accordance with Part 10 Division 2 of the Local Government Act 1993, the following changes are recommended:-

Human Resources – Pricing Objective and Means of Achievement have been added to the policy. Revenues are to recover only actual costs incurred. These fees are to be reviewed annually with associated costs.

Lawn Cemetery/Crematorium – Additional wording has been added to allow revenue to be maximised for the generation of reserves for future capital development.

Sporting Grounds – Deleted. Sporting grounds are now included in Parks and Recreation.

Rural Fire Service – Deleted. No longer required.

Goonellabah Sports and Aquatic Centre – Pricing objectives and Means of Achievement have been added for this new facility for both the Aquatic Centre and Other Areas (excluding Gym).

Tourism – Fees for souvenirs on consignment have been deleted. Advice from the Department of Local Government is that consignment goods are not required to be included in the schedule of Fees and Charges and therefore do not require a methodology of pricing to be adopted.

Tourism – Pricing objective and Means of Achievement has been added in relation to general service Fees and Charges.

Lismore Regional Art Gallery – Fees for souvenirs on consignment have been deleted. Not required as advised by Department of Local Government.

General - Name changes to reflect adopted corporate structure and other minor changes.

Comments

Financial Services

The Pricing Policy – Fees and Charges establishes the pricing methodology to be applied to the broad range of Council Fees and Charges. The policy forms the basis for recommendations made to Council for the annual management plan which includes the fees and charges.

Program Managers responsible for individual program areas have reviewed the existing policy and have recommended the changes included above.

Other staff comments

Not required

Public consultation

Not required

Conclusion

A council may charge and recover an approved fee for any service, product or commodity it provides. Council may determine a fee under Part 10 Division 2 of the Local Government Act 1993 only in accordance with a pricing methodology adopted by the Council. Policy 1.5.9 – Pricing Policy – Fees and Charges sets out the methodology used by each Program to determine the Fees and Charges set each year. A review has indicated that only a small number of minor changes are required and these have been included in the amended Policy attached.

Recommendation

That Council adopt the amended Policy 1.5.9 – Pricing Policy – Fees and Charges attached to this report.



POLICY MANUAL

*Copy of old policy

Deleted wording highlighted in red

Additional wording highlighted in blue

POLICY NO: 1.5.9	PRICING POLICY - FEES AND CHARGES
OBJECTIVE:	The intent of the Pricing Policy is to disclose to all stakeholders the rationale behind the fee determined for any Council product or service.
STRATEGIC PLAN LINK:	Leadership by Innovation
PROGRAM:	Finance
AUTHORISED: 20/7/99	REVIEWED: 20/6/06

Introduction:

The intent of a Pricing Policy is to disclose to all stakeholders the rationale behind the fee established for any Council product or service including:

- the true cost of providing a product or service;
- the extent to which the general community benefits from the product or service, and therefore the extent that the cost of the product or service will be subsidised from rate revenue; i.e. the public-good component or community service obligation;
- the extent to which the user or person benefiting from the product or service, will be asked to contribute to the cost of its provision, ie the user contribution; and
- strategies for moving the current fee to the position determined by the policy, ie the target cost recovery.

The underlying principle of the Pricing Policy is that the role of property rates and general purpose income will be to finance the public-good component of services and attendant community service obligations, and that users will be called upon to finance the cost of producing goods and services from which they derive a benefit. Generally where Council believes there is a public-good component to a service the full cost of the service will not be derived from the various users of the service. Rather a subsidy will be provided from Council general purpose revenues such as rates and financial assistance grants.

This Pricing Policy, details the above elements for every product or service supplied by Council as included in the Management Plan. Published with the Management Plan is Council's *Schedule of Fees and Charges* which includes for each product or service the nomination of a pricing category, selected from the six possible pricing outcomes as outlined on the following page and as listed in Council's Fees and Charges booklet. In addition to this information, Financial Services staff have available detailed calculations for each fee and charge raised, which are available for reference.

Annual Review of Fees and Charges:

Management will review the current level of pricing for fees and charges, considering the factors outlined in this policy as part of the annual preparation of Council's Management Plan. Following this review management will recommend that all fees and charges, except those legislated are increased by a percentage which is at least equal to the annual CPI figure for the latest quarter year ended available.

Pricing Category:

Council has classified each of the fees and charges in its fees and charges booklet under the following categories:

- (Z) Zero Cost Recovery**
This good / service is provided at no cost. The costs are met entirely from property rates and general-purpose income. Generally where there is no fee or charge the service provided is not mentioned in the fees and charges booklet.
- (M) Minimal Cost Recovery**
The price for this good / service is set to make a small (less than 50%) contribution towards the operating costs, both direct and indirect, of providing the good / service. The remainder of the costs are met from property rates and general-purpose income.
- (P) Partial Cost Recovery**
The price for this good / service is set to make a significant (more than 50%) contribution towards the operating costs, both direct and indirect, of providing the good / service. The remainder of the costs are met from property rates and general-purpose income.
- (F) Full Cost Recovery**
The price for this good / service is set to recover the total operating costs, both direct and indirect, of providing this good / service. Indirect costs are to include taxation equivalent payments, where applicable, in accordance with the principles of National Competition Policy.
- (L) Regulatory**
The price for this good / service is a statutory charge set by government regulation.
- (R) Reference Price**
The price for this good / service is set by reference to prices charged for similar goods / services by like councils or competitors.

Program Objectives:

Program: *Administrative Services/Customer Services*

Pricing Objective: The total revenue should recover the administration costs associated with delivering the documents.

Means of Achievement: Annual review of costs associated with providing this service.

Program: *Financial Services*

Pricing Objective: Revenues are to recover only actual costs incurred.

Means of Achievement: Annual review of associated costs to be used in reviewing fees and charges

Program: *Human Resources*

Pricing Objective: Revenues are to recover only actual costs incurred.

Means of Achievement: Annual review of associated costs to be used in reviewing fees and charges

Program: *City Hall*

Pricing Objective: Fees are to be commercially competitive

Means of Achievement: Prices determined by contractor subject to approval by Council

Program: *Goonellabah Community Centre*

Pricing Objective:

- (i) fees are to be commercially competitive
- (ii) the total revenue should be sufficient to attract a range of contractors towards the possible management of the facility
- (iii) revenues should be maximised to assist in reducing the general-purpose revenue contribution to the facility

Means of Achievement: Prices determined by contractor subject to approval by Council

Program: *Lawn Cemetery / Crematorium / Lismore Memorial Gardens*

Pricing Objective:

- (i) maximise the revenues generated to cover all operating expenses and generate reserve funding for future capital developments
- (ii) the revenues generated from the crematorium are to obtain a commercial return on the assets invested in the facility
- (iii) fees are to be commercially competitive

Means of Achievement: Movements in fees are to be based on prices charged by similar service providers while at the same time ensuring that Council generates a satisfactory return on the crematorium

Program: *Water Supplies*

Pricing Objective: All fees charged are to be based on full cost recovery

Means of Achievement: Fees are to be recalculated annually to update any movements in costs

- Program:** *Wastewater Services*
- Pricing Objective:** All fees charged are to be based on full cost recovery
- Means of Achievement:** Fees are to be recalculated annually to update any movements in costs
- Program:** *Caravan Park - Nimbin*
- Pricing Objective(s):**
- (i) maximise the revenues generated in order to minimise any contribution from general-purpose revenues
 - (ii) in the medium term, ensure that the Caravan Park is self-sufficient on an operating basis
 - (iii) prices remain commercially competitive
- Means of Achievement:** Fees are to be based on prices charged by similar service providers in order to ensure that the caravan park remains a commercially viable operation
- Program:** *Northern Rivers Quarry & Asphalt*
- Pricing Objective:**
- (i) prices are to be commercially competitive
 - (ii) prices to generate a commercial return on the assets invested
- Means of Achievement:** Fees are to be based on prices charged by similar service providers in order to ensure that the quarries remain commercially viable
- Program:** *Waste Management - Wyrallah Road Waste Facility*
Northern Rivers Waste - Lismore Recycling & Recovery Centre
- Pricing Objective:**
- (i) total revenues generated are to finance both operating expenses (excluding depreciation) and capital expenditure, resulting in a zero contribution from general purpose revenues
 - (ii) prices to be competitive compared to other suppliers in the region
 - (iii) the surplus on operations must be sufficient to cover all medium to long term plans for the facility
- Means of Achievement:** Operating and capital costs, along with future capital works planned, are to be reviewed annually to ensure the total revenue generated covers those costs
- Program:** *Waste Management Northern Rivers Waste - Nimbin Transfer Station*
- Pricing Objective:** Revenues generated are to fund all operating expenses (excluding depreciation), resulting in a zero contribution to operations from general-purpose revenues
- Means of Achievement:** Operating costs are to be reviewed annually to ensure the total revenue generated covers those costs

Program: *Parks and Recreation*

Pricing Objective: The total revenue should recover part of the costs associated with providing the facilities, whilst not making the actual hire of those facilities cost prohibitive and not increasing the burden on general purpose revenues.

Means of Achievement: Operating costs are to be reviewed annually to be used in assessing potential increases in costs of providing those facilities.

Program: *Sporting Grounds*

Pricing Objective: The total revenue should recover part of the costs associated with providing the facilities, whilst not making the actual hire of those facilities cost prohibitive and not increasing the burden on general purpose revenues.

Means of Achievement: Operating costs are to be reviewed annually to be used in assessing potential increases in costs of providing those facilities.

Program: *Private Works*

Pricing Objective: (i) prices are to be commercially competitive
(ii) prices to generate a commercial return on the assets invested

Means of Achievement: Fees are to be based on prices charged by similar service providers in order to ensure that these items remain commercially viable.

Program: *Property Management*

Pricing Objective: (i) for facilities or hirers where there is a recognised community service obligation revenues generated are to finance operating expenses (excluding depreciation, support costs and capital expenditure) related to these facilities/hirers. These charges are set to minimise the impact on general purpose revenues.
(ii) prices are to be competitive with similar facilities

Means of Achievement: For facilities/hirers where there is a community service obligation, operating costs are to be reviewed annually to ensure revenue generated covers those costs. For other facilities movements in fees are to be based on prices charged by similar facilities, reviewed annually.

Program: *Roads*

Pricing Objective: To pass on the full cost of providing the service

Means of Achievement: Prices are set to be equivalent to the quotation to provide the service from the contractor or council.

Program: *Building Services*

Pricing Objective: Those revenues collected that are not legislated are to recover part of the costs associated with the programme responsible for providing the service to minimise any increase in general purpose revenue contributions.

Means of Achievement: Annual review of procedures and costs associated with providing the services to identify any trends that may lead to changes in prices.

Program: *Rural Fire Services*

Pricing Objective: To cover part of the administration costs of physically issuing the certificate

Means of Achievement: Review of time and costs associated with supplying certificate by Fire Control Officer annually.

Program: *Child Care Services*

Pricing Objective: (i) total revenues generated are to finance both operating expenses (excluding depreciation and support costs) and capital expenditure, resulting in a zero contribution from general purpose revenues, if possible;
(ii) prices are to be commercially competitive.

Means of Achievement: Annual review of costs and revenues to ensure fees are set to recover these costs and centre is commercially competitive. If a centre is not recovering its costs it should be aiming to minimise the impact on general purpose revenues taking into account Council's policies.

Program: *Enforcement*

Pricing Objective: Fees other than those set by legislation are to be based on recovering a small amount of the related cost and to encourage parties to pay the charges so that a greater cost to Council is not incurred.

Means of Achievement: Review charges annually and monitor trends in actual payments of these charges.

Program: *Environmental Health Services*

Pricing Objective: Those revenues collected are to recover part of the costs associated with the programme responsible for providing the service to minimise any increase in general purpose revenue contributions.

Means of Achievement: Annual review of procedures and costs associated with providing the services to identify any trends that may lead to changes in prices.

Program: *Information Services*

Pricing Objective: (i) Revenues are set to recover materials and direct costs only
(ii) Prices are set to industry standards

Means of Achievement: Annual review of costs associated with delivering service and industry prices

Program: *Swimming Pools*

Pricing Objective: (i) prices are to be commercially competitive
(ii) maximise the revenues generated in order to minimise the contribution from general purpose revenues

Means of Achievement: Fees are to be based on prices charged by similar service providers in order to ensure that the pools remain commercially viable

Program: *Goonellabah Sports and Aquatic Centre
Aquatic Area*

Pricing Objective: (i) prices are to be commercially competitive
(ii) maximise the revenues generated in order to minimise the contribution from general purpose revenues

Means of Achievement: Fees are to be based on prices charged by similar service providers in order to ensure that the aquatic area remains commercially viable

Other Areas (excluding Gym)

Pricing Objective: The total revenue should recover part of the costs associated with providing the facilities, whilst not making the actual hire of those facilities cost prohibitive and not increasing the burden on general purpose revenues.

Means of Achievement: Operating costs are to be reviewed annually to be used in assessing potential increases in costs of providing those facilities.

Program: *Aerodrome/Lismore Airport*

Pricing Objective(s): (i) total revenues generated are to finance both operating expenses (excluding depreciation) and capital expenditure, resulting in a zero contribution from general purpose revenues
(ii) prices to be commercially competitive

Means of Achievement: Operating and capital costs, along with future capital works planned, are to be reviewed annually to ensure the total revenue generated covers those costs

Program: *Planning Services*

Pricing Objective: Those revenues collected that are not legislated are to recover part of the costs associated with the programme responsible for providing the service to minimise any increase in general purpose revenue contributions.

Means of Achievement: Annual review of procedures and costs associated with providing the services to identify any trends that may lead to changes in prices.

Program: *Tourism/Visitors Information Centre*

Pricing Objective: To recover at a minimum the consignment cost of souvenirs

Means of Achievement: Prices are based on consignment cost, plus a mark-up to be determined by the Tourism Director

Pricing Objective: Revenues are to recover only actual costs incurred.

Means of Achievement: Annual review of associated costs to be used in reviewing fees and charges

Program: *Lismore Regional Art Gallery*

Pricing Objective: Total revenues should recover part of the costs of maintaining the Art Gallery and help reduce the impact on general purpose revenues

Means of Achievement: Annual review of Fees and Charges and usage rates of the services provided.

Report

Subject	Investments – August 2009
File No	ED09/104533:EF09/2209
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Local Government (General) Regulations 2008 and Council's Investment Policy
Objective	To report on Council Investments
Strategic Plan Link	Best-Practice Corporate Governance
Management Plan Project	Financial Services

Overview of Report

Council investments as at 31 August 2009 are estimated to be \$27,584,332 subject to final market valuations typically provided after month end.

The interest rate reported for August 2009 is estimated to be 2.91% and is below the Bank Bill Swap Rate for the same period of 3.22%. The final interest return may vary due to actual returns achieved on investments advised after month end.

The market value of Council's investments to June 30, 2009 continues to be negatively affected by the global financial crisis with a write down of \$1.748 million to be recognised as part of the 2009 Financial Reports.

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

- | | |
|---|--------------|
| • <i>Confirmation of Investments – at Market Value – 31 July 2009</i> | \$25,837,308 |
| • <i>Estimated Investments – at Market Value – 31 August 2009</i> | \$27,584,332 |

The current rate of return on investments for August 2009 is estimated to be 2.91% and is below the Bank Bill Swap Rate for the same period of 3.22%. 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.

The return on investment is lower than the Bank Bill swap rate due to a number of investments not paying coupons. These include investments in Longreach – Series 25 and ASPRIT III Trust, as well as five investments which have been in the process of termination since September 2008. All these investments are shown on the 'Estimated Interest' attachment with an estimated interest rate and weighted interest for the period of zero.

Market Value – June 30, 2009

Council is required to report the market value of investment portfolio and this is to be recognised in its annual financial reports. The market value is what a prudent investor would reasonably expect to receive for an investment at a point in time that may not be the same as the investment's maturity date.

The global financial crisis has had a significant negative effect on the market value of many investments in Council's portfolio. Council uses the services of an independent investment advisory service (CPG Research & Advisory) to best manage the situation, but there is limited ability to mitigate the situation given the illiquid nature of some of the stressed investments.

For June 30, 2009, Council will report a capital loss on investments of \$1.750 million. This represents realised net losses on managed funds of \$906,700 and unrealised net losses of \$843,300 in other investments (mainly CDO's). The result reflects the information provided at the July 2009 Workshop on Investments where a number were classified as high risk and their market value significantly reduced. How this capital loss is funded will be addressed as part of the report on the 2009 Financial Reports to the October 20, 2009 Extraordinary Council meeting.

Terminating Investments

As reported previously, Council has five (Beryl Esperance 2, Beryl Global Bank Note, Zircon Merimbula, Zircon Coolangatta and Zircon Miami) investments directly affected by the Lehman Brothers bankruptcy. Successful legal action taken in the High Court of England and Wales resulted in expectations that part of the invested funds would be returned to investors including Council.

The High Court has granted leave to appeal the decision due to an action by Lehman Brothers in the US Bankruptcy Court. It was argued, in part, that the High Court should take into account any decision yet to be given on the same point by the US Bankruptcy Court.

This action is preceding but it remains to be seen whether the appeal will be successful and the extent to which an English court will have regard to, or will be required to co-operate with, any decision of the US Bankruptcy Court.

As such, it not possible to quantify the likely invested funds return, if any, and when this may occur.

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

Council's Investment portfolio continues to feel the effect of the global financial crisis with a further decline in market value being reported and a depressed return on investment due to non-performing investments.

For reporting purposes, the full impact of realised and unrealised net losses is recognised. While realised net losses are losses that have actually occurred, unrealised net losses have not occurred hence there may be some chance of recovery, but the likelihood or extent is impossible to predict. At the same time, there may be further deterioration of these or other investments. The difficulty faced is that options to minimise net losses are very limited. In most high risk cases, if the investments could be sold there would definitely be a realised loss, whereas the current strategy of hold to maturity may result in greater return on capital.

Due to the need for the best possible advice, Finance continues to work closely with CPG Research & Advisory on the investment portfolio and any opportunity that arises.

Other staff comments

Not required

Public consultation

Not required

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For August 31, 2009, investments total \$27,584,332 and the annualised rate of return was 2.91%.

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

The market value of Council's investments portfolio has decreased by \$1.748 million as at June 30, 2009. The impact of this decline in market value will be reported to Council as part of the 2009 Financial Reports.

Recommendation

That the report be received and noted.

**Capital Value Movements
Summary of Investments held as at
31 August, 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)	
Cash Based Returns									
Blackrock Care & Maintenance Fund	Managed Fund	A	High	15/10/2008	N/A	31/07/2009	\$ 2,393,576	\$ 2,498,653	Note 3
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	21/08/2009	\$ 6,344,000	\$ 6,344,000	Note 1
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/9/2006	N/A	21/08/2009	\$ 247,986	\$ 247,986	Note 1
ANZ High Yield Cash Account	Cash Management Account	AA	High	N/A	N/A	21/08/2009	\$ 1,954,445	\$ 1,954,445	Note 1
IMB Banking & Financial Services	Term Deposit	A2	High	4/8/2009	3/9/2009	4/8/2009	\$ 2,000,000	\$ 2,000,000	Note 1
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	10/8/2009	9/9/2009	10/08/2009	\$ 2,000,000	\$ 2,000,000	Note 1
Suncorp	Term Deposit	A-1	High	20/8/2009	21/9/2009	20/08/2009	\$ 2,000,000	\$ 2,000,000	Note 1
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	21/6/2009	22/9/2009	21/06/2009	\$ 2,000,000	\$ 2,000,000	Note 1
Summerland Credit Union	Term Deposit	Not Rated (Note 7)	High	21/7/2009	19/10/2009	21/07/2009	\$ 1,000,000	\$ 1,000,000	Note 1
Merrill Q A/A FRN / CBA	Floating Rate Note	A+	High	22/3/2005	30/6/2009	31/07/2009	\$ 1,000,000	\$ 965,610	Note 1
Bishopsgate (Wentworth)	Floating Rate CDO	AA	High	1/9/2006	20/9/2010	30/06/2009	\$ 500,000	\$ 435,100	Note 1
Herald Limited (Quartz)	Floating Rate CDO	B+	Low	1/9/2006	20/12/2010	31/07/2009	\$ 30,000	\$ 13,572	Note 1
Cypress (Lawson)	Floating Rate CDO	BBB+	Low	1/9/2006	30/12/2010	30/06/2009	\$ 500,000	\$ 379,500	Note 1
Deutsche Bank C/G Yield Curve Note	Euro Bond	Not Rated (Note 7)	High	1/9/2006	18/10/2011	30/06/2009	\$ 250,000	\$ 247,500	Note 1
BELO (Kalgoorlie)	Commodity Backed Security	AA+	High	1/9/2006	27/2/2012	30/06/2009	\$ 700,000	\$ 580,440	Note 1
Magnolia (Flinders)	Floating Rate CDO	BB+	Low	1/9/2006	20/3/2012	30/06/2009	\$ 300,000	\$ 210,000	Note 1
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2006	22/6/2012	30/06/2009	\$ 400,000	\$ 126,200	Note 1
Beryl (Esperance 2)	Floating Rate CDO	BB+	Low	1/9/2006	20/3/2013	30/06/2009	\$ 400,000	\$ 221,596	Note 1
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	30/06/2009	\$ 500,000	\$ 59,400	Note 1
Zircon (Merimbula)	Floating Rate Note	C	Low	1/9/2006	20/6/2013	30/06/2009	\$ 300,000	\$ 93,450	Note 1
ASPRIT III Trust	Equity Linked Investment	AA	High	13/7/2007	13/7/2013	31/03/2009	\$ 2,000,000	\$ 1,742,000	Note 1
Corsair (Kakadu)	Floating Rate CDO	CCC	Low	1/9/2006	20/3/2014	30/06/2009	\$ 500,000	\$ 124,550	Note 1
Longreach - Series 25	Equity Linked Investment	AA-	High	2/4/2007	4/4/2014	30/06/2009	\$ 1,000,000	\$ 666,140	Note 1
Helium (Scarborough)	Floating Rate CDO	CCC-	Low	1/9/2006	23/6/2014	30/06/2009	\$ 200,000	\$ 2,200	Note 1
Beryl (Global Bank Note)	Floating Rate Note	C	Low	1/9/2006	20/9/2014	30/06/2009	\$ 150,000	\$ 119,535	Note 1
Zircon (Coolangatta)	Floating Rate CDO	C	Low	1/9/2006	20/9/2014	30/06/2009	\$ 500,000	\$ 153,550	Note 1
Aphex (Glenelg)	Floating Rate CDO	CCC+	Low	1/9/2006	22/12/2014	30/06/2009	\$ 500,000	\$ 60,900	Note 1
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	14/12/2015	31/07/2009	\$ 500,000	\$ 442,600	Note 1
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	16/3/2016	31/07/2009	\$ 1,000,000	\$ 874,500	Note 1
Zircon (Miami)	Floating Rate CDO	C	Low	1/9/2006	20/3/2017	30/06/2009	\$ 50,000	\$ 20,905	Note 1
Investment on Hand							\$ 31,220,007	\$ 27,584,332	

Investments Redeemed during period (Note 6)

Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	10/7/2009	10/8/2009	10/07/2009	\$ 2,000,000	\$ 2,000,000
IMB Banking & Financial Services	Term Deposit	A2	High	2/7/2009	4/8/2009	2/07/2009	\$ 2,000,000	\$ 2,000,000
Suncorp	Term Deposit	A-1	High	20/7/2009	20/8/2008	20/07/2009	\$ 2,000,000	\$ 2,000,000

\$ 37,220,007	\$ 33,584,332
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Note 1: Base Capital Value is the face value of the investment
 Note 2: Capital Guaranteed note if held to maturity
 Note 3: The Base Capital Value is the Market Value as at 30/6/09 plus additions less redemptions during the year.
 Note 4: Latest estimates based on information provided by investment managers and prior period performance.
 Note 5: Market Value is the Capital Value of the Investment and any accrual of income.
 Note 6: These investments were redeemed during the period and impact on the interest return for the period. They are not part of the Balance of Investments Held.
 Note 7: These Counterparties & Products are authorised under the Minister Order and require no minimum Credit Rating.

"Indicative" Source of Funds

Externally Restricted	15,714,794
Internally Restricted	11,869,538
	<u>\$ 27,584,332</u>

**Estimated Interest
Summary of Investments held as at
31 August, 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
Cash Based Returns						
Blackrock Care & Maintenance Fund	Managed Fund	A	0.00%	\$ 2,498,653	\$ -	0.00%
CBA - Business On Line Banking A/c	Cash Management Account	Cash	2.85%	\$ 6,344,000	\$ 15,356	0.52%
Macquarie Cash Management Trust	Cash Management Account	Not Rated	1.74%	\$ 247,986	\$ 366	0.01%
ANZ High Yield Cash Account	Cash Management Account	AA	3.30%	\$ 1,954,445	\$ 5,478	0.19%
IMB Banking & Financial Services	Term Deposit	A2	3.96%	\$ 2,000,000	\$ 5,859	0.20%
Southern Cross Credit Union	Term Deposit	Not Rated	4.33%	\$ 2,000,000	\$ 4,982	0.17%
Suncorp	Term Deposit	A-1	4.25%	\$ 2,000,000	\$ 2,562	0.09%
Credit Union Australia (CUA)	Term Deposit	Not Rated	4.38%	\$ 2,000,000	\$ 7,440	0.25%
Summerland Credit Union	Term Deposit	Not Rated	3.80%	\$ 1,000,000	\$ 3,227	0.11%
Merrill Q A/A FRN - CBA	Floating Rate Note	A+	3.55%	\$ 965,610	\$ 2,914	0.10%
Bishopsgate (Wentworth)	Floating Rate CDO	AA	4.69%	\$ 435,100	\$ 1,992	0.07%
Herald Limited (Quartz)	Floating Rate CDO	B+	4.75%	\$ 13,572	\$ 121	0.00%
Cypress (Lawson)	Floating Rate CDO	BBB+	4.49%	\$ 379,500	\$ 1,907	0.07%
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated	5.33%	\$ 247,500	\$ 1,131	0.04%
BELO (Kalgoorlie)	Commodity Backed Security	AA+	4.46%	\$ 580,440	\$ 2,652	0.09%
Magnolia (Flinders)	Floating Rate CDO	BB+	4.75%	\$ 210,000	\$ 1,210	0.04%
Omega (Henley)	Floating Rate CDO	CCC	4.05%	\$ 126,200	\$ 1,376	0.05%
Beryl (Esperance 2)	Floating Rate CDO	BB+	0.00%	\$ 221,596	\$ -	0.00%
Corsair (Torquay)	Floating Rate CDO	CCC-	4.45%	\$ 59,400	\$ 1,890	0.07%
Zircon (Merimbula)	Floating Rate Note	C	0.00%	\$ 93,450	\$ -	0.00%
ASPRIT III Trust	Wholesale Managed Investment	AA	0.00%	\$ 1,742,000	\$ -	0.00%
Corsair (Kakadu)	Floating Rate CDO	CCC	4.25%	\$ 124,550	\$ 1,805	0.06%
Longreach - Series 25	Equity Linked Note	AA-	0.00%	\$ 666,140	\$ -	0.00%
Helium (Scarborough)	Floating Rate CDO	CCC-	4.54%	\$ 2,200	\$ 771	0.03%
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 (Glenelg)	Floating Rate CDO	CCC+	4.50%	\$ 60,900	\$ 1,911	0.07%
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated	3.79%	\$ 442,600	\$ 1,609	0.06%
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated	3.96%	\$ 874,500	\$ 3,363	0.12%
Zircon (Miami)	Floating Rate CDO	C	0.00%	\$ 20,905	\$ -	0.00%
Investment on Hand				\$ 27,584,332	\$ 82,199	2.80%

Note 4

Investments Redeemed during period

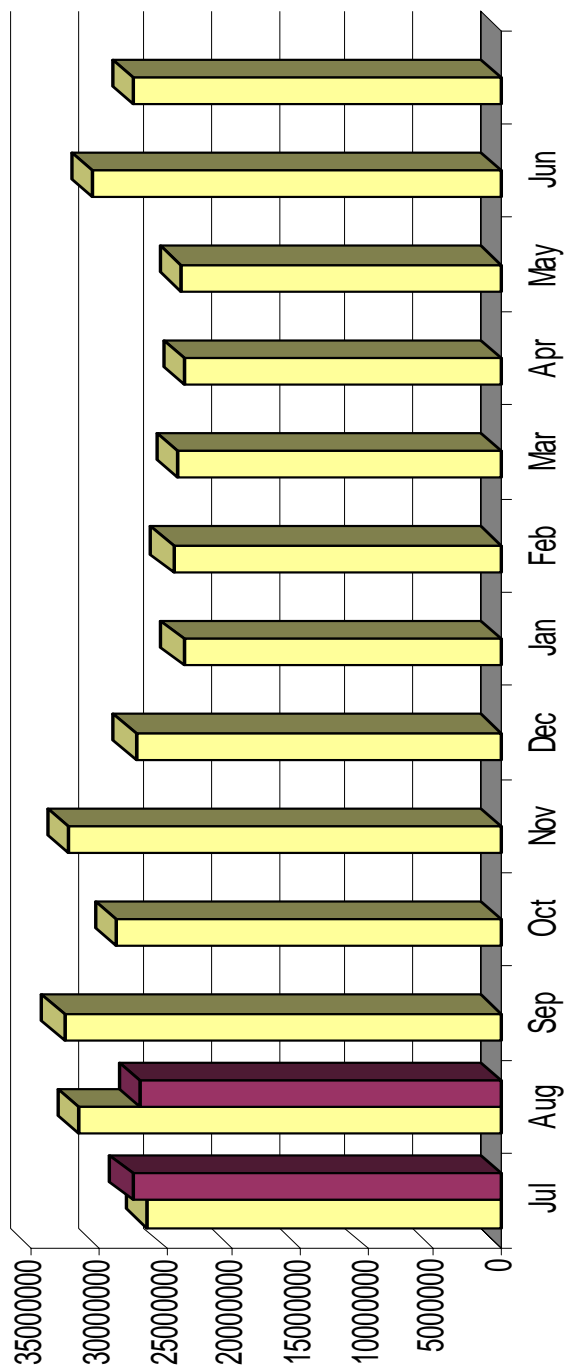
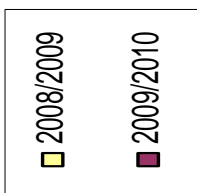
Southern Cross Credit Union	Term Deposit	Not Rated	4.25%	\$ 2,000,000	\$ 2,329	0.08%
IMB Banking & Financial Services	Term Deposit	A2	3.96%	\$ 2,000,000	\$ 868	0.03%
Suncorp	Term Deposit	A-1	4.20%	\$ 2,000,000	\$ 4,603	0.16%

31/8/2009 2.91%

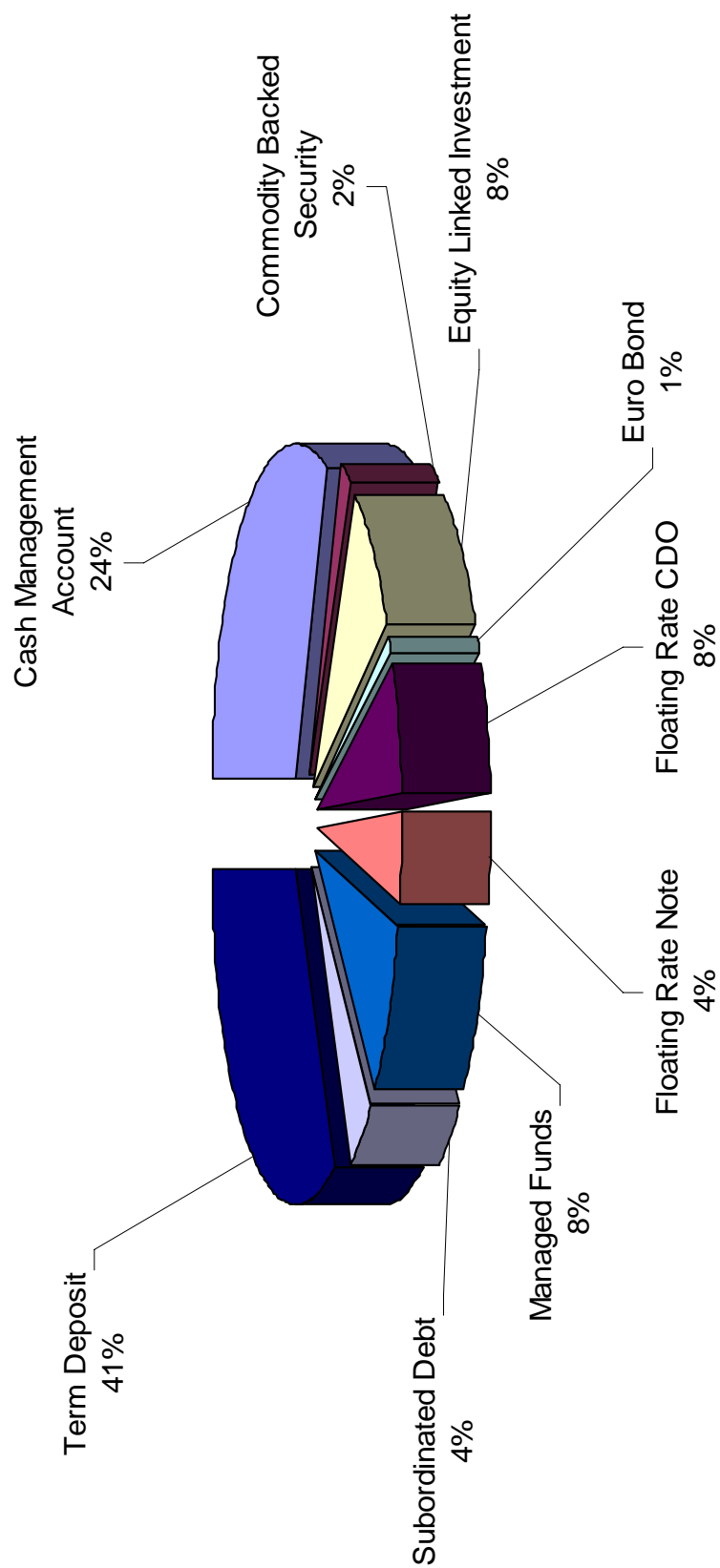
\$ 33,584,332	\$ 85,396
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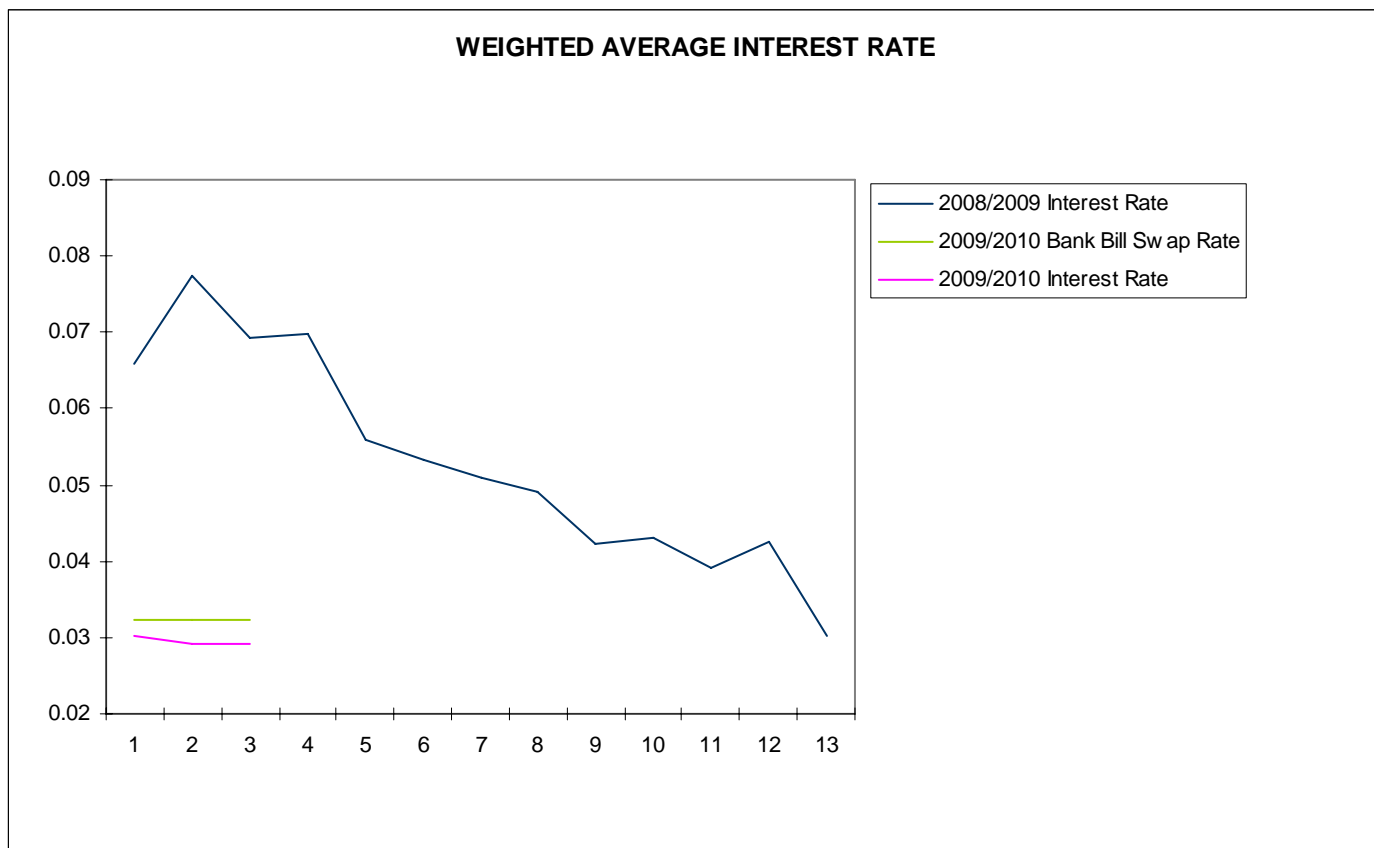
Note 1: Interest return is calculated on (actual interest + plus accrued interest + plus realised gains - losses on disposal - expenses) / principal value
Note 2: Capital Guaranteed note if held to maturity
Note 3: Blackrock interest rate is shown as zero as regular distributions are not being received. When a distribution is received the interest rate is adjusted for that month accordingly.
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

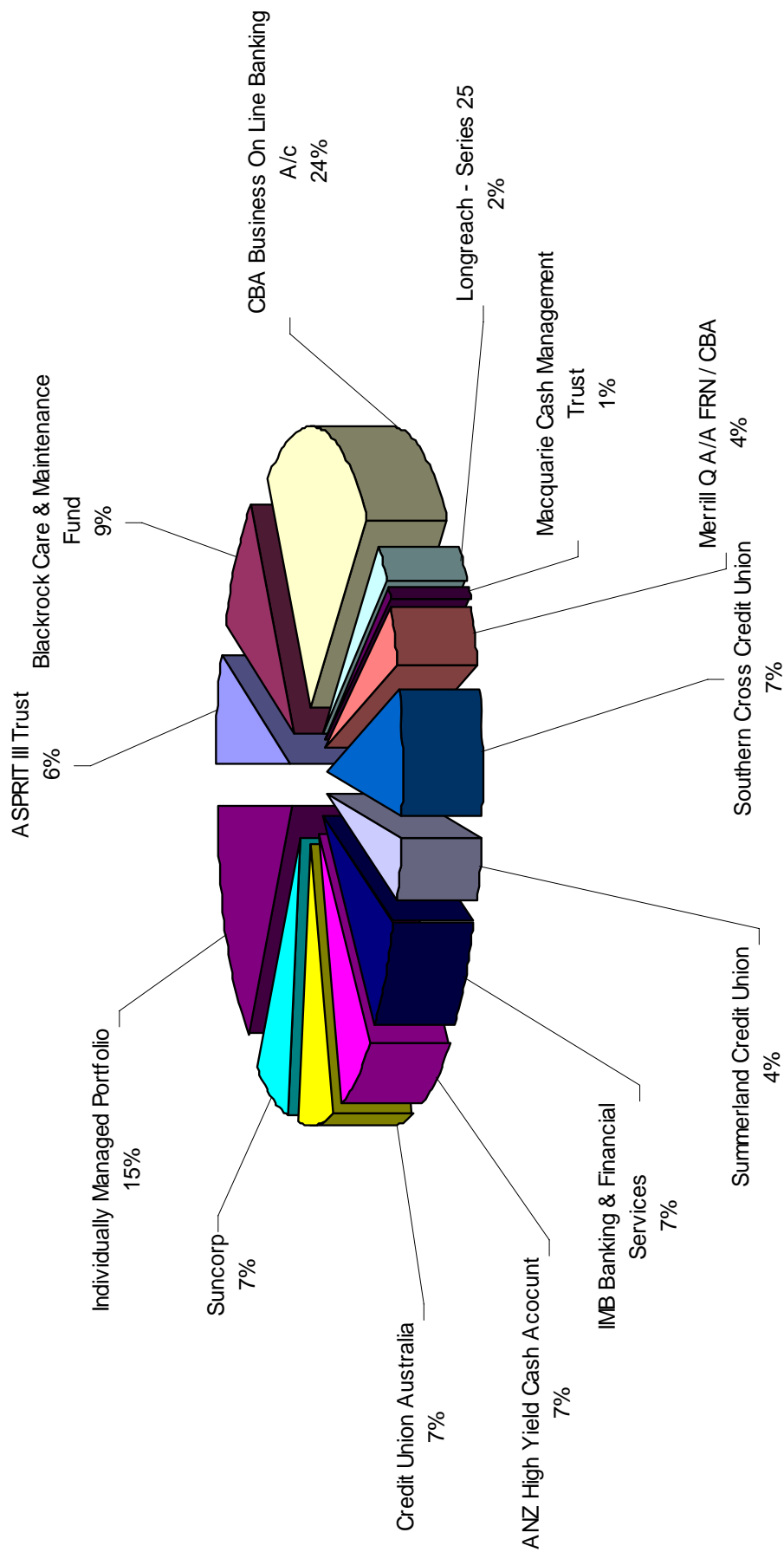


INVESTMENT BY TYPE





Investment by Institution



**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON AUGUST 19, 2009, AT 10.00 AM.**

(ED09/14369:EF09/1963)

	Present	Councillor Jenny Dowell (<i>Chairperson</i>), Karen Wilson on behalf of Thomas George MP, Liz Smith (<i>RTA</i>), Snr Const Rob Clarke, (<i>Lismore Police</i>).
	In Attendance	Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>).
TAC34/09	Apologies	An apology for non-attendance on behalf of Thomas George MP was received and accepted.
TAC35/09	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on July 15, 2009 were confirmed by Council on August 11, 2009.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Brett Watson – 6 Wyrallah Road – No Stopping Zone

Requesting consideration of prohibiting parking on the eastern side of Wyrallah Road from Ballina Road up to and including the driveway to No. 8 Wyrallah Road.

The length of Wyrallah Road in question is in close proximity to the roundabout at the intersection with Ballina Road where vehicle speeds and drivers' attention is erratic when departing the roundabout. Often the need for residents to either enter or leave their property quickly is necessary. The introduction of 'No Stopping' signs in this area will assist in ensuring that vehicles are not parked, thus reducing the risk of a potential accident for road users as well as the residents from Nos. 6 and 8 Wyrallah Road.

TAC36/09 Recommendation: That 'No Stopping' be introduced on the eastern side of Wyrallah Road from Ballina Road up to and including the driveway to No. 8 Wyrallah Road. (R5201)

Ralph Taylor, Principal, Wyrallah Road Public School – Nielson Street

Requesting consideration of extending the morning 'No Stopping' parking restriction on the eastern side of Nielson Street from the cul-de-sac at the school entrance up to Eastside Place.

When vehicles are parked on both sides of Nielson Street in this area the width of available through road is reduced considerably restricting two way traffic flow to and from the school. Vehicles parked on the eastern side of Nielson Street also restrict motorists' vision of children who use the children's crossing at the school gate. Parking is already prohibited in this area in the afternoon and it would only be a matter of altering the times on the existing signs to reduce current concerns.

TAC37/09 Recommendation: That the existing 'No Stopping' signs on the eastern side of Nielson Street from the cul-de-sac to Eastside Place be altered to include the times 8.45am to 9.15am. (R7459)

Basil Cooper – Parking in Pleasant Street, Goonellabah

Requesting further modifications to the 5-minute parking spaces recently installed on the northern side of Pleasant Street, in the vicinity of the Goonellabah Post Office.

Council recently installed two 5-minute parking bays in Pleasant Street to address difficulties being experienced by some motorists in accessing onsite parking. The location of these spaces means that there is currently room for one more vehicle to be parked close to the intersection of Pleasant Street and Fischer Street all day. This presents problems for motorists having to reverse into the middle 5-minute parking space close to a crest in Pleasant Street where there is limited sight distance. To reduce this concern it is proposed to extend the existing 5-minute parking zone by one additional car length towards the intersection of Fischer Street thereby removing the one all-day parking bay. There is still ample unrestricted onstreet parking in the close vicinity.

TAC38/09 Recommendation: That the existing 5-minute parking area on the northern side of Pleasant Street in front of the Goonellabah Post Office be extended by one car space towards Fischer Street with the balance up to Fischer Street to be signposted 'No Stopping'.
(R6502)

DA 08/331 – Extension to Wyrallah Road Shopping Centre

The attached information and additional plans show a proposed extension of the Wyrallah Road Shopping Centre. In terms of traffic and parking impact the plans show a proposal for additional parking including parking for staff at the rear of the existing facility close to the large drainage easement.

Also shown is a through laneway from Esmonde Street running along the rear of the existing shopping centre and exiting onto Wyrallah Road close to the intersection with Dalley Street. This through laneway provides the opportunity for a safe unloading facility where heavy vehicles can enter from Esmonde Street and exit in the one direction. This laneway should be one-way only from Esmonde Street to Wyrallah Road with heavy vehicles allowed to turn right only when exiting onto Wyrallah Road and should be signposted accordingly. The western side of the laneway should also be signposted as a Loading Zone to ensure delivery access to the rear of the shops is encouraged and generally available.

The developer is also proposing that the existing garage which exists on the shopping centre side of the large drain close to Dalley Street and belongs to the shop on the corner of Wyrallah Road and Dalley Street be demolished and ownership of the land be transferred to the Wyrallah Road Shopping Centre to allow them to meet the parking requirement guidelines. This would necessitate the need to formalise a new access driveway point to the rear of the shop on the corner and any negotiations between the parties should ensure that the new access comes off the lane, across the drain and not off the corner of Wyrallah Road and Dalley Street.

TAC39/09 Recommendation:

- That the laneway at the rear of the shopping centre be one-way only from Esmonde Street to Wyrallah Road.
- That a Loading Zone be introduced along the western side of the laneway.
- That the one-way laneway exit be signposted with an advisory 'Heavy Vehicles Right Turn Only'.
- That any negotiations between the adjoining property owners ensure the new access to the rear of the shop on the corner of Wyrallah Road and Dalley Street comes off the laneway and not from the intersection of Wyrallah Road and Dalley Street as shown on the attached plan.
- That the development complies with the Australian Standards, particularly AS 2890.2 Off-street Commercial Vehicle Facilities.
(DA08/331)

Proprietor of Barber Shop – 33 Zadoc Street – 2-Hour Parking Limit

Requesting further consideration of introducing a 2-hour parking limit in front of her business at 33 Zadoc Street due to problems being experienced by clients in accessing nearby parking.

The area in question has been monitored to assess the need for any further action and as there is still adequate long term parking in Zadoc Street the introduction of 2-hour parking in front of the business premises at 33 Zadoc Street would not have any significant impact.

TAC40/09 Recommendation: That 2-hour parking be introduced on the southern side of Zadoc Street in front of 33 Zadoc Street. (R7330-02)

Part 'B' – Determined by Committee

Tim Gowing – Boundary and Lindendale Roads Intersection

Drawing attention to the dangerous 'Y' intersection of Boundary and Lindendale Roads due to the large volume of through traffic and requesting some signage be erected but suggesting the intersection may need reconstruction to become a 'T'.

This intersection is slightly off 'T' formation and could be a source of confusion for a motorist not familiar with existing conditions. As it is unlikely that funding will be committed to reconstruct the intersection and in the absence of any significant accident history, it is felt that centre line marking to square up the intersection and appropriate warning signs on each of the three legs will improve the current situation.

B09-8:1 It was agreed: That a double white centre line be painted on each of the three legs of the intersection of Lindendale Road and Boundary Road in order to 'square up' the intersection and that a T-junction warning sign also be erected on each of the three legs prior to the intersection. (CI09/10200:R4607)

Tania von der Heidt – Bridge Street, Wyrallah

Requesting installation of a speed bump following new road reconstruction on Bridge Street, Wyrallah, at the bus bay opposite the hall and the erection of additional 50kph speed limit signs as vehicles have been exceeding 50kph on the downward sloping section towards Wyrallah Road.

A dedicated bus bay has been constructed on Bridge Street as part of the recent roadworks opposite the hall. A recent speed survey has indicated that the 85th percentile speed is 65kph. Whilst the higher speeds generally relate to night time when there is less road activity, speeds during the day were also above the signposted speed limit and it was suggested that the results be forwarded to Police to enable them to target the higher speed times. There are several 50kph speed limit signs both on Wyrallah Road and on Bridge Street and additional signs are not considered necessary.

B09-8:2 It was agreed: That the results of the recent survey be forwarded to Police to enable them to target the higher speed times. (CI09/9968:RP08/5)

Memo from Manager - Environmental Health & Building Services
Paid Parking Proposal – Lismore Base Hospital Precinct

The memo recommended the introduction of paid parking with a 1-hour time limit in Uralba Street between Hunter Street and Dibbs Street. The area in Uralba Street already has a 1-hour time limit and the introduction of paid parking will assist in ensuring a higher percentage of availability of onstreet parking close to the Hospital entrance for visitors. As indicated in the report, there are a significant number of motorists who park in Uralba Street for longer periods than is signposted. These vehicles, approximately one-half of the 79 who park in Uralba Street for extended periods, will be displaced as a result of the current paid parking proposal. The Base Hospital precinct has a long history of complaints and problems associated with parking generally and this extends well down streets leading away from the immediate precinct such as Laurel Avenue, Hunter Street and Dibbs Street. The consequence of the paid parking proposal will place additional pressure on these areas and they will need to be monitored to assess the need for the introduction of other measures to deal with any associated problems. It is assumed that the Lismore Base Hospital has been consulted as part of the initial planning process and they should be encouraged to provide additional onsite parking as the facility continues to grow. A further meeting in this regard has been suggested.

A proposal to increase the current time limit to a maximum of 2-hours is supported and will provide some flexibility for those who need to access the hospital facilities and may be worried about being longer than one hour. It is understood that a further report will be submitted to Council prior to any firm decision being made.

B09-8:3 It was agreed that:

- The Committee support the introduction of paid parking in Uralba Street between Hunter and Dibbs Streets and that the areas that radiate away from the Hospital precinct be monitored to assess the need for additional measures as a result of any displaced vehicles which would normally have been parked in Uralba Street.
- Further discussions be held with Lismore Base Hospital management in relation to the implementation and their longer term plans for providing additional parking.
- All of the specific issues as outlined in the RTA paid parking guidelines be addressed as part of any further report to Council.
- Any implementation include a minimum 1-hour and maximum 2-hour time limit.

(R6058,R6030)

RTA – Caniaba School Zone

Responding to Council's request on behalf of Caniaba Public School for flashing lights at the existing School Zone on Caniaba Road and advising School Zones are being prioritised for flashing lights, however there may be other measures that can be implemented.

The contents of the letter had been presented for the information of members.

B09-8:4 It was agreed: That the contents of the letter be noted and the School be advised of the Authority's response.

(CI09/9481:R4701)

Multitask – Ballina Road Pedestrian Crossing

Raising concerns relating to problems being experienced in crossing Ballina Road to access the CBD and requesting consideration of providing a safe crossing point.

Many of the young people from Multitask are in wheelchairs or have mobility problems and would find it difficult to cross Ballina Road in close proximity to Molesworth Street. Whilst there is a gap provided in the centre median in front of the City Hall, its width is inadequate for safe storage of pedestrians. The next closest crossing point in the form of a pedestrian refuge is at the intersection of Keen Street which is some distance away.

Multitask – Ballina Road Pedestrian Crossing (Cont'd)

As part of a broader CBD wide proposal developed by TTM, traffic signals are proposed for the intersection of Ballina Road and Molesworth Street which would include pedestrian phase as well. Until such time as the recommendations of the TTM report are implemented, the community south of Ballina Road will continue to be isolated, particularly those with limited mobility, in terms of pedestrian access to the CBD. In the short term however, investigations should be carried out into the suitability of upgrading the facility in front of the City Hall to a standard pedestrian refuge facility.

- B09-8:5 **It was agreed:** That this issue be referred to Council's Design Services Section with a view to developing a plan and estimate for the installation of a pedestrian refuge on Ballina Road in front of the City Hall. Further, that if it is found a pedestrian refuge cannot be installed at the proposed location due to sight restrictions then Council support a higher priority for the installation of traffic signals at the intersection of Ballina Road and Molesworth Street. (R6408)

Iris Sadler – Dibbs Street Pedestrian Crossing

Raising concerns about the difficulties in crossing Dibbs Street and suggesting the marked pedestrian crossing in front of Our Lady of Lourdes School is too far away for people residing near Ballina Road.

Miss Sadler lives on the eastern side of Dibbs Street at its intersection with Aurora Street. A footpath does exist on the western side of Dibbs Street. Due to the sloping nature of Dibbs Street and the sight distance being limited by crests there is no obvious location for an additional facility that would meet the warrant for a marked crossing or the needs of nearby residents. The absence of any footpath on the eastern side of Dibbs Street does make it more difficult for pedestrians generally and this could be forwarded for consideration in a future works program.

- B09-8:6 **It was agreed:** That Miss Sadler be advised that her concerns have been investigated and that whilst there was no obvious location for an additional crossing point on Dibbs Street, the inclusion of providing a footpath on the eastern side of Dibbs Street would be forwarded to Council's Roads Section for consideration of funding in a future works program. (R6020)

Gundurimba Road Bus Shelter

Residents raising concerns regarding the safety of children who use the existing bus stop location opposite Trevan Road due to its close proximity to a bend and the speed at which some motorists travel on the approach to the site.

The bus stop has existed in its current location for a number of years without any known incidents. However, as it would appear that the majority of users now access the stop from residences closer to town, the opportunity exists to relocate the bus stop and shelter. There is a suitable location opposite the access road to the Aboriginal Community further away from the bend which would provide a safer facility.

- B09-8:7 **It was agreed:** That the Committee support the relocation of the existing bus stop on Gundurimba Road opposite Trevan Road to a point closer to town opposite the driveway access to the Aboriginal Community. (R7313)

Blue Knob Hall and Rural Fire Station – Vehicular Access

Forwarding concerns regarding the safety of vehicular access to the hall and the rural fire station.

Both the Blue Knob Rural Fire Station and Hall are serviced via a combined access onto Blue Knob Road. Some years ago a substantial concrete retaining wall was erected on the inside of the bend immediately on the Nimbin side of the access driveway. The wall and the high bank at its rear limit the sight distance of motorists travelling from Nimbin for motorists exiting the driveway in question. A convex safety mirror does exist opposite the driveway, however this only offers limited assistance due to the bend's location and the speed at which through traffic is travelling. An alternative gravel access road exists running parallel to Blue Knob Road past a residence beside the hall and up to Lillian Rock Road. Access onto Blue Knob Road from Lillian Rock Road is controlled by a 'Stop' sign and provides significantly more sight distance of oncoming vehicles in either direction. In the short term, with some minor tree trimming and road maintenance, this access road could be used by vehicles exiting the carpark in front of the hall and the fire station as an alternative. The existing driveway could be retained for entry only and would need to be signposted accordingly. A suitable warning sign, 'Traffic Entering Ahead', could also be erected prior to the bend for north bound traffic. DA approval has been granted for extensions to be made to the hall and whilst the above conditions would be suitable to address current concerns, any extensions to existing facilities that would potentially increase the usage of the access should ensure the driveway is relocated to a position further north. It is understood the development consent that has been issued includes conditions requiring relocation of the driveway entrance.

- B09-8:8 **It was agreed:** That a warning sign, 'Traffic Entering Ahead', be erected on Blue Knob Road prior to the bend for north bound traffic and Council's Roads Section investigate the suitability of using the existing access road that runs parallel to Blue Knob Road as an alternative exit from the carpark in front of the hall onto Lillian Rock Road and this be implemented pending the availability of funding for any minor improvements necessary. Further, that the existing driveway be relocated in its entirety to the north in accordance with the development consent issued when the approved works to the hall are undertaken. (R2001)

Pamela Smith – 660 Rous Road – Tregeagle Cross Roads

Requesting consideration of widening, line marking and a speed limit reduction on Rous Road east of the Alphadale/Tregeagle cross roads.

There appeared to be other factors involved in the recent fatality on Rous Road not related to the condition of the road. Snr Const Clarke advised that an assessment of the road had been carried out recently including a speed zone survey which indicated that there was not a significant speeding problem in this area. The width of road was considered adequate given its status in a rural environment. The issue of road marking should be referred to Council's Roads Section for assessment, however as a minimum, it should consider line marking the crests and bends between the cross roads and the existing line marking east towards Council's local government boundary.

- B09-8:9 **It was agreed:** That the issue of road marking be referred to Council's Roads Section for assessment, however as a minimum, it should consider line marking the crests and bends between the cross roads and the existing line marking east towards Council's local government boundary. (R6610)

Numulgi Rural Contact Forum – Excessive Vehicle Speeds

Mayor Jenny Dowell raised concerns on behalf of Numulgi residents relating to excessive speeds on Numulgi Road and Lockton Road, particularly on market weekends.

Lockton Road had been assessed previously and it had been found that there was not a significant problem. As the concerns related mainly to market day weekends when non local traffic would increase, it was suggested that these concerns be relayed to Lismore Police for attention. Snr Const Clarke undertook to arrange patrols of these roads.

B09-8:10 **It was agreed:** That the residents' concerns regarding excessive speeds on Numulgi and Lockton Roads be relayed to Lismore Police for their attention. (R4210,R4204)

Closure

This concluded the business and the meeting terminated at 11.17 am.

Chairperson

**Traffic and Emergency
Services Coordinator**

Financial Assistance - Section 356

a) Mayor's Discretionary Fund (GL390.485.15)

Budget: \$2,700 Spent to date: \$250

Lions Club of Ballina Inc. is seeking financial assistance to host the World Festival of Magic on the 18 September 2009 at the Lismore Workers Club. The festival gives an unforgettable outing to over 800 of our local special needs and disadvantaged children. This year will feature some top-class performers from around the world (CI09/11989).

\$100

Eltham Public School's P&C is seeking a donation towards the annual Eltham Art Awards, which focuses on artwork by Primary School students in the Northern Rivers Region. The exhibition will be open on 7 November 2009 (CI09/12120).

\$100

Recommendation

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

Documents for Signing & Sealing

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

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

Recommendation

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

Deed of Licence for community garden – part Lots 1 and 4 DP 344444 and part Lot 10 DP 16613 Cnr Brewster and Magellan Streets, Lismore (P1296,P1297,P858)

Council has negotiated a licence over the above land with Northern Rivers Social Development Council and Rainbow Region Community Farms Inc for the purpose of a community garden. The period of the licence is three years from September 1, 2009, to be reviewed annually.

Licence Agreement for Lismore Municipal Dip – Lot 2 DP 864899 152 Alexandra Parade, North Lismore (P26099)

Council has negotiated a new Licence Agreement for the above land to The Minister for Agriculture for a period of three (3) years. The purpose of the licence is operational matters related to the Department of Agriculture's cattle tick eradication program including the examination, dipping and or other treatment of cattle.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, 11 AUGUST 2009 AT 6.00PM.

- Present** Mayor, Councillor Dowell; Councillors Houston, Battista, Meineke, Clough, Chant, Yarnall, Ekins, Marks and Smith; together with the General Manager, Executive Director Development & Governance, Executive Director Infrastructure Services, Manager Finance, Manager Environment and Building Services, Manager Economic Development, Principal Accountant, Communications Coordinator, Compliance Coordinator and General Manager's Personal Assistant.
- 126/09 **Apologies/ Leave of Absence** **RESOLVED** that an apology for non-attendance of behalf of Councillor Graham be received and accepted, and that a leave of absence be granted for Councillor Clough – 12-18 August 2009.
(Councillors Chant/Marks)
- 127/09 **Minutes** The minutes of the Ordinary Meeting held on 14 July 2009, were confirmed.
(Councillors Chant/Clough)

Disclosure of Interest

S451

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

Report - Lismore Promotion Program 2009/10 Business Plan
Report - Margaret Olley Arts Centre

Nature of Interest: Councillor Battista stated that he had a business in the Central Business District which was close to the existing Art Gallery.

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

Report - Lismore Promotion Program 2009/10 Business Plan

Nature of Interest: Councillor Clough stated that he had a business in the Central Business District.

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

Report - Lismore Airport Land

Nature of Interest: Councillor Meineke stated that he owns shares (less than the 10% Local Government Act threshold) in the company that owns the land and that he would not participate in the debate or voting.

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:

E Stephans – Mayoral Minute – Construction of Nimbin Police Communications Tower

Ms Stephans advised she was the Secretary of the Nimbin Chamber of Commerce and was speaking on their behalf and for the community in general. She spoke against the current site of the tower, citing the lack of process surrounding its construction and the distress this had caused the Nimbin Community. She urged Council to work towards finding an alternative site for the tower.

B Sheaffe and G Gooch – Report – Lismore Promotion Program 2009/10 Business Plan

Both speakers urged Council to accept the Business Plan without amendment. They outlined the consultative process with the stakeholders leading to its development and claimed broad support for the Plan.

Mayoral Minute

Construction of Nimbin Police Communications Tower

128/09 **RESOLVED** that Council:

1. Express to the Honourable Tony Kelly, Minister for Police, Lands and Rural Affairs, its extreme dissatisfaction with the lack of proper process leading to the recent construction of a Police communications tower in Nimbin;
2. Urgently request Minister Kelly's intervention to relocate the tower to a more acceptable site; and
3. Offer the NSW Police assistance in locating a new position for the tower including the possibility of utilising Council land.

(Councillors Dowell/Smith)

Voting against: Councillor Meineke. (ED09/10382:EF09/1921)

Altering Order of Business

129/09 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

Lismore Promotion Program 2009/10 Business Plan

(Councillors Chant/Clough)

Reports

Lismore Promotion Program 2009/10 Business Plan

130/09 **RESOLVED** that:

1. Council adopt the 2009/10 Business Plan and budget for the SBRVL Lismore Promotion Program.
2. Council discharge the existing 14-member SBRVL Lismore Promotion Program Advisory Group and adopt the new eight-member Lismore Business Promotion Panel to oversee and advise on the activities of the SBRVL Lismore Promotion Program, including the City Centre Management Program.
3. Council note that Lismore Promotion Program Advisory Group resolved unanimously not to recommend matching funding of \$15,000 for the Sustainable Living Expo from the SBRVL Promotion Fund.
4. The NOTE to Part C (Festivals and Promotions) of the Lismore Promotion Program Budget to be amended to read 'Co-ordination and content determination of this promotional funding will be the responsibility of the CCM in consultation with the Lismore Chamber of Commerce.

(Councillors Meineke/Marks) (ED09/9699:EF09/1800)

June 2009 Quarterly Budget Review Statement

A MOTION was MOVED that:

1. The additional information be received and noted.
2. Council adopt the June 2009 Quarterly Budget Review Statement for General Water and Sewerage Funds.
3. The deficit of \$662,500 be contained within the business unit and recovered from future Northern Rivers Quarry & Asphalt business unit revenues.
4. This report is forwarded to Council's Auditors for information.

(Councillors Meineke/Marks)

An AMENDMENT was MOVED that:

1. The additional information be received and noted.
2. Council adopt the June 2009 Quarterly Budget Review Statement for General Water and Sewerage Funds.
3. The deficit of \$662,500 be contained within the business unit and recovered from future Northern Rivers Quarry & Asphalt business unit revenues.
4. This report is forwarded to Council's Auditors for information.
5. The dividend given to the general fund be paid back to the quarry for 2009/10.

(Councillor Ekins)

The amendment lapsed for want of a seconder.

131/09 **RESOLVED** that:

1. The additional information be received and noted.
2. Council adopt the June 2009 Quarterly Budget Review Statement for General Water and Sewerage Funds.
3. The deficit of \$662,500 be contained within the business unit and recovered from future Northern Rivers Quarry & Asphalt business unit revenues.
4. This report is forwarded to Council's Auditors for information.

(Councillors Meineke/Marks)

Voting against: Councillor Ekins. (ED09/10323:EF09/582)

Special Rate Variation -2010

A MOTION was MOVED that:

Council determine a fully developed report be prepared for the December 2009 meeting seeking Councils endorsement to apply for a Special Rate Variation for 2010/11 of 6.62% for asset management (roads).

(Councillors Marks/Meineke)

An AMENDMENT was MOVED that:

Council determine that a fully developed report shall be prepared for the December 2009 meeting seeking Council's endorsement to apply for a Special Rate Variation for 2010/11.

(Councillors Smith/Clough)

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

Voting against: Councillors Meineke, Chant, Marks and Yarnall.

132/09 **RESOLVED** that Council determine that a fully developed report shall be prepared for the

December 2009 meeting seeking Council's endorsement to apply for a Special Rate Variation for 2010/11.

(Councillors Smith/Clough)

Voting against: Councillors Meineke, Chant and Marks. (ED09/9700:EF09/1914)

Full Budget Review

A MOTION was MOVED that:

1. A full Budget review of the 2009/10 Budget be completed by December 2009 using an external consultant approach.
2. The job be put out to tender as to assess the best and most cost effective person for the job.
3. There be workshops and information supplied to Councillors to help facilitate their role in the review.

(Councillors Marks/Meineke)

An AMENDMENT was MOVED that:

1. A full budget review of the 2009/10 Budget be completed by December 2009 using the Option 3 Top Down approach.
2. Council undertake a review on a modified zero based budgeting.
3. The General Manager co-ordinate the workshops and information necessary to facilitate the review.

(Councillors Yarnall/Clough)

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

Voting against: Councillors Meineke, Chant and Marks.

133/09 **RESOLVED** that:

1. A full budget review of the 2009/10 Budget be completed by December 2009 using the Option 3 Top Down approach.
2. Council undertake a review on a modified zero based budgeting.
3. The General Manager co-ordinate the workshops and information necessary to facilitate the review.

(Councillors Yarnall/Clough) (ED09/9969:EF09/2198)

Tender – Jetting/Suction Sewer Cleaning Truck

134/09 **RESOLVED** that Council:

1. Purchase from Bell Environmental a JetVac combination unit for a cost of \$295,000.00 plus goods and services tax.
2. Dispose at auction of Plant Nos. 024 and 119 being a 'Flexible HV2000' jetting machine mounted on a 'UD Nissan CPC-15' truck.

(Councillors Chant/Marks) (ED09/8919:T09/21)

Tender – Woodlark Street Water Main

135/09 **RESOLVED** that:

1. The contract for the water main replacement for Woodlark Street be awarded to Camglade Pty Limited with the estimated price of works being \$588,407.00 plus GST, based on the clarified rates submitted.
2. The Mayor and General Manager be authorised to execute the contracts on Council's behalf and attach the Common Seal of the Council.

(Councillors Chant/Smith) (ED09/9729:ED09/9731, BAB:VLC:T10/1)

Northern Rivers Catchment Management Authority - MOU

136/09 **RESOLVED** that Council:

1. Endorse the changes to the draft Memorandum of Understanding as detailed below:
 - a. To recognise the Regional NRM Group as the main forum for ongoing communication between the parties; and
 - b. To highlight the need for ongoing data sharing.
2. Approve the signing of the renewed three year Memorandum of Understanding between Lismore City Council and the Northern Rivers Catchment Management Authority.

(Councillors Houston/Battista) (ED09/8934:EF09/524)

Delegations to the General Manager

137/09

RESOLVED that pursuant to section 377 of the Local Government Act 1993, Council revoke all delegations of functions from the Council to the General Manager whenever made and delegates to the General Manager all of the functions of the Council under any Act or law that may be lawfully so delegated subject to the following conditions and limitations:

1. The delegate may not exercise a function under delegated authority if:
 - a. The exercise of the function involves the adoption or amendment of a policy of the Council, or would be inconsistent with the aims, objectives or provisions of any existing Council policy;
 - b. The function relates to the determination of a development application under the *Environmental Planning and Assessment Act 1979* of a kind specified in clause 3 & 4 of *Council Policy 5.2.2 – Development Assessment Panel – Role, Constitution & Operation*;
 - c. Council by resolution, direct that a particular matter be referred to Council for decision, in which event this delegation shall not apply to such particular matter unless and until such direction or resolution is revoked by further direction or resolution; or
 - d. In the case of a function (other than to bring, defend, appear in or settle proceedings), the matter to which the function relates is the subject of actual, threatened or apprehended proceedings in a court or other tribunal or is the subject of a public inquiry under any Act.
2. Only debts of \$5,000 or less may be written off by the General Manager.
3. The delegate must ensure that the conditions and limitations in paragraphs 1 and 2 apply to functions sub-delegated to Council staff by the General Manager where appropriate.
4. The General Manager continues to circulate to Councillors, in accordance with established practice, a list of development applications that have been lodged with the Council for determination.
5. The General Manager informs Councillors, at least every six (6) months of development application determinations made under delegation and the “turn around times” of those determinations.

(Councillors Clough/Yarnall)

Voting against: Councillor Ekins. (ED09/9811:EF09/1075)

June 2009 Quarterly Management Plan Review

138/09

RESOLVED that:

1. The report be received and noted; and
2. In future staff prepare an executive summary informing Councillors of the changes from the previous review.

(Councillors Yarnall/Clough) (ED09/9505:EF09/1726)

Investment Policy Review

- 139/09 **RESOLVED** that council replace the existing Investment Policy with the attached Policy 1.5.4 – Investment Policy Statement with the following amendment on page 19 under “Authority to Implement Strategy” second paragraph to now read:

The General Manager may in turn delegate the day-to-day management of Council's investment to the RAO, but only Council officers shall be delegated authority to manage investments and all delegations will be subject to regular reviews.

(Councillors Clough/Yarnall) (ED09/9938:EF09/2209)

Margaret Olley Arts Centre

- 140/09 **RESOLVED** that Council:

1. Establish a Steering Committee for the development of the Margaret Olley Arts Centre comprising of:

The Mayor;
2 Councillors;
1 member of the Arts and Culture Policy Advisory Group; and
1 representative from Southern Cross University.

2. Determine Councillor representation on the Steering Committee.
3. Invite the Arts and Culture Policy Advisory Group to nominate one of their committee members to sit on the Steering Committee.
4. Invite the Head of the School of Arts and Social Sciences from Southern Cross University to be a member of the Steering Committee.

(Councillors Houston/Battista)

- 141/09 **RESOLVED** that Councillors Houston and Battista be appointed to the Steering Committee.

(Councillors Marks/Clough) (ED09/9295:EF09/2005)

2009 Local Government Conference

A MOTION was MOVED that Council's voting delegates to the Conference be the Mayor and one Councillor.

(Councillors Battista/Clough)

An AMENDMENT was MOVED that Council's voting delegates to the Conference be the Mayor and two Councillors.

(Councillors Ekins/Meineke)

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

Voting against: Councillor Battista.

142/09 **RESOLVED** that Council's voting delegates to the Conference be the Mayor and two Councillors.

(Councillors Ekins/Meineke)

143/09 **RESOLVED** that Councillors Yarnall and Meineke be voting delegates to the conference.

(Councillors Marks/Chant) (ED09/9312:EF09/112)

Councillors Expenses and Facilities Policy

144/09 **RESOLVED** that Council adopt the existing policy, Payment of Expenses and Facilities.

(Councillors Clough/Smith) (ED09/9304:EF09/1920)

Code of Conduct

145/09 **RESOLVED** that Council:

1. Note the Code of Conduct review.
2. Continue to adopt the Model Code as the Code of Conduct.

(Councillors Meineke/Marks) (ED09/9299:EF09/640)

Investments – July 2009

146/09 **RESOLVED** that the report be received and noted.

(Councillors Yarnall/Houston) (ED09/9877:EF09/2209)

Committee Recommendations

Traffic Advisory Committee- 15 July 2009

147/09 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Smith/Marks) (S352)

Documents for Signing and Sealing

148/09 **RESOLVED** that be executed under the Common Seal of the Council.

Lease to Goonellabah Tennis Club Inc – Lot 1 DP 814012 (P15906)

Option to renew Lease over Lot 1 DP 814012 (5A Reserve Street, Goonellabah) for a period of five (5) years from July 1, 2009, with two (2) further five (5) year options. Annual rent shall be increased in accordance with the Consumer Price Index.

Transfer to Cullen – Lot 1 DP 1068038(P15180,P26452)

A report was submitted to Council on March 13, 2001 in relation to rural quarry rehabilitation. This report indicated that quarry materials had been removed from the adjoining owner's land without permission and as compensation for the removal of the material the owners would accept a portion of unused road reserve as settlement. The road closure was approved by the Department of Lands and on September 12, 2006 Council resolved to sign and seal the plan of consolidation. Signing and sealing of the Transfer to Cullen is now required to complete the matter.

CROWN RESERVE TRUST MATTER:

Council as Trustee of Tregeagle Reserve Trust – Reserve No R33732

Grazing Licence to Lyons – 820 Tregeagle Road, Tregeagle

Licence to graze livestock over this Crown reserve (Lot 582 DP 728646) for a period of three years from August 1, 2009. Department of Lands consent has been received and the Licence is to be forwarded to the Department for execution on behalf of the Minister.

(Councillors Clough/Smith)

Financial Assistance - Section 356

149/09 **RESOLVED** the in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

(Councillors Clough/Houston)

b) Representative Selection – Policy 1.4.10 (GL390.735.15)

Budget: \$1,100 Spent to date:\$356

Ms Jessica Gilfillan has been selected in the School Sport Australia team to participate in the 2009 World School Games to be held in Doha, Qatar. The Australian Team tour will be from 1-15 December 2009. Ms Gilfillan is seeking financial assistance with the cost of the trip (CI09/9860).

\$356.00

In accordance with policy.

Mr Simon Mahony has been selection to represent the Southern Cross Deaf Ruby Union Inc when it tours Fiji in October 2009. Mr Mahony is seeking financial assistance with the cost of the trip (CI09/10946).

\$356.00

In accordance with policy.

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

Budget: \$15,200 Spent to date: \$0

Novaskill requesting Council discount the hire charges (\$125) for the hire of the Fountain Room to hold its annual recruitment drive aiming to recruit school leavers for Traineeship and Apprenticeship vacancies on August 25 2009. Novaskill is a not for profit Company (limited by guarantee) that exists to enrich people's lives by helping them achieve their full potential. An entrance fee is not to be charged.

Recommendation: In accordance with Clause 5 of the policy, a donation of 25% of the hire fee applies.

\$31.25

In accordance with policy.

d) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$11,000 Spent to date: \$903.81

Challenge Foundation \$242.73
Five Loaves \$160.36
Friends of the Koala \$24.00
LifeLine \$280.00
Saint Vincent De Paul \$28.00
Salvation Army \$132.36
Westpac Life Saver Rescue Helicopter \$36.36
Total

\$903.81

In accordance with policy.

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

Budget: \$300 Spent to date: \$0

Goolmangar School of Arts have requested a donation towards fees paid for the extension and alteration to Goolmangar Hall including new kitchen, covered verandah and disabled access ramp.

Recommendation: In accordance with Clause B of the policy, a donation of 30% towards eligible fees applies

\$498.45

In accordance with policy.

f) Mayor's Discretionary Fund (GL390.485.15)

Budget: \$2,700 Spent to date: \$100

The Lismore Rotary Club is seeking to raise funds to send Kath Duncan to present at an international conference in England in September 2009 in the area of bringing together disability and the arts (CI09/9057).

\$50.00

Mr Jesse Smith from Trinity Catholic College is seeking assistance with travel

expenses to attend the 2009 National Student Leadership Forum on Faith and Values, held in Canberra in September (CI09/011126).

\$50.00

Ms Gillian Murray, Mental Health Respite Coordinator from the Mental Health Interagency Northern Rivers (MHIA NR) is seeking financial assistance with hosting an event in Lismore for World Suicide Prevention Day on 10 September 2009 (CI09/011123).

\$50.00

At this juncture Councillor Meineke left the meeting.

Confidential Matters – Closed Council Meeting

150/09 **RESOLVED** that Council now exclude the press and public and meet in Closed Council Meeting to consider the following matter:

(Councillors Houston/Clough)

Item

Lismore Airport Land

Grounds for Closure

Section 10A(2) (d):

Public Interest

Discussion of this matter in an open meeting would on balance be contrary to the public interest because it would prejudice the commercial position of Council.

Resumption of Open Council

The Council having met in Closed Council to consider the following report:

Lismore Airport Land

The General Manager reported that Council had recommended:

1. Council agree to purchase the site at Lismore Airport sold to Aspect North as part of a contribution towards the establishment of a proposed spatial mapping facility in Lismore with the purchase funded in accordance with the reported advice of the Finance Manager.
2. The purchase be undertaken generally in accordance with the terms of the caveat registered on the property title which outlines a maximum price for the purchase and the General Manager be delegated authority to finalise the matter on Council's behalf.
3. Council's seal be affixed to the necessary documentation to complete the purchase.
4. Upon completion of the sale, Council classify the land as "operational" in accordance with the requirements of the Local Government Act.

151/09 **RESOLVED** that the recommendations made in Closed Council Meeting be received and adopted.

(Councillors Chant/Smith)

Voting against: Councillors Clough, Ekins and Yarnall.

Closure

This concluded the business and the meeting terminated at 9:00pm.

CONFIRMED this 8 September 2009 at which meeting the signature herein was subscribed.

MAYOR