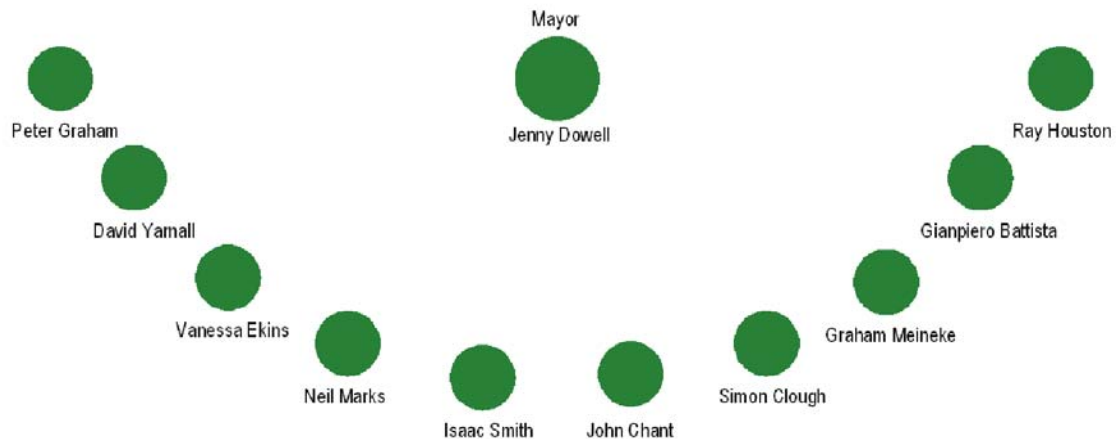


Notice of Council Meeting



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, 43 Oliver Avenue, GOONELLABAH on **Tuesday, 11 May 2010 at 6.00pm** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

3 May 2010



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting held on 13 April 2010

Extra Ordinary Meeting held on 13 April 2010

Extra Ordinary Meeting held on 20 April 2010

Disclosure of Interest

Public Access Session

Ms Diana Roberts – Notice of Motion – Nimbin Community

Mr Brett Anderson – Report – Koala Child Care Centre

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Councillor Meineke – Southern Bangalow Bypass

Councillor Clough – Nimbin Community

Councillor Battista – Urban and Rural Sport Facility Fund

Councillor Yarnall – Funding for Roads and Environment

Councillor Yarnall – Report on Road Network – McLeans Ridges

Altering Order of Business

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

Reports

Koala Child Care Centre..... 3

Lismore Tourist Caravan Park..... 3

Proposed 2010/2011 Roads Capital Works Program..... 3

Wyrallah Road Waste Facility - 2010/2011 Tip Voucher Programme 3

Electricity Supply Procurement..... 3

Nimbin Skate Park – Design and Construction Tender 3

Access and Inclusion Plan 2010-2014 3

Draft Public Art Policy and Reference Group 3

NORTEC Employment and Training – Fee Contribution	3
March 2010 Quarterly Budget Review.....	3
March 2010 Quarterly Management Plan Review	3
Goods and Services Tax - Council Compliance	3
Investments – April 2010	3
Committee Recommendations	
Documents for Signing and Sealing	
Financial Assistance - Section 356	
Questions Without Notice	
Confidential Matters – Closed Council Meeting	
Performance Monitoring 2009/10 – General Manager	Error! Bookmark not defined.

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.

Notice of Motion

Cr Graham Meineke has given notice of his intention to move:

Lismore City Council write to the relevant Minister and the RTA expressing its disappointment at the decision not to proceed with the Southern Bangalow Bypass, and request the Minister and the RTA to commit the \$53m that was to be spent on the Southern Bangalow Bypass to the upgrading of the Bangalow to Lismore Road and advising of a program for upgrading of the Bangalow to Lismore Road.

Councillor Comment

When the RTA officials addressed Council on the issue of the Southern Bangalow Bypass (SBB), they asked if we wanted \$53m spent on the SBB or on upgrading the Bangalow Road. Now that we have been advised of the abandonment of the SBB Council should hold the RTA to its utterances and ask for a commitment to the Bangalow Road upgrading.

Staff Comment

Executive Director Infrastructure Services

The RTA Bangalow Southern Bypass Decision Report - March 2010 concludes that:

- A Southern Bypass of Bangalow is not justified economically due to the low benefit cost ratio.
- At a regional level, the marginal benefits of a Southern Bypass does not justify the high costs.
- In the context of Main Road 65, there are other sections of that route in greater need of improvement than a Southern Bypass of Bangalow.
- The Bruxner Highway is a more important strategic link that will be significantly enhanced with the committed Alstonville bypass and Ballina bypass and should be given a higher priority for funding and improvements.
- A bypass would have benefits at a local level; however, there would also be impacts at a local level. A bypass offers minimal benefits to the broader community.
- Lower cost alternatives to a southern bypass of Bangalow can be explored to improve road noise, safety and amenity issues within Bangalow and on the existing Pacific Highway between Bangalow and Ewingsdale.

The RTA have also stated travel time to Lismore via the Pacific and Bruxner Highways is longer than the travel time via Main Road 65 and a Southern Bypass by about seven minutes for both cars and heavy vehicles.

Even with a Southern Bypass of Bangalow it is likely that the alternative route via the Pacific and Bruxner highways would attract traffic away from Main Road 65 because of improved capacity, improved safety and greater certainty of travel time.

The intent of this Notice of Motion is supported however it is recommended Council:

1. Endorse the RTA proposition that the Bruxner Highway is the priority route over Bangalow Road.
2. Request the RTA commit to mitigation measures should traffic deviate from Bangalow Road and cause traffic problems on the Bruxner Highway.
3. Request the RTA commit to maintaining Bangalow Road as a State highway.
4. Request the RTA take action to improve safety on Main Road 65 by committing to an ongoing program of upgrade works; particularly the provision of increased overtaking opportunities, localised treatment of curves with high accident histories and localised intersection treatments which have high accident histories.

(EF09/631:ED10/7777)

Notice of Motion

Cr Simon Clough has given notice of his intention to move:

That:

1. Council designate one staff person as a “conduit” for all matters specific to Nimbin and surrounds.
2. Council work with the Nimbin Chamber of Commerce and Nimbin Community Centre Inc. and the Nimbin community to establish a community/Council reference and consultation structure. The models to be considered should include, but not be restricted to, a community reference panel of elected, appointed or randomly selected members.
3. Council’s activities in the Nimbin area be communicated through local media including:
 - a. a newsletter in the Nimbin Good Times; and
 - b. use of the Nimbin Visitors Information Centre for a notice board and information distribution point.
4. Council’s welcome and information package for new residents include information specifically related to Nimbin.

Councillor Comment

The Nimbin community carried out a significant community consultation in which several Councillors participated over a year ago. This motion represents the main recommendations of that consultative process. I understand that the NCCI may be able to assist with the establishment work involved in this Motion through the contribution of one of its capable volunteers.

Nimbin, apart from Lismore is our main population centre and is definitely our local government area’s major tourist attraction. It is important for the wellbeing of the whole Lismore City Council area that the Nimbin community can have an effective voice in liaising with Council and Council can effectively distribute its information.

Staff Comment

Corporate Compliance Coordinator

Council has long recognised the important role that Nimbin plays in the social and economic fabric of the region and to this end has contributed considerable financial and in kind support for its on going development.

Council's support has included the establishment of a subsidised centralised sewerage system, the only village to have one, the on going development of the Western Carpark, the beautification and traffic calming of Cullen/Sibley street, the upgrade of the Nimbin to Lismore road and this year the replacement of the Cullen street Bridge and the allocation of Federal Funding to finally give Nimbin a skate park.

Council has lobbied successfully for an increased police presence and the upgrade of the Nimbin Hospital and financially supported the purchase of the old school site by what is now the Nimbin Community Centre Inc.

The views of the Nimbin Community have been taken into account in the preparation of Council's Strategic Plan, its four year Delivery Plan and recently made submissions to the 2010/11 Operational Plan.

Specifically addressing the issues of the Notice of Motion:

- The practicalities of one person being able to be the conduit for Nimbin are unrealistic given the divergence of issues that arise. Staff are deployed to deal with Nimbin issues as they arise. This is the responsibility of the appropriate Program Manager. Further there is no staff member with the capacity to exclusively deal with the volume of work that this would entail. Council would need to allocate additional funding for such a position. No provision has been made in this year's budget or in the four year Delivery Plan for such expenditure. At a time when Council is looking to rationalise its service levels the increase in staff resources in both time and dollars to provide a service over and above what is already being achieved cannot be justified at this time.
- In recognition of Nimbin's role, Council meets once a year in the Village, Council conducted a rating meeting in Nimbin this year and for next year has increased funding for the Visitor Information Centre. Council's Business Facilitator is available to meet with the Nimbin Chamber of Commerce or individual business to mediate any issues with the council. Council whilst not operating on a ward system does have a number of Councillors with a strong interest in Nimbin to whom the community relates to and regularly contacts with their concerns. Council has established a Community Engagement Policy to address issues where consultation is needed, and for example is being used to effect with the proposed skate park.
- There are of course many other villages, communities of interest or which could also claim a special status as ascribed to Nimbin and seek equal recognition through such a Committee system. The cost impact of such an expanded committee system would be unsustainable.
- Council provides the Nimbin Good Times with a copy of the Council Business Paper along with the Nimbin Neighbourhood Centre and Visitor Information Centre. Email alerts of Council meetings and media releases are forwarded to the Nimbin Good Times. A similar process is in place for other community based newspapers. Given the different deadlines of the various papers to create a newsletter which is current and topical is not a five minute job. Where considered desirable, copy and or advertisements are placed in such papers.
- With respect to the sign, Council staff have been discussing this issue with a wide range of the Nimbin Community. The Visitor Information Centre is not the "villages" preferred location but it may end up there.
- Council currently does include information on Nimbin for new residents.

(EF09/631:ED10/7670)

Notice of Motion

Cr Gianpiero Battista has given notice of his intention to move:

That Council resolve to:

1. Split the amount of funds assigned each year to the Urban and Rural sport facility improvement fund in half.
2. Dedicate one half of the above funds to Environmental projects.
3. Start this process from the 2011/2012 budget.
4. Continue to use the other portion of funds for Urban and Rural sport facilities improvements.

Councillor Comment

At the end of the SRV community consultation process it was clearly evident that the funds allocated to the Environment (\$10,000 each year) were not enough to complete projects in line with the Strategic Plan adopted by this Council. Whilst the community indicated their opposition to a rate increase, this resolution would effectively provide one half of the total funds, as per SRV application, in years to come to projects aimed at preserving and restoring our Fauna and Fauna.

Staff Comment

Executive Director Sustainable Development

It is acknowledged that there is a need for additional funding for the environment as outlined in detail via the special rate variation (SRV) proposal. I will not repeat that detail. The fact that the environmental component of the proposed SRV is not proceeding will mean that the implementation of proposed environmental plans will largely not proceed i.e. on ground works such as revegetation, matching grants etc. Any implementation will now be largely reliant on external grant funding as in the past.

The restructure and redeployment of staff positions into the Integrated Planning area will mean that the planning phase of Council's new environmental/sustainability direction will be able to be completed e.g. flora/fauna study, biodiversity strategy and limited Koala Plan of Management. This will be greatly aided by the proposed delivery plan project funding for these plans/studies. A significant amount of that work will occur in the 2010/11 financial year.

Therefore the Notice of Motion (NOM) is supported in respect of the desire to generate more funding for the implementation phase of these plans, strategies and studies. Secondly the timing outline in the NOM namely to start in 2011/12 would also appear to align with the fact that 2010/11 will allow for significant progress to be made on the strategies, plans and studies.

The part of the proposal as outlined in the NOM is a potential impact on the City's recreation and sporting facilities of the permanent reduction in funding. Currently it is proposed to not have the Urban and Rural sporting facilities for one year (2010/11). The Community Services Officer (Sport and Recreation) is in the process of developing a Recreation Plan that will identify the impact of any permanent funding changes.

Therefore it is **RECOMMENDED** that staff report back to Council on the impact of the intent of the Notice of Motion before making a decision on this matter. This will be done prior to the 2011/12 budget round and take into account any lessons from the development of the Recreation Plan.

(EF09/631:ED10/7785)

Notice of Motion

Cr David Yarnall has given notice of his intention to move:

That staff prepare a report as part of the budget deliberations for 2010/2011 on the means by which Council can finance an extra \$500,000 for roads and \$200,000 for the environment.

Staff Comment

Manager Finance

There are two fundamental options to achieve the desired outcome. The first is to change existing priorities for funding within the recurrent budget and the second is to seek a special rate variation increase. As Council decided not to seek a special rate variation increase for roads and the environment at its 20 April 2010 Extra Ordinary Meeting, the second option is not recommended.

In regards to changing priorities within the recurrent budget, the Council did undertake a full budget review between August and December 2009. It involved the review of all budgets over three workshops that could achieve the objective of improving Council's financial position. The budget review achieved savings of approximately \$497,000 with the potential for more should some potential property sales be realised. Unfortunately, the savings are more than absorbed by the annual increase in superannuation costs (\$560,000) which is a direct impact of the global financial crisis.

If Council supports this Notice of Motion, a process of review similar to the 2009 full budget review is recommended. To achieve savings to amounts nominated, there will need to be significant ongoing changes in recurrent service levels and possible cessation of works, projects, programs and services.

General Manager

This Notice of Motion presents Council with a serious difficulty. The draft Operational/Delivery Plan and Budget for 2010/11 is now on public exhibition and I trust all Councillors understand that to shift the emphasis in that draft Plan by \$700,000 will result in at least some of the impacts suggested by the Manager – Finance. If Council commits to the course of action promoted by the Notice of Motion clear direction as to those activities to be cut back must be urgently highlighted by the Council.

(EF09/631:ED10/7672)

Notice of Motion

Cr David Yarnall has given notice of his intention to move:

That council prepares a comprehensive report on the state of the road network at McLeans Ridges including, the costs to Council of roadworks associated with the Cameron Road development, the priority and proposed delivery times of necessary road infrastructure and the likely traffic safety impacts should the Cameron Road development be approved. This to include, but not be limited to:

- a. Cowlong Road from the Alphadale to the Cameron Road intersection, and including the McLean's Ridges Hall intersection and the Cameron Road intersection.
- b. Cameron Road from the Boatharbour Road intersection uphill to the proposed development (less than 1 Km) and the Cameron Road /Boatharbour Road intersection.
- c. Boatharbour Road from the Cameron Road intersection down hill to the Boatharbour flat towards Lismore and Boatharbour Road, from the Cameron Road intersection east to Eltham Road.
- d. The traffic safety issues at these intersections must include a review of the school bus service.
- e. Costs associated with the community block.

Councillor Comment

The report must be presented before Councilors are required to make a decision on the Cameron Road Development Application, and be publically available.

Staff Comment

Executive Director Sustainable Development

The road works and traffic safety information requested in (a) to (d) above is legitimately relevant information in considering the subject development assessment (DA). The same is the case for the information request in item (e) namely the costs associated with the community block in finalisation of the subject proposed Section 94 plan. Planning staff are currently assessing both matters and are in the process of drafting reports.

Therefore it is recommended that the requested information is best provided in context as part of the relevant planning reports as outlined above not as a separate report. There have been a large number of submissions to the subject DA and many of these submissions have raised the issues that are listed in the information request as outlined in the notice of motion. A separate report will merely require the replication of that information. The same effectively will occur for the community block costings which will be included in the Section 94 plan report. The Executive Director will ensure that items (a) to (e) are fully addressed in the relevant planning report as outlined above.

(EF09/631:ED10/7683)

Report

Subject	Koala Child Care Centre
File No	EF09/92:ED10/6645
Prepared by	Manager Arts, Tourism and Leisure
Reason	Council resolution
Objective	To provide Council with the outcome of community consultation and other information regarding the proposed sale of the Centre
Strategic Plan Link	Foster Youth Development
Management Plan Project	Koala Child Care Centre

Overview of Report

This report presents a summary of feedback resulting from consultation with key stakeholders and other relevant information regarding the proposed sale of Koala Child Care Centre.

Background

The Koala Child Care Centre (Koala) was one of the first child care centres established in Lismore (in 1986) and has been at the forefront of high quality child care since that time. The need for child care has significantly increased since that time and numerous private child care centres are operating as viable businesses across Australia. Due to the availability of a range of private and community based child care options, Council is reviewing its involvement in the delivery of child care services.

As a result of the global financial crisis, late in 2009 the Council reviewed its annual budget to identify activities with scope for reducing costs and / or increasing revenue. One of the areas identified was Koala, and at the 8 December 2009 Ordinary Meeting of Council it was resolved that:

Management explore the sale of the Koala Child Care Centre by first consulting with all stakeholders and reporting back to Council on the outcome.

To this end a formal consultation process was undertaken in March and April 2010, and the results are discussed in Public Consultation, below.

Current child care provision

The following table is a list of child care providers operating within the local government area or in close proximity:

First Steps Early Learning Centres	5 Market St, Lismore
Clunes Community Pre-School	34 Smith St, Clunes
ABC Goonellabah	789 Ballina Rd, Goonellabah

ABC Lismore	28 Keen St, Lismore
Blinky's Corner Child Care Centre (Lismore East)	94 Military Rd, Lismore
Bumblebee Early Education Centre	2 Slade St, Goonellabah
Care-Ring Children's Centre	1 Hayes St, Goonellabah
Family Day Care, NR Child Care Services	150 Laurel Ave, Lismore
Friends Child Care Centre	Dalley St, Lismore
Gingerbread House Occasional Child Care Centre	35 Uralba St, Lismore
Goonellabah Pre-School Inc.	20 Spring Ave, Goonellabah
Jarjum Centre Pre-School	Cynthia Wilson Dr, East Lismore
Koala Child Care Centre	21/ 25 Oliver Ave, Goonellabah
Lismore Pre-School Kindergarten	62 Brewster St, Lismore
Me and My House	39 Diadem St, Lismore
Nimbin Pre-School and Child Care Centre	Cecil St, Nimbin
Parish Centre Pre-School	Zadoc St, Lismore
Possums Early Education Centre (Lismore South)	45 Wilson St, Lismore
Rainbow Region Kids	76 Carrington St, Lismore
Rosebank Community Pre-School	Rosebank
Southern Cross University Children's Centre	Rifle Range Rd, East Lismore
The Channon Community Pre-School	Mill St, The Channon

In the broader Northern Rivers region only one other long day care centre, Sandhills, is operated by a council - Byron Shire Council. Koala staff advise that there are three councils in New South Wales that operate six child care centres in total. All other centres are owned or managed by private or other community-based organisations.

Lismore City Council currently operates two child care centres: Koala Long Day Centre, and Gingerbread House Occasional Care Centre. Koala provides long day care for children from six weeks to five years and is licensed for 39 children. Opening hours are from 8.00am to 6.00pm, Monday to Friday for 50 weeks per year. Gingerbread offers dedicated occasional care for children from six weeks to six years for as little as an hour at a time. Gingerbread operates from 9.00am – 3.00pm weekdays for 48 weeks per year and is licensed for 28 children. Until late 2009 Council also operated an Outside of School Hours Care Service, however this service merged with the service managed by the Lismore Neighbourhood Centre, now called Rainbow Region Kids which provides outside of school hours care and vacation care throughout the year.

For profit and not-for profit child care

Child care is basically delivered by the commercial or private sector (for profit) and community based organisations such as councils (not-for-profit). The general view of families attending Koala, a community based centre, is that the primary focus for staff and the organisation is on the delivery of quality child care, as opposed to making profit which is a key consideration for the private sector, together with the need to deliver quality child care. All long day child care centres operating in New South Wales are subject to the same licensing and accreditation regulations and must achieve a certain level to continue to operate under their licence.

Public consultation

Following the December Council resolution, as key stakeholders in this matter Koala staff were advised of the proposal to investigate the sale of the Centre. In early March all parents/guardians of children currently attending the centre were advised by letter of the proposal, a total of 50 letters were issued. The letter invited all interested parties to an interactive information session on Thursday 18 March 2010 to discuss the proposal and receive feedback from parents in particular. Eight parents and seven staff members attended the session.

A summary of issues raised at the information session follows:

- Parents are very happy with the service provided by Koala. In particular they value the staff, who are highly qualified, very experienced, set high standards, are stable and know the history of the children.
- Parents appreciate the food provided at Koala which caters for a range of allergies and intolerances.
- The high standards at Koala lay the foundation of their children's education and social well-being.

Six other agencies and organisations with direct links to Koala were also contacted via letter and encouraged to provide feedback.

All families were provided with feedback forms during March and encouraged to contact Council in a variety of ways to express their concerns / issues, including via telephone, email, feedback forms, and letters. Contact details of all Councillors were also provided. At the time of writing a number of letters, emails and feedback forms had been received. A summary of the concerns raised are included in the table below.

Contact	Issues
Parent - two children attend centre	<ul style="list-style-type: none"> • Not opposed to sale but need to select private operator with care; need to ensure continuation of high quality care and no sudden increase in fees; should attempt to retain current staff; do not need unnecessary disruption; would be a shame if the nutritious meals were stopped; closing Koala might place additional strain on other centres; it would be a loss to the community if Koala were to change or close.
Parent – one child attends centre	<ul style="list-style-type: none"> • Opposed to sale, current service has been exceptional. Koala's staff are experienced, very impressive – approachable and caring. Established a safe, caring environment, staff able to offer advice. Child has had happy transition from one room to the next. Quality meals provided. Staff extremely helpful with parents, provide excellent feedback re children. Closing the centre will have a devastating impact on many families.

<p>Parents – one child attends centre</p>	<ul style="list-style-type: none"> Disappointed with proposed sale. Excellent staff provide quality child care. Sale may compromise the quality of child care to the community. Child enjoys the safe, nurturing environment at Koala. Wonderful staff – would be a loss to the community if sold. Asks Council to reconsider. Community will be severely disadvantaged by such a loss. Happy to pay higher fees in order to retain Council ownership.
<p>Grandmother – one grandchild attends centre</p>	<ul style="list-style-type: none"> Disappointed in Council; parents considered Koala the best centre in the area; if Council sells Koala it is not looking towards future generations of its community.
<p>Parents – one child attends centre</p>	<ul style="list-style-type: none"> Concerned about proposed sale; impressed with quality of care provided by Koala; staff have long term experience in child care; other centres often have high turnover of staff whereas Koala is stable; appreciate the meals provided and system of reporting information to parents; feel that community and non-profit based childcare provide superior environment for children; disappointed Council may offload Koala to make a quick buck while selling out on more important values.
<p>Parents – two children attend centre</p>	<ul style="list-style-type: none"> The years between 0 – 5 are a crucial time for mental, emotional, social and physical learning; parents have opportunity to be involved in decision-making and running the Koala; uncertainty re Koala and lack of available child care spaces create significant concerns for working families; studies demonstrate that community-based long day care centres offer the highest quality care; the ability to develop relationships and thus secure attachments is an important indicator of quality of care; concerned the negative impact potential staff changes or turnover may have on our children's need to form secure attachment relationships; suggest Council consider alternative options for covering any funding gap, eg fundraising initiatives. Family benefits from close proximity to Koala, and knowledge children are well-cared for.
<p>Parent – one child attends centre</p>	<ul style="list-style-type: none"> Concern re childhood development; continuity of carers vital; need to consider risk and avoid long term problems that can arise from children having uncertainty about their carers; chose Koala based on stability and experience of staff; suggested working bees, fund-raising initiatives, promoting the centre, research grants to upgrade centre, introduce second language in second year of kindergarten; sited recent government initiative for childcare; experience and diverse backgrounds of staff at Koala is a priceless resource valued by parents, grandparents and guardians; children with hearing problems and learning difficulties have been identified by skilled employees of Koala; should consider reasonable timeframe if changes to care arrangements are to occur.
<p>Parent – one child attends centre</p>	<ul style="list-style-type: none"> Objects to the proposal due to the loss of mature caring staff and loss community feel that exists. Experiences with private care are not entirely pleasant. Happy to pay fees equivalent to private centres.
<p>Community member – work colleague of parent whose child attends the centre</p>	<ul style="list-style-type: none"> Concerned and disappointed re proposed sale; the child's parents value the diversity of children attending Koala, worried about the disruption any change will cause to their son's social development and any financial impact if they can't find a suitable alternative.
<p>Community member – friends son attends the centre</p>	<ul style="list-style-type: none"> One parent will lose ability to work if the centre closes, difficult for working parents to find suitable care with the level of experience found at Koala; some Koala staff have nursing backgrounds giving parents added confidence.

<p>Agency – special education teacher and therapy assistant for the Ready Set School Project</p>	<ul style="list-style-type: none"> • Koala is one of the best child care centres, providing personal and professional care without having to be answerable to owners and shareholders whose priority is to make a profit. Koala, Care-Ring Child Care Centre and Lismore Family Day Care are the only non-profit organisations in Lismore providing extended hours care for children and babies under the age of 3, parents will have limited choice if Koala is removed due to long waiting lists at Care-Ring and Family Day Care.
<p>Government – NSW Dept of Human Services</p>	<ul style="list-style-type: none"> • Community Services will not be making a comment, the decision to sell rests with the Council. However, Koala received an annual operating subsidy of \$48,861 which will cease if the service is sold to a private operator.

Staff consultation

Seven staff members attended the Information Session on 18 March 2010, and eight staff attended a separate staff consultation session on 15 April 2010. Key concerns raised included the uncertainty generated by a proposed and protracted sale, parents may withdraw their children and this may impact on the centre's ongoing viability, and staff do not have job security. Councillors will be briefed on employee impacts and entitlements on a confidential basis.

Financial considerations

Koala's annual budget is prepared on a balanced budget or small surplus outcome, ie revenue generated is equal to or greater than expenditure. Revenue comprises child care fees in combination with Child Care Benefit. Expenditure comprises staff salary and wages, operating expenses, and building and grounds maintenance and repair. Koala's fees and charges are reviewed annually and price increases usually come into effect in July each year. Other centres may choose to review their fees and charges at the commencement of the calendar and / or financial year and fees will change accordingly. The 2010/2011 budget has been calculated on current enrolments of 24 children, and is based on an increased daily fee of \$70.00 per child which will realise a net deficit of \$8,700 (excluding oncosts).

Oncost Charges

Council provides a range of services to the local community and the provision of internal services such as information technology, human resource assistance, payroll and accounts payable services etc are costed and allocated accordingly to each section of Council. These services noted in the general budget are not recovered from the user charges for childcare instead Council absorbs these costs recognising them as its contribution to childcare. In 2010/2011 these charges are estimated at \$31,300 for Koala.

Workers Compensation

Childcare is a recognised area of high risk to employees due to the nature of child care work, eg lifting, carrying, regularly getting up and down from a low to a high level. Employees generally are more susceptible to work related injuries as they age. Koala has a history of work related claims which has impacted directly on the budget (employment of casuals to backfill the position) as well as workers compensation costs. The Injury Management Coordinator has provided further detail in her comments below.

Property maintenance

Ideally, Koala will generate sufficient revenue to deliver a surplus budget with this surplus to be held in reserve to maintain the building and grounds. This system works well when attendance numbers are high and maintenance items are routine. However, when attendances drop or significant maintenance or repair work is undertaken, additional pressure is placed on the budget. Works may be paid from reserves if there is adequate provision, or additional requests to the Council budget are made. All child care centres are subject to regulations associated with their accreditation process and compliance with regulations is essential in order to continue to operate. Regulations may dictate the provision of specific materials or equipment, eg the provision of appropriate softfall around play equipment; provision of appropriate safety glass within building. The building is now 24 years old and will require increasing levels of maintenance as it ages. Significant maintenance works undertaken to date include:

Year	Activity	Cost	
2007	Painting	\$ 1,800	
	Plumbing	\$ 3,100	
	Verandah repairs	\$13,700	Total maintenance cost 07/08: \$15,000
2008	Sandpit repairs	\$ 4,400	Total maintenance cost 08/09: \$ 9,000
2009	Guttering and eaves	\$ 6,100	Total maintenance cost 09/10 (to date): \$ 8,300

Property Valuation

As a result of the December 2009 Council resolution staff engaged a suitably qualified professional to undertake a valuation of Koala, (1) to be sold as a going concern, and (2) to be sold as a property. The results of the valuation are commercial-in-confidence and accordingly provided in the confidential attachment to this Business Paper.

Sustainability Assessment

Summary Assessment

The provision of child care is a necessary service to a large portion of the community. Without adequate child care the ability for one or more parents to enter the workforce would be very limited. Council has provided child care services for many years but is now reviewing the need to deliver child care given the wide range of child care options provided by the private sector. There are very few councils operating child care centres in New South Wales, due largely to the supply of private child care centres and the ongoing costs of operating child care centres.

Economic

Koala's ongoing operations are based on a balanced budget where revenue generated is equivalent to or greater than expenditure. Any surplus derived has been placed in reserve to be called upon when essential expenditure is required. Variable costs that impact on the Koala budget include ongoing maintenance for the grounds and buildings. Variable costs that impact on Council's overall budget include oncosts, the WorkCover premium which varies from year to year based on recent claims history, and any separate budget requests for significant maintenance work that is outside of Koala's budgetary capacity. It is anticipated that these costs will continue to rise due to inflation, the high risk associated with child care work, and an ageing building.

Social

Removing Koala from the mix of child care offered in the community will limit choice for those parents who prefer community based child care as opposed to commercial providers. Many parents are concerned that a change in child care ownership and potentially carers will be upsetting for their children who require stability and routine in their lives. Child care provides opportunities for children to socialise with their peers and participate in structured programs aimed at stimulating their social, mental and physical growth and development.

Environmental

Nil identified.

Comments

Financial Services

The objective of the Full 2009/10 Budget Review undertaken by Council between August and December 2009 was to identify opportunities to improve Council's financial position. The sale of the Koala Day Care Centre (Koala) was identified as an option to meet this objective.

Based on the last five full year's performance (Table 1), it has operated in a deficit range between \$21,912 (2005/06) to \$76,531 (2006/07). If Council's contribution (Activity Based Costings) is deducted from the operating result, it has operated in the range of a \$32,331 deficit (2006/07) to a \$20,087 surplus (2005/06).

Table 1

	2004/05	2005/06	2006/07	2007/08	2008/09
Operating Revenues	\$413,872	\$415,272	\$360,093	\$396,755	\$449,402
Operating Expenses	\$447,943	\$437,185	\$436,624	\$427,596	\$477,727
Operating Result – Surplus/(Deficit)	(\$34,070)	(\$21,912)	(\$76,531)	(\$30,841)	(\$28,325)
Operating Result excluding oncosts	\$6,629	\$20,087	(\$32,331)	\$6,358	\$11,475

From the above information, it can be seen that operating expenses have remained relatively static except for 2008/09, while operating revenues have fluctuated with greater variation, both down and up. For 2009/10, it is anticipated that at best a breakeven result (excluding oncosts) will be achieved however a \$32,200 surplus was the planned in the original budget. This negative variance reflects the impact of a reduction in utilisation. For 2010/11, a deficit result of \$8,700 (excluding oncosts) is planned with the deficit being funded from Koala's reserve. The Koala reserve currently has a balance of \$21,000 subject to the 2009/10 actual result.

From a financial perspective, it is unlikely that Koala will ever provide a return to improve Council's financial position unless the business and property is sold. Information on the valuation received for Koala and other relevant information is attached which will assist in quantifying the possible return. If sold, it would provide a once only injection of funds.

The financial risks that Council face as the owner and operator of Koala can be summarised as:

- a) To maintain a viable business, reinvestment will be required at some time in the future.
- b) In the meantime, program maintenance will be increased due to age of the building.
- c) Fluctuations in operating revenues will result in deficits from time to time.

Given the number of current child care providers in the LGA both profit and non profit, the financial risks associated with being an owner and operator and the fact Koala is unlikely to ever provide a return to Council, it is questionable if Council needs to be in this market. If what other councils do can be used as a guide, then Council does not need to be in this market.

Other staff comments

Manager Human Resources

There has been a series of consultative meetings with the Koala staff and all available information on the progress of this proposed sale of the property has been provided as appropriate. All staff were also offered the availability of support with Council's Employee Assistance Program and one-to-one consultation with Human Resources.

The community feedback supports the high level of professionalism that exists within the staff team at Koala, and the interaction with staff from a Human Resources perspective has always reflected the professional approach and dedication that staff apply to their work with the children enrolled at the Centre.

The proposal that a potential new owner retain the qualified and experienced staff should be pursued, however, whilst this is a highly desirable outcome, it has been explained to staff that there are no guarantees that the negotiation process can protect their on-going employment. Councillors will be aware that childcare staff employed by a private operator could not be engaged under the conditions of the Local Government (State) Award 2007, therefore any staff transferring across to a new operation, should this transpire, would not be able to have continuity of service and conditions.

The guiding principle for this decision would be whether Council should be in the business of providing childcare services, given the climate of financial restraint and the need for prudent risk management.

Injury Management Coordinator

Since January 2002, Council has been insured with StateCover Pty Ltd for the provision of Workers Compensation insurance. During this time there have been 14 claims for Workers Compensation for child care workers employed at the Koala Child Care Centre. The net cost (including wages and medical/treatment costs) of these claims is \$76,428.

Most of the injuries reported to Council's insurer are due to the physical demands associated with child care work, in particular the repetitive lifting, bending and carrying associated with caring for babies and young children. This is particularly evidenced by the number of back injuries, eight (8) in total - that have occurred at the Centre since 2002 and the associated wages costs due to lost time and the provision of suitable duties. The net cost for back injuries during this period is \$18,152. Other claims for the same period resulted in a net cost of \$57,306.

Prior to Council's insurance with StateCover, Council was insured with GIO Workers Compensation. During the period of risk there were a number of high cost claims that impacted heavily on Council's premium. In particular, one former employee made seven (7) claims for Workers Compensation totalling in excess of \$100,000.

Conclusion

The fundamental question being asked is whether Council should continue to provide child care services or consolidate its service delivery to 'core' activities. The establishment of numerous viable private child care facilities in and around Lismore opens this subject for discussion. Of primary concern to parents attending the centre is the continuation of high quality of care to their children, delivered by experienced, skilled and stable staff, as opposed to child care delivery from the private sector which has a profit making imperative associated with ongoing viability. Community based child care provides an alternative to parents, however there appears to be a dwindling number of such centres operating due to a range of reasons including alternative providers and expenditure associated with operating child care centres.

Financial factors to be considered include potential revenue to be generated should the centre be sold as a going concern or as a property sale; the redundancy entitlements due to staff should their employment cease with Council as a result of a sale; and the impact of injury claims on Council's overall WorkCover premium. As of April 2010 attendance numbers are below expectation and the 2010/2011 budget has been developed based on daily attendances of 24 children. Fees have increased from \$60 to \$70 as a result, however a deficit of \$8,700 is anticipated.

If Council resolves to continue Koala's operations as is, the costs associated with this outcome will be any operational deficit, upcoming maintenance items that are beyond the scope of Koala's current budget, and other overall costs currently absorbed by Council such as oncosts and increases to workers compensation premiums.

If Council resolves to sell the business as a going concern or a separate property sale, it could generate significant one-off revenue. It would also allow Council to focus on the provision of child care not undertaken by any other centre due to its inability to make profit – occasional care.

For the above reasons it is recommended that the Koala Child Care Centre be sold. In terms of the recommendations below it is important that Council make an 'in principle' decision at this meeting. The Valuer has recommended the involvement of a specialist child care centre broker to assisting with marketing the sale as a going concern.

A major consideration in the process is the potential disturbance a change in ownership may have on children, their families and staff. In order to minimise disruption arising from a significant change, an appropriate marketing and sale period is recommended by the Valuer. Management recommends a targeted changeover period at the commencement of 2011.

Recommendation

That:

1. Council authorise the sale of Koala Child Care Centre, as a property and business package with a target settlement in January 2011.
2. Council staff engage a suitably qualified specialist child care centre broker to assist with the sale.
3. Council ensure that the affected parents and staff understand the implications of the Council's decision by explaining the next steps and anticipated timeframes.

Report

Subject	Lismore Tourist Caravan Park
File No.	P3058-03: ED10/7638
Prepared by	Manager - Assets
Reason	To advise Council of options available to deal with the ongoing flooding of the facility during rain/flood events.
Objective	To have Council endorse a course of action to deal with the problems of regular serious flooding at the Lismore Tourist Caravan Park.
Strategic Plan Link	Best-Practice Corporate Governance
Management Plan Project	Properties

Overview of Report

This report outlines options for Council to consider the future of the Lismore Tourist Caravan Park in view of its location in an area which is subject to regular inundation from floodwaters.

Background

The Lismore Tourist Caravan Park is located in Dawson Street adjacent to Browns Creek and Mortimer Oval. The area of the site is 15,400m² and it contains 70 sites. A plan of the site is shown below.



The facility is leased by Council to a private operator with the current lease expiring on 31 December 2011. For the 2010/11 financial year Council will receive \$42,500 in lease fees.

The park is used by tourists travelling through the area and the current lessee also has a number of onsite vans and cabins which are generally rented to local people and tourists on a short term basis as required. In particular the park is not approved to house long term or “permanent” tenants and conditions to this effect are included in the lease. Notwithstanding this, it is understood that there are occasions where residents may stay in excess of the maximum stay requirements when they do not have other alternative accommodation available to them. It is also understood that the Departments of Community Services and Housing respectively refer clients who require short term accommodation to the park.

The location of the caravan park is effectively the lowest point in the Lismore basin and as such the facility is subject to regular inundation during rain events. In particular during times of flood, when the floodgate from Browns Creek to the river is closed, water levels in Browns Creek can rise very rapidly and without warning. This occurs when rainfall in the basin area generates runoff to Browns Creek that exceeds the capacity of the pump station on Browns Creek which pumps water from the creek over the levee and into the river. The caravan park and land immediately adjacent to it is effectively the first land to be inundated when inundation occurs.

An evacuation plan has been prepared for the park and contains a series of measures designed to ensure that when flood events are predicted, the park is evacuated. The plan was reviewed in 2007 following receipt of some grant funding. The evacuation plan was successfully implemented during the January 2008 flood.

In the May 2009 flood, the caravan park was flooded and an evacuation of the facility did not occur. The circumstances surrounding this situation have been the subject of much debate and disagreement between various stakeholders since that time and will not be discussed in this report. This unfortunate event has highlighted how vulnerable residents of the caravan park are in times of flood and heavy rain.

Flooding of the facility is not a new phenomenon and Council has examined the possibility of relocating the caravan park in the past. On each occasion Council has determined not to take any action to relocate the caravan park but rather has sought to implement and improve management practices to evacuate residents from the park as and when required. The events of the May 2009 flood have highlighted that regardless of the systems that are in place, they can fail. The reality is that when this happens, people’s lives can be put at risk.

At its meeting on 2 February 2010, Council resolved:

“That as a matter of urgency Council prepare a report on relocating the Tourist Caravan Park on the corner of Dawson and Woodlark Streets to a safe, less flood prone position.”

Options

Essentially there are three options available for Council in considering the future of the caravan park. These are:

1. Leave the caravan park in its current location and undertake a further review of management procedures to be implemented in the event of a flood and investigate some physical measures that might reduce the speed at which the park becomes inundated – effectively the status quo.
2. Relocate the caravan park to another location that is either less flood prone, or preferably out of the flood zone altogether.
3. Close the caravan park.

Each option has a number of issues to consider and these are discussed below.

Option One – Status Quo

This option is effectively what Council has elected to do on each occasion it has considered this issue in the past. Further revision of the evacuation plan could be undertaken, however, there will always be risks associated with human error and judgement. The costs of this option would be minimal with any further review of the evacuation plan able to be undertaken within existing resources. Some minor costs may be incurred in appointing consultants to assist with the review and grant funding opportunities exist for this type of activity.

The events of May 2009 clearly showed that no plan is foolproof and it has been widely accepted that to 'do nothing' is not an option.

It may be possible to implement some physical measures such as construction of bunding around the site and a high level access to ameliorate the speed at which stormwater inundates the park. This would require further detailed analysis and costing to be undertaken.

If Council was to consider this option as a possibility the matter of the requirements of the Residential Parks Act, particularly regarding permanent residents, would also come into consideration. There are a number of significant issues to be dealt with in this regard including the nature and format of tenancy agreements, the type and standard of residence provided, the facilities provided within the park and most importantly, whether this type of arrangement, as permitted under the Act, is compatible with the requirement to evacuate the park during certain flood events.

In particular any patron that stays in a caravan park beyond 28 days is required under the relevant legislation to enter into a written agreement for their tenancy. A park owner that permits patrons to stay in the park without a written tenancy agreement (where required by the legislation) is guilty of an offence and can be subject to substantial penalties. The form of this tenancy agreement varies depending on whether the tenant is leasing a site only (with their own dwelling to be located on that site), or a dwelling and a site. To qualify for these tenancy agreements, the type of dwelling to be used, whether provided by the patron or by the park owner must be either a caravan with a solid annex, or a moveable dwelling such as a cabin or relocatable home. Clearly this type of residence is not easily relocated during times of flood and therefore not suitable for use in the caravan park. This again raises the issue of how to deal with those people that seek to stay in the caravan park beyond the permitted 28 day period specified in the legislation.

Option Two – Relocate the Caravan Park

Relocation of the caravan park has been suggested on a number of occasions in the past. Several issues have been paramount in these deliberations.

The park is conveniently located near the centre of town and close to the shopping and services available in the CBD, at Lismore Square and the Lismore Base Hospital. For this reason the park is ideal for people who do not have access to their own transport as they can walk to the various services and facilities available in this area. In particular, this factor is important for those local people that find themselves living in the caravan park for a period of time due to their circumstances.

It is considered that if Council is of a mind to investigate relocation of the caravan park, it is imperative that the level of convenience offered by the current site is replicated in any alternate site. To relocate to a site substantially further away from the CBD etc. would remove the convenience for those patrons of the park that do not have their own transport. It would also bring the relocated caravan park into direct competition with other existing caravan parks.

There are currently no other suitable sites available nearby where the planning, land classification and flood issues have already been addressed and that would offer the same level of access to facilities and services in the CBD for residents as the current site. A relatively quick and simple relocation of the caravan park could not be achieved as potential sites all have issues that would take time to address.

There is certainly land owned by Council in nearby areas that would be large enough to accommodate a caravan park of similar size, however this is all community land currently zoned and used as open space and sporting facilities. Further, this land is all located within the Lismore basin and also liable to flood, although some not as frequently or to the same level of inundation as the current site. Before relocation could be considered, any site would need to be reclassified from Community Land to Operational Land and a development consent issued. There is no guarantee of the outcome of these processes and it would be reasonable to expect considerable community opposition to the loss of any public open space in the Lismore Park area.

Assuming that all of these issues could be overcome and relocation to a nearby site in the basin was possible, the effects of flooding and the likely planning conditions also need to be considered. Meeting the requirements of the relevant DCP regarding the floor levels of dwellings would be a prime consideration and this would very likely require substantial filling of land, wherever it was located within the basin.

There is one area of privately owned land for sale on the fringe of the flood zone that is smaller than the current caravan park site. It would most likely not be possible to relocate the full 70 sites and the current zoning would not permit construction of a caravan park. Flooding would remain an issue and the reaction of adjacent residents to any proposal to construct a caravan park would be a major factor for Council to consider.

Relocating to another site well away from the CBD would remove the convenience factor to the CBD which is the prime benefit that the current site offers its patrons. There are already other caravan parks that provide accommodation away from the CBD and are available for people to use. It is therefore not considered prudent for Council to consider relocating the caravan park to such a location, assuming one could be found.

There would be substantial costs associated with constructing a new caravan park on a given site and demolition and restoration of the existing caravan park site. It is difficult to estimate costs without detailed investigations being undertaken, and especially without knowing which site might be considered. If a suitable site could be found that is located within the basin and still close to the services and facilities of that area, a reclassification and/or rezoning undertaken and development consent issued, there would be costs associated with filling the site to be out of flood. The table below details potential costs but it is emphasised that without an actual identified site, the costs of purchasing land if required, or filling the land cannot be estimated with any certainty. In addition to this, there would be costs associated with demolition of the current facility and rehabilitation of the site.

Rawlinson's Construction Handbook details costs of approximately \$21,500 per site for construction of a caravan park with basic facilities. These costs increase to \$31,200 per site for a park with medium standard facilities including communal kitchen, laundry facilities, and a small swimming pool. The standard of facilities that would be provided in a relocation is probably somewhere between these two costs and so a figure of \$25,000 per site has been adopted for estimating purposes. These cost estimates do not include the cost of providing caravans or cabins as part of the facility.

Item	Rate	Quantity	Cost	Comment
Land Purchase	Market rate		To be determined	Only if required
Rezoning and/or reclassification processes, DA preparation and lodgement etc.	Item		\$ 50,000	
DA contributions – Sections 94 and 64 etc	Item		\$ 150,000	Estimate only at this stage
Filling of land	Item		\$ 500,000	Estimate only at this stage – depends on site chosen
Construction	\$25,000	70	\$1,750,000	
Demolition of existing site and rehabilitation	Item		\$ 400,000	
Project Management	Item		\$ 50,000	
Sub-total			\$2,900,000	
Contingency	20%		\$ 580,000	
Total			\$3,480,000	Excludes land purchase cost if required

Grant funding may be available to offset part of the cost but cannot be guaranteed.

Council could lease out the facility to generate some income but this in itself creates additional issues. A brand new facility could expect to charge higher rentals than the current facility and indeed this would make the facility an attractive option for potential lessees. Council would need to recover the capital cost of its investment. If Council was to insist on a lower rental for all or some of the sites to ensure availability to lower income and socially disadvantaged people, the expected income from lease of the facility would be reduced. It is difficult to comment on this without developing a specific proposal and a detailed business case would have to be prepared if Council wished to investigate this option further.

Option Three – Close the Caravan Park

The third option is to close the caravan park altogether. The facilities could then be demolished and the land converted to open space. With the lease of the facility due to expire on 31 December 2011, substantial notice could be given to the lessee and patrons that upon expiration of the current lease, it will not be renewed and the park will close. Occupants would need to find alternative accommodation and the Department of Community Services and the Department of Housing could assist in relocating patrons as required.

This may impact on the business of the current lessee and lead to a claim for compensation for loss of business etc.

Patrons could potentially relocate to other caravan parks in the Lismore area and in particular the Lismore Palms Caravan Park is located in Brunswick Street, within a reasonably short distance of the Tourist Caravan Park. This business is currently for sale.

The costs to demolish the caravan park and rehabilitate the site, without being part of the construction of the new site, is estimated at \$490,000. Council would also lose the annual income from the lease of the property.

Summary of Options

In summary there are three options available to Council in considering the future of the Lismore Tourist Caravan Park. These are summarised in the table below:

	Option One – Status Quo with some changes	Option Two - Relocation	Option Three - Closure
Benefits	Maintain accommodation for low income and socially disadvantaged people.	Maintain accommodation for low income and socially disadvantaged people	Removes the risk to lives and property.
Disadvantages	<ul style="list-style-type: none"> • Flooding issues remain. • Need to address approval for longer term residents • Operation of the park to permit long term residents may not be able to comply with requirements of the Residential Parks Act. 	<ul style="list-style-type: none"> • Expensive option. • No ready made site available. • Outcomes of statutory processes required to facilitate a relocation are not guaranteed. 	<ul style="list-style-type: none"> • Loss of options for accommodation for low income and socially disadvantaged people. • Need to relocate existing patrons. • Potential claim from current lessee. • Loss of annual income.
Costs	Unknown	\$3.48 million (minimum)	\$490,000
Further investigations required	<ul style="list-style-type: none"> • Suitability and costs of some physical measures to reduce speed of inundation of the site and improve accessibility during evacuations. • Compliance with the requirements of the Residential Parks Act. 	<ul style="list-style-type: none"> • Identify a suitable site to allow full investigation of feasibility and potential costs, especially filling. 	<ul style="list-style-type: none"> • Social Impact Assessment required.

Comments

Financial Services

The draft 2010/11 Operational Plan includes \$60,000 for the investigation of options to manage the flooding and heavy rainfall issue at the Lismore Tourist Caravan Park. The funding is based on Council contributing \$20,000 and the State/Commonwealth Governments providing \$40,000. An application for the State/Commonwealth Governments' share is required and therefore not guaranteed.

The draft 2010-2014 Delivery Plan assumes that an acceptable solution can be found at the current site and new funding will be required. As such, a preliminary estimate of \$750,000 is included in both Year 3 and Year 4 on the basis that the solution would be eligible for a \$2 : \$1 from the State/Commonwealth Governments. Council's share would be \$250,000 in both Year 3 and Year 4 with the funds being sourced from new borrowings. As with the investigation, there is no guarantee that the State/Commonwealth Governments will meet their share of this funding model.

Council will also need to assess this project's funding priority and timing when considering the options with all other draft Delivery Plan projects.

Other staff comments

Community Services

It is clear that the current location of the Lismore Tourist Caravan Park is problematic; however the impact of any proposed closure of this facility upon disadvantaged and vulnerable community members should not be underestimated.

While conducting research to inform comment upon this current report, Council's Community Services Coordinator quickly established that the caravan park largely comprises permanent sites (which

accommodate approximately 40 permanent residents), and a small number of sites identified for travelling tourists. Management of the caravan park also reports having a waiting list of 15 for permanent sites.

As the background to this report correctly states, the park is not approved to house long term or permanent residents. However, past poor management and compliance practises have allowed this facility to become the CBD's *de fault* low cost housing option for economically disadvantaged community members. There is now community dependence upon the existence of the facility. Furthermore, in the absence of affordable rental accommodation or accessible social housing within the Lismore LGA, the facility has also become an important referral resource for both the Department of Housing and also the Department of Community Services. Rather than assisting residents to relocate to alternate accommodation, as Option Three of this report suggests, these human services departments depend upon this caravan park to keep residents from homelessness.

In light of these likely significant negative social impacts it is recommended that, prior to a resolution by Council, a Social Impact Assessment of the proposed closure be conducted and, in spite of the obvious challenges, Option Two – relocation of the Caravan Park, be considered.

Traffic and Emergency Services Coordinator

A couple of years ago Council received a grant to develop a comprehensive evacuation plan that would be used by caravan park management preceding, during and after a significant flood event. This document was developed as a result of consultation with the SES, Richmond River County Council and the Lismore Tourist Caravan Park management. As already pointed out in the report, no matter what measures are in place the human element will always provide the potential for things to go wrong.

Part of the Operational Procedures for the Browns Creek Pump Station state that when overtopping of the levee is imminent, the pumps will be turned off and the flood gate will be opened allowing for the flooding of the basin. The intention is to minimise the impact of fast moving flood waters from the river on buildings and infrastructure within the basin.

Should the river be rising quickly then this can provide a very short time frame in which to ensure a total evacuation of the basin has taken place. Obviously this will be a judgement call at the time, however, to allow a continuation of vulnerable residents open to such a scenario where their safety is significantly compromised should not be considered an option. This is not a suitable location for such a facility to exist given the above conditions.

Strategic Planning Coordinator

The location of the caravan park is a particular cause for concern for the Floodplain Management Committee. Indeed its December 2009 resulted in Councillor Clough's notice of motion at the February 2010 Council meeting. The Committee believes that Council has investigated the matter on a number of occasions in the past and that action needs to be taken to relocate the caravan park before another flood event. The Committee is very aware of the need to consider the social impact of relocation on permanent residents, particularly as many are vulnerable and need to be close to services offered in and around the CBD. However, the Committee feels equally strongly that it is indefensible to continue to allow the most vulnerable people in the community to live in an area that is known as one of the most hazardous areas in Lismore during a flood.

A Social Impact Assessment is supported but if it only serves to confirm what is evident to everyone it could delay action being taken. The focus of any further assessment must be on how to relocate permanent residents in a way that is least disruptive and harmful and this should occur in consultation with key state and federal agencies, and in the short term before another flood event.

Public consultation

Formal public consultation has not been undertaken regarding this matter; however, the Local Emergency Management Committee (LEMC) and the Floodplain Management Committee (FMC) have

both considered the issue at meetings since the May 2009 flood.

The LEMC resolved at its meeting on 19 August 2009 that Council be requested to strongly consider relocating the Lismore Tourist Caravan Park due to safety and health concerns for the residents.

The Floodplain Management Committee discussed the issue at meetings in 2009 and there is a strong view that Council needs to take some action to remove the current risks to patrons and property when the park floods.

Conclusion

The Lismore Tourist Caravan Park has been problematic for a long time because of its location in the lowest part of the Lismore flood basin. It is regularly inundated with floodwaters during flood events and can also be subject to flash flooding as a result of heavy rain within its immediate catchment.

The current caravan park site enjoys a particular advantage over other caravan parks in Lismore in its proximity to facilities and services of the CBD, Hospital and Lismore Square. This is one reason that it is an attractive proposition for many patrons. There are limited sites where this level of convenience could be replicated and all potential sites have issues that will take time to deal with through statutory processes. Further, the outcome of the processes required to deal with these issues is not necessarily guaranteed to facilitate relocation of the caravan park.

Assuming that these issues could be dealt with satisfactorily, there will be substantial costs involved in relocating the caravan park. Total costs would depend on the site chosen.

The key question for Council is whether it wishes to continue to facilitate for some sections of the community low cost housing that is in close proximity to the facilities and services of the CBD. If this is an objective for Council, Options One and Two are those which should be considered. Even so, the issues that need to be dealt with, and in particular the matter of the length of stay permitted for patrons of the park may not be able to be adequately addressed in light of the requirements of the Residential Parks Act and the fact that the site floods.

Closure of the park (Option Three) is an option that should be seriously considered. Whilst the ramifications for people currently living at the park are a consideration, the matter of the health and safety of patrons in flood events also needs to be considered. The fact remains that the facility is currently not approved for anything other than short term (less than 28 days) and tourist accommodation.

Over 18 months notice could be given to occupants and Council could work with the Department of Community Services and Department of Housing to help relocate residents.

Considerable time and energy has been put into trying to resolve the current situation. No solution is immediately apparent. Further time and expense can be used to try to resolve this situation, however a satisfactory outcome is not guaranteed.

It is considered that the most appropriate way forward for Council is to close the caravan park giving the lessee and occupants 18 months notice and Council work with appropriate agencies to help relocate residents.

In the short term, further investigations could be conducted into measures which would reduce the rate of water inundation and allow longer evacuation times from the caravan park. This would assist in facilitating evacuations that might be necessary in the interim period until the park closes.

Recommendation

That:

1. Within six months Council complete an evaluation of the effectiveness of structural works to extend evacuation time and reduce the isolation risk for residents of the Lismore Tourist Caravan Park in high rainfall/ flood events.
2. Council give notice to residents and the lessee of its intention to close the facility in December 2011 and work with appropriate agencies to relocate residents.

Report

Subject	Proposed 2010/2011 Roads Capital Works Program
File No.	EF09/1392:ED10/7641
Prepared by	Manager - Works
Reason	To inform Council of the proposed Roads Capital Works Program for 2010/2011 as recommended by the Infrastructure Assets Policy Advisory Group (IAPAG).
Objective	To obtain Council approval for the 2010/2011 Roads Capital Works Program.
Strategic Plan Link	Improve Roads, Cycleways and Footpaths
Management Plan Activity	Roads

Overview of Report

This report provides a recommended Roads Capital Works Program for the 2010/2011 financial year. The recommended program has been developed using Council's objective road reconstruction point scoring system.

Background

The Infrastructure Assets PAG met on 22 April 2010 to consider projects to be recommended for inclusion in the 2010/2011 Roads Capital Works Program.

Council's current policy for the distribution of funds between the urban and rural road network is on a needs basis through the points scoring system with a cap of 2/3^{ths} placed on the proportion of the total funding that can be used in either the rural or urban area.

Road Funding Available

General Road Funding	2010 / 2011 (\$)
Revenue – General	1,737,100
Roads Federal Assistance Grants Program	917,600
Roads to Recovery Program	913,500
	\$3,568,200

Please note there are many other line items in the Roads Section of the draft budget. However, they apply to infrastructure other than roads, such as drainage, footpaths, cycleways, bridges, etc.

Urban / Rural Road Allocation

In accordance with the Infrastructure Assets PAG recommendation, funds were distributed on a network needs basis through the objective points system. Based on this, a 50:50 funding split between Urban and Rural was adopted which was the best fit based on the comparative points system and project cost estimates to match the available roads funding.

The Infrastructure Assets PAG adopted this funding split for the 2010/2011 financial year, after the deduction of \$200,000 for the sealing of gravel roads and \$50,000 for safety related repair/improvement works.

Road Type	2010 / 2011 (\$)	Proportion
Urban Roads	1,659,100	50%
Rural Sealed Roads	1,659,100	50%
	\$3,318,200	
Sealing of Gravel Roads	200,000	
Safety Improvements	50,000	
	\$3,568,200	

10 Year Urban Roads Capital Works Program

Priority Rating	Road Name	Location	Cost (\$)	Score
1	New Ballina Road	Milton Street to Rotary Drive	480,000	58
2	Avondale Avenue - Stage 1	First Avenue to Wyrallah Road	360,000	56
3	Elizabeth / College Streets	Wyrallah Road to Caldwell Avenue	420,000	56
4	Bellevue Avenue	High Street to Donnans Road	399,100	56
5	Jubilee Street	Diadem Street to Hunter Street	270,000	55
6	Diadem Street - Stage 1	Uralba Street to Gaggin Lane	420,000	55
7	Conway Street - Stage 3	Keen Street to Molesworth Street	500,000	55
8	New Ballina Road	Hunter Street to O'Flynn Street	450,000	53
9	Zadoc Street	Molesworth Street to Keen Street	440,000	51
10	Avondale Avenue - Stage 2	Second Street to First Avenue	450,000	51
11	Centre Street	Casino Street to Charles Street	440,000	51
12	Phyllis Street	Wilson Street to Crown Street	420,000	51
13	Gaggin Lane	Brewster Street to Diadem Street	220,000	53
14	Cooling Street	High Street to Mackay Street	280,000	48
15	Kareela Avenue	Valley View Drive to Donnans Road	100,000	48
16	Diadem Street - Stage 2	Gaggin Lane to Leycester Street	330,000	48
17	Bounty Street	Molesworth Street to End	330,000	47
18	Dawson Street	Ballina Road to Parkes Street	340,000	47
19	Ostrom Street	From Casino Street	510,000	47
20	Newbridge Street	Union Street to Wilson Street	100,000	47
21	Esmonde Street	Wyrallah Road to Stocks Street	180,000	46
22	O'Flynn Street - Stage 1	New Ballina Road to High Street	440,000	44
23	O'Flynn Street - Stage 2	New Ballina Road to High Street	700,000	44
24	Ubrihien Street	Dibbs Street to Shelley Avenue	520,000	44
25	Walker Street	College Street to Military Road	580,000	44
26	McKenzie Street – Stage 1	Crescent Street to Dibbs Street	270,000	43
27	McKenzie Street – Stage 2	Diadem Street to Hunter Street	390,000	43
28	Aurora Street	Dibbs Street to Nielson Street	620,000	42
29	Esmonde Street	Elton Street to Wyrallah Road	380,000	42

Priorit y Rating	Road Name	Location	Cost (\$)	Score
30	Webster Street	Wilson Street to Crown Street	440,000	42
31	Brewster Street	Drain to Ballina Road	495,000	41
32	Cathcart Street	Conway Street to Magellan Street	305,000	41
33	Molesworth Street	Ballina Road to Junction Street	450,000	41
34	Charles Street	Wilson Street to Crown Street	435,000	40
Total:			\$13,464,100	

Rural Roads Capital Works Program

Priorit y Rating	Road Name	Location	Estimate	Points
1	Rous Road - Stage 1	Taylors Road to Muller Road	520,000	78
2	Rous Road - Stage 2	Muller Road to Connor Road	500,000	78
3	Doroughby Road – Stage 2	Corndale Road (0.3 - 0.7km)	319,100	66
4	Caniaba Road	Fredericks Road (5.4 - 5.9km)	430,000	65
5	Newton Drive	Tunable Falls Road	390,000	64
6	Cawongla Road - Stage 3	7.5 - 8.0km Nth Rock Valley Road	370,000	63
7	Cowlong Road - Stage 1	Daniel Roberts Drive	480,000	62
8	Cowlong Road - Stage 2	Lavis Road to McKenzie Road	480,000	62
9	Boatharbour Road - Stage 1	Eltham Road – 0.7km South	390,000	61
10	Boatharbour Road - Stage 2	Alexander Lane – 1km North	560,000	61
11	Whian Whian Road - Stage 2	MR306 (Dunoon Road) to Bridge	480,000	60
12	Boatharbour Road - Stage 3	Cameron Road – 1km North	560,000	60
13	Whian Whian Road - Stage 3	Ashlin Road – 0.8km South	390,000	59
14	Numulgi Road - Stage 2	2.1 - 3.1km Nth Woodlawn Road	520,000	59
15	Numulgi Road - Stage 3	3.5 - 4.0km Nth Woodlawn Road	260,000	59
16	Tucki Road - Stage 1	4.4 - 5.4km Nth Wyrallah Road	560,000	58
17	Tucki Road - Stage 2	3.4 - 4.4km Nth Wyrallah Road	560,000	58
18	Tucki Road - Stage 3	2.5 - 3.4km Nth Wyrallah Road	504,000	58
19	James Gibson Road – Stage 1	4.5 - 5.1km East Corndale Road	390,000	57
20	James Gibson Road - Stage 2	3.3 - 4.5km East Corndale Road	770,000	56
21	Boatharbour Road - Stage 4	6.0 - 7.0km Nth Bangalow Road	560,000	55
22	Cawongla Road - Stage 4	10.8 - 11.7km Nth Rock Valley Road	450,000	52
23	Cawongla Road - Stage 5	12.2 - 12.8km Nth Rock Valley Road	390,000	52
24	Boatharbour Road – Stage 5	5.3 to 6.0km Nth Bangalow Road	390,000	52
25	Cawongla Road - Stage 6	9.5 - 10.4km Nth Rock Valley Road	385,000	48
26	Cawongla Road - Stage 7	13.4 - 13.8km Nth Rock Valley Road	260,000	48
27	Cawongla Road - Stage 8	13.8 - 15.2km Nth Rock Valley Road	900,000	48
28	Woodlawn Road	2nd Railway Bridge to Savins Road	450,000	48
29	Crofton Road	0.1 - 0.5 km north of Nimbin Road	260,000	47
30	Pinchin Road - Stage 3	3.7 - 4.7km East Nimbin Road	350,000	47
31	Tatham Road	Bruxner Highway - 2.3 Km south	800,000	47

Priority Rating	Road Name	Location	Estimate	Points
32	Pearson Road	McKenzie Road to Eltham Road	650,000	47
33	Keerrong Road	Various Sections	600,000	47
34	Kilgin Road	Various Sections	500,000	47
35	Rosehill Road	Rock Valley Road Intersection	300,000	47
Total:			\$16,678,100	

Bitumen Sealing of Gravel Roads Priority Listing

Council currently has approved natural disaster funding from the Roads & Traffic Authority, over the next financial year for approximately \$1.6 million towards the restoration of gravel road pavements including maintenance works for drainage lines and structures as a result of the May 2009 flood event. These additional funds will allow Council to clear blocked drainage lines and reinstate gravel pavement depths. This flood funding effectively frees up Council's normal operational gravel roads budget to improve the level of service on the remainder of the gravel road network that was not affected by the May 2009 flood event.

The bitumen sealing of certain gravel roads can be justified in terms of reduced maintenance costs, reduced user costs, reduced dust impacts and improved ride quality. Generally when comparing costs for providing the same level of service for an unsealed pavement and a sealed road pavement, providing a sealed road pavement is the more cost effective option.

In light of the above information, the Infrastructure Assets PAG again recommended that the traditional allocation of \$200,000 towards the initial sealing of gravel roads continue in the 2010/2011 budget.

Listed below is the current prioritised listing for the bitumen sealing of gravel roads as reported to the Infrastructure Assets PAG.

Priority Rating	Road Name	Location	Length (km)	Cost (\$)	Score
1	Sheehan Road	East Coraki	2.800	840,000	41
2	Fredericks Road	Caniaba	1.800	540,000	40
3	Borton Road	Tullera	1.900	570,000	39
4	Terania Creek Road	Terania Creek	1.200	360,000	38
5	Military Road	East Lismore	0.400	120,000	37
6	Mountain Top Road	Mountain Top	4.500	1,350,000	34
7	Boggumbil Road	Blakebrook	1.800	540,000	34
8	Bentley Road	Tullera	3.200	960,000	34
9	Emerson Road	Rosebank	3.900	1,170,000	30
10	Arthur Road	Doroughby	2.200	660,000	30
11	Pinchin Road	Goolmangar	3.800	1,140,000	28
12	Caniaba Road	Caniaba	1.100	330,000	27
13	Missingham Road	Dunoon	2.750	825,000	25
14	Keerrong Road	Keerrong	5.600	1,680,000	24
15	Swan Bay Road	Coraki	5.400	1,620,000	24
16	Munro Road	Dunoon	2.000	600,000	24
17	Pelican Creek Road	Caniaba	3.100	930,000	23
18	Cross Road	Numulgi	3.800	1,140,000	23

Priority Rating	Road Name	Location	Length (km)	Cost (\$)	Score
19	Graham Road	Marom Creek	1.250	375,000	22
20	Ridgewood Road	Rosebank	2.300	690,000	21
21	Grennan Road	Tregeagle	1.400	420,000	20
22	Henson Road	Wyrallah	1.800	540,000	20
23	Mathieson Lane	Tucki Tucki	1.000	300,000	18
24	Riverview Park	Lismore	0.175	52,500	18
25	Boorie Creek Road	Boorie Creek	2.500	750,000	16
26	Lychee Drive	Rosebank	1.000	300,000	14
Total				\$18,802,500	

Minor Safety Related Improvement Works

Priority Rating	Road Name	Location	Project Description	Cost Estimate	Score
1	Fox Road	Maso Road Intersection	Upgrade Intersection	\$50,000	17
2	Fredericks Road	1.2km west of Caniaba Road	Reduce crest	\$70,000	15
3	Henson Road	0.2km north of Tregeagle Road	Reduce crest	\$50,000	14
4	Tunable Creek Road	Young Road	Safety Fencing	\$50,000	14
Total:				\$220,000	

Proposed 2010/2011 Roads Capital Works Program

2010/2011 Works Program (Recommended by Infrastructure Assets PAG)	Pts	(\$)
Urban Roads		
New Ballina Road (Milton Street to Rotary Drive)	58	480,000
Avondale Avenue – Stage 1 (First Avenue to Wyrallah Road)	56	360,000
Elizabeth/College Streets (Wyrallah Road to Caldwell Avenue)	56	420,000
Bellevue Avenue (High Street to Donnans Road)	56	399,100
		\$1,659,100
Rural Roads		
Rous Road - Stage 1 (Taylors Road to Muller Road)	78	520,000
Doroughby Road - Stage 2 (Ch 0.3km to 0.7km)	66	319,100
Caniaba Road (West of Fredericks Road)	65	430,000
Newton Drive (Tunable Falls Road)	64	390,000
		\$1,659,100

Bitumen Sealing of Gravel Roads Sheehan Road, East Coraki	41	\$ 200,000
Safety Related Repair/Improvement Works Fox/Maso Roads intersection improvements	17	\$ 50,000
Total :		\$3,568,200

Comments

Financial Services

The draft 2010/2011 Operational Plan has a budget of \$3,568,200 for the Roads Capital Works Program. This is a \$187,600 reduction in funding compared to the 2009/10 Program (\$3,755,800). It is attributable to the increased Council contribution required to match RTA funds for approved works under the Regional Roads Repair Program.

A summary of Roads Capital Works Program funding for 2009/2010 and draft 2010/2011, and the 2009/2010 and 2010/2011 Regional Roads Repair Program is provided below which shows the changes:

	2009/10	2010/11	Movement
Roads Capital Works Program			
Council Funds	\$1,677,000	\$1,737,100	+\$ 60,100
FAGS	\$1,165,300	\$ 917,600	-\$247,700
R2R	\$ 913,500	\$ 913,500	\$0
Total	\$3,755,800	\$3,568,200	-\$187,600
Regional Roads Repair Program			
Council Funds	\$ 368,200	\$ 640,900	+\$272,700
RTA Funds*	\$ 368,200	\$ 562,500	+\$194,300
Total*	\$ 736,400	\$1,203,400	+\$467,000

* 3X3 grant is included under RTA Funds

The difference between the decrease in FAGS (Roads Capital Works Program -\$247,700) and increase in Council Funds (Regional Roads Repair Program +\$272,700), reflects the growth anticipated FAGS funding in 2010/11.

Other Staff Comments

Not required

Public consultation

The proposed 2010/2011 Roads Capital Works Program has been discussed and is recommended by the Infrastructure Assets PAG which met on 22 April 2010.

Conclusion

This report has recommended a program of roads capital works to be undertaken during the 2010/2011 financial year that has been evaluated in accordance with Council's road reconstruction point scoring system.

Completion of these projects will provide measurable improvements to Council's road infrastructure network and free up valuable road maintenance resources.

Recommendation

That Council approve the 2010/2011 Roads Capital Works Program as set out in the body of the report.

Report

Subject	Wyrallah Road Waste Facility - 2010/2011 Tip Voucher Programme
File No.	EF09/1604:ED10/7602
Prepared by	Waste Education/ Development Officer
Reason	To inform Council of the need to change the use of tip vouchers due to the effect of the NSW Waste and Environment Levy.
Objective	To obtain Council approval to change the focus of the tip vouchers.
Strategic Plan Link	Integrated Waste Cycle Management
Management Plan Project	Waste Services

Overview of Report

With the increasing NSW Waste and Environment Levy the true costs of the tip vouchers provided by Council to residents is increasing. To combat these rising costs and to promote more recycling, it is proposed to make the tip vouchers applicable for recyclable material only.

Background

Tip vouchers were introduced to ensure people without the option for a waste service had access to the waste facility for the disposal of their rubbish. This was particularly relevant to rural residents.

In 2007 Council introduced tip free days which also allowed residents with no access to a waste service, along with those residents with excess waste, to dispose of their rubbish.

Tip vouchers are funded by the Waste Minimisation charge and apply for all rateable properties except for those rateable properties within the Nimbin Section 94 Plan area paying the Nimbin Transfer Station charge. The Waste Minimisation charge covers the provision of recycling services, waste strategy and policy development, other waste reduction programmes, waste education services and two tip vouchers.

In 2009/2010 some 17,764 tip vouchers cards were distributed with the rates. Each card contained two tip vouchers and gave a total number of 35,528 vouchers in distribution to ratepayers.

Currently tip vouchers are used for cars, utes or trailers of green waste, self sort and unsorted waste, steel, timber, tyres and concrete; with true disposal costs ranging from \$5 to \$42.

The 2009/2010 Tip Vouchers allow a resident to dispose up to 300 kilograms of waste per voucher for free. The maximum value of a tip voucher is \$42, which is for 300 kilograms of mixed waste (based on 2009/2010 fees and charges - ute/trailer waste unsorted fee and per tonnage rate for mixed waste).

In an extreme scenario, if every tip voucher was used for the dumping of mixed waste and all residents claimed the maximum allowable value, the total cost could be as high as \$1,492,176. In the 2009/2010 budget a total of \$170,000 was allowed for tip vouchers. However, based on trends to date this year expenditure is likely to be close to \$200,000, dependant on the final number of vouchers presented. This increased cost is associated with the DECCW Waste and Environment Levy, currently \$10 per tonne, which is applicable on the vouchers received for waste materials. This levy will increase to \$21 per tonne in 2010/2011 placing further pressure on the budget.

Based on current weighbridge data from the Recycling and Recovery Centre not all vouchers are claimed each year – on average 17,000 are claimed.

Across a financial year on average, tip vouchers are used for the following disposal of waste items:

- General Waste 69%
- Green Waste 28%
- Whitegoods 2%
- Tyres 1%

Over the last few years the number of rural residents that have access to a waste service has increased significantly and with the introduction of tip free days, residents without a waste service now have greater access to the Recycling and Recovery Centre. With these enhanced services it is now evident that vouchers are not as necessary for the equity of waste disposal.

Therefore it is proposed to change the voucher programme for 2010/2011 based on the increasing cost of waste disposal due to the NSW Government Waste and Environment Levy and the increasing dollar impact this is having on the tip vouchers budget. There has been increased complication with the administration and management of the current tip voucher system due to the Waste and Environment Levy, the differing waste categories, exemptions and the annual increase in levy value.

The preferred option is to issue each ratepayer with a card with two vouchers called “*Resource Recovery Vouchers*”. Each voucher could be used for up to 300 kilograms (car, ute, trailer) of **sorted**:

- Green waste and/or
- Timber and/or
- Steel and/or
- Concrete/ rubble.

The proposed charges per tonne for these items in the 2010/11 Budget are:

- Green waste \$55.00
- Timber \$45.00
- Steel \$32.00
- Concrete/ rubble \$35.00

This would mean the tip vouchers could no longer be used for mixed waste, tyres, asbestos, commercial chemicals and oil, commercial fluorescent lighting, clinical waste or whitegoods. Changing the tip vouchers to *Resource Recovery Vouchers* will encourage higher rates of resource recovery and encourage residents to better sort their waste before bringing into the Recycling and Recovery Centre.

Removing waste disposal as an option from the tip vouchers will assist in changing residents’ behaviour in relation to their waste management. This is the same rationale of the Waste and Environment Levy, where increased waste fees will lead to a higher uptake of recycling and more emphasis on waste minimisation, waste reduction and smart product purchasing by residents.

The maximum value of each voucher based on proposed 2010/2011 fees and charges would be \$16.50 and so each ratepayer would receive a total voucher value of \$33.00. Based on the change, it is expected that utilisation of the tip vouchers would reduce. As it is not possible to accurately assess utilisation, the 2010/11 Tip Vouchers budget has again been set at \$170,000. If the vouchers remain in their current form the tip voucher budget would need to be increased.

An alternative would be to remove the Tip voucher programme entirely and in that instance the Waste Minimisation charge could be reduced.

Comments

Financial Services

The Tip vouchers are funded by the Waste Minimisation charge. For 2009/2010, utilisation of the vouchers on the current trend and type of waste disposed will result in costs increasing to \$200,000. There is some capacity in the Waste Minimisation funds to absorb the \$30,000 increase in these costs.

For 2010/2011, the Waste Minimisation charge is proposed to decrease from \$31.60 to \$30.00 and the Tip Voucher Budget is \$170,000. With the necessary proposed increase in all waste charges, if the current system remains, the budget will need to be increased from \$170,000 to \$225,000. This will require the Waste Minimisation charge to increase to \$32.20 to achieve a break even result.

Other staff comments

Manager - Commercial Services

In the past Tip Vouchers have been budgeted for at a value of \$10.00 (17,000 x \$10 = \$170,000) each. This is inadequate to cover 2009/2010 usage levels. With the significant increases in the cost of waste disposal driven by the combination of the DECCW Waste Levy and the increased focus on resource recovery, this is no longer a realistic charge. The alternatives are to increase the voucher charge to reflect the costs; discard the vouchers completely, or change the emphasis of the vouchers and maintain the level of the charge. The latter alternative best fits ongoing waste management objectives.

Public consultation

Should the suggested change to the Tip Vouchers be endorsed, a community education programme will be conducted in conjunction with distribution of the 2010/2011 rates notices.

Conclusion

With the enhanced waste management services now offered it is evident that vouchers are not as necessary for the equity of waste disposal. In consideration of the following factors:

1. a large percentage of Lismore City Council residents now have access to a waste collection service,
2. two tip free days are provided annually for the disposal of waste and bulky items,
3. the increasing impact of the DECCW Waste Levy, and
4. the increasing emphasis towards recycling and recovery,

the evolution of Tip Vouchers to *Recycling and Recovery Vouchers* would encourage householders to better sort their waste and assist in changing residents' behaviour in relation to their household waste management. The suggested change is a more favourable option than removing the Tip Voucher Programme from the budget.

Recommendation

That Council approves the Tip Vouchers being changed to *Resource and Recovery Vouchers* effective 01 July 2010.

Report

Subject	Electricity Supply Procurement
File No.	EF09/2049:ED10/7744
Prepared by	Assets Engineer
Reason	To inform Council of the results of procurement processes conducted for the supply of electricity to Council's large sites and street lighting.
Objective	To obtain a decision from Council with regard to electricity supply and GreenPower.
Strategic Plan Link	Efficient Use of Council Resources
Management Plan Project	Asset Management

Overview of Report

Due to Council's Business Paper timelines this report is to be considered in conjunction with two supplementary information reports to be distributed to Councillors on Friday, 7 May 2010. The supplementary information reports are both tender evaluation reports and will contain the results of separate tender processes conducted to secure the best possible electricity prices for Council's large sites and street lighting. The supplementary information reports also contain the results of a GreenPower procurement process.

This report contains a brief summary and the Mission and Aims of GreenPower. A number of options for the procurement of both electricity and GreenPower are put forward for Council's consideration.

Background

At the April 2010 Council meeting it was resolved that Council proceed with a reverse auction tender process for the procurement of electricity for street lighting and large sites. This process will be conducted by Regional Procurement in partnership with Energy Action. The auction date is Wednesday, 5 May 2010 which is later than the required deadline for writing this report. This report is written prior to the results of the auction process being known and the results of the process will be contained within a supplementary report to be distributed to Councillors on Friday, 7 May 2010.

The report to the April 2010 Council meeting also discussed the Local Government Procurement tender process for the procurement of electricity for street lighting and large sites. Tenders for this process closed on Tuesday, 13 April 2010. As at the deadline for the preparation of this report a Final Evaluation Report for the tender has not been received from Local Government Procurement. Consequently the results of this process will also be distributed to Councillors as supplementary information on Friday, 7 May 2010.

Council currently purchases electricity for street lighting and large sites via the NSW State Contract 777 (extended by variation until 30 June 2011). It is expected that the Tender Evaluation Reports will benchmark their results against the Contract 777 rates as applicable from 1 July 2010 to 30 June 2011. It should be noted that these Contract 777 rates have decreased from the current 12 months (1 July 2009 to 30 June 2010). Network costs which are a significant part of total energy supply costs are passed onto retailers from the network provider (in this case Country Energy) and are not contestable here.

Financial Risk

It should be clear from reviewing the two Evaluation Reports which of the two tender processes have produced the best result. Council may now commit to entering into a three year contract for the supply of electricity. One alternative is to continue to extend the existing Contract 777 on an annual basis.

The difficulty in making a decision is due to not knowing what the Contract 777 rates will be for the corresponding three year term of any proposed contract. Regional Procurement and Energy Action claim that historically they have always achieved a better result than corresponding Contract 777 rates and have developed their business based on this claim.

Options for Electricity Procurement

The three main electricity procurement options presented for Council's consideration are as follows:

1. Council adopt the electricity procurement recommendations of the Tender Evaluation Report as prepared by Regional Procurement and Energy Action.
2. Council adopt the electricity procurement recommendations of the Tender Evaluation Report as prepared by Local Government Procurement.
3. Council reject both Tender Evaluation Reports and continue to subscribe to the 777 Contract.

GreenPower

Council is currently not contracted to purchase any GreenPower. Both tender evaluation reports should have an option to purchase GreenPower. A brief summary of this sometimes controversial topic is provided below.

The GreenPower program was established in 1997 by the Sustainable Energy Development Authority (SEDA). The program is now offered nationally through joint collaboration by participating jurisdictions, collectively known as the National GreenPower Steering Group.

Energy companies generate electricity and feed it into an electricity grid to which electricity consumers are also connected. If a consumer chooses to purchase GreenPower through an electricity retailer there is no physical change to this arrangement. By choosing to purchase all or a percentage of consumption as GreenPower it creates an obligation for an electricity retailer to procure electricity from an accredited GreenPower Provider or purchase additional RECs (Renewable Energy Certificates).

Mission

Driving Investment in Renewable Energy in Australia, with a view to decreasing greenhouse gas emissions from generation of electricity, by increasing awareness of, and ensuring consumers confidence in, environmentally sound Renewable Energy products.

Aims

- ✓ To facilitate the installation of new Renewable Energy generators across Australia beyond mandatory renewable requirements.
- ✓ To encourage growth in consumer demand for Renewable Energy.
- ✓ To provide consumer choice for, and increase confidence in credible Renewable Energy products
- ✓ To increase consumer awareness of Renewable Energy and greenhouse issues.
- ✓ To decrease greenhouse gas emissions associated with electricity generations.

One argument against GreenPower is centred on the REC market where there is currently an oversupply of RECs deflating the price. With the price for RECs being low the least expensive option for GreenPower retailers and providers is to purchase and cancel existing RECs rather than source additional accredited renewable energy generation. In making a decision on GreenPower Council needs to consider whether buying GreenPower is the best use of available funding to achieve its own aims and objectives.

Options for GreenPower

The three main GreenPower options presented for Council's consideration are as follows:

1. Council adopt the GreenPower recommendations of the Tender Evaluation Report as prepared by Regional Procurement and Energy Action. This option may only be possible if the corresponding electricity procurement option is adopted.
2. Council adopt the GreenPower recommendations of the Tender Evaluation Report as prepared by Local Government Procurement. This option may only be possible if the corresponding electricity procurement option is adopted.
3. Council reject both Tender Evaluation Report GreenPower recommendations.

Comments

Financial Services

A financial assessment will be part of the Tender Evaluation Report that will be forwarded to Councillors on 7 May 2010. Based on Council's decision and effective date of any new arrangement, the corresponding future year budget will be reviewed and adjusted if necessary. The current budget (2009/2010) provides approximately \$340,000 for street lighting and \$950,000 for large sites which this tender process may alter.

Other staff comments

Nil received.

Public consultation

Not required.

Conclusion

As per a recommendation in a report to the May 2010 Council meeting, the outcomes of the electricity procurement processes will be reported to Council for a decision. One Tender Evaluation report has been prepared by Regional Procurement and Energy Action with the other having been prepared by Local Government Procurement (LGP). The intention is that Council consider and compare the proposed pricings and recommendations of both reports and make a decision. Council can decide to proceed with one of the two proponents or reject both in favour of continuing with the existing 777 contract.

Council has an opportunity to purchase a proportion of its electricity as GreenPower. Council can decide to proceed with one of the options presented or reject both proposals.

Recommendation

That:

1. Council decide on one of the three options presented for the procurement of electricity to large sites and street lighting.
2. Council decide on one of the three options presented for the procurement of GreenPower to large sites and street lighting.
3. The General Manager be authorised to finalise relevant matters with the successful parties.
4. Any relevant documentation required to formalise the arrangements be executed under seal of Council.

Report

Subject	Nimbin Skate Park – Design and Construction Tender
File No.	EF09/2267:T10/24:ED10/7959
Prepared by	Special Projects Engineer
Reason	To advise Council of the outcome of the tender process for the design and construction of the Nimbin Skate Park.
Objective	To gain Council approval to negotiate with a preferred Tenderer and award a contract for the project.
Strategic Plan Link	Foster Youth Development
Management Plan Project	Parks and Recreation, Community Services

Overview of Report

Council has called tenders for the design and construction of the Nimbin Skate Park. Six submissions were received and these were ranked for price and non-price attributes.

At the time of finalisation of this report there remains a number of issues surrounding the submission that require further discussion/ clarification, therefore the report recommends undertaking negotiations with the preferred Tenderer and then to enter into a contract for the project. To expedite this process it is also recommended for the General Manager to have delegation to execute the contract with the preferred Tenderer.

Background

The history of the problematic steel skate structure constructed in Peace Park under the guidance of the Nimbin Community Centre Incorporated (NCCI) by the Nimbin community is generally well known and will not be repeated in this report.

Council endorsed the staff recommendation to nominate the Nimbin Skate Park as the priority project for the funding provided to Council under the Regional, Local and Community Infrastructure Program (RLCIP) at the November 2009 Council meeting. The necessary grant application was submitted in accordance with the RLCIP funding guidelines. The Federal Government formally accepted this nomination and provided the funding agreement for Council staff review in April 2010.

Tenders for the design and construction of the Nimbin Skate Park were called on 8 April 2010 and closed on 29 April 2010. Six (6) tenders were received by the closing date.

The evaluation of the tenders was undertaken by representatives of Community Services and Assets Sections. The outcome of the assessment process is now presented for Council's consideration.

Public consultation

Lismore City Council has commenced the preliminary project consultation with the Nimbin community. During this process, some community concern was identified with the proposed Peace Park site. An alternate site within the showground precinct has been suggested and is now being considered. Both sites have advantages and disadvantages and a brief summary of these and a questionnaire has been sent out to the Nimbin community to seek feedback on the preferred location.

The information collected will also assist in the preparation of the documentation required to be lodged with the Development Application for the project. Completed surveys are required to be returned by 14 May 2010 and then Council must act promptly to make a decision about the preferred site in order to ensure that project deadlines are met, otherwise the funding may be put at risk.

This project will require extensive community consultation. The proposed process is summarised below:

- Finalise the preferred site of the skate park.
- Formation of a reference group composed of Council staff, appointed contractor and representatives of the local skating community to assist in the design of the skate facility.
- Provide an opportunity for 'one on one' stakeholder discussions for those in the immediate area of the preferred skate park site.
- Draft proposal of facility design exhibited within the Nimbin village (viewing locations still to be determined).
- Outcomes from community consultation will be presented within the Statement of Environmental Effects lodged with the development application.
- The development application (including outcomes from community consultation) for the project will be advertised in accordance with Council's normal processes, including further written notification to surrounding residents seeking comment.

This community consultation process may be altered slightly following discussions with the appointed Contractor.

Submission Evaluation

The Request for Tender (RFT) outlined the requirements of the project, specifically the design and construction of the Nimbin Skate Park and associated works in accordance with the specification. The RFT documentation was prepared and advertised on the TenderLink website in addition to advertisements within the newspaper classifieds. Six (6) tenders were received by the closing date.

The following assessment criteria and weighting was included within the RFT documentation:

Table 1 – Assessment Criteria and Weighting

Selection Criteria Summary		
1	Total Cost - Value for Money	35%
2	Capability and Experience	35%
3	OH&S, Risk Management and Quality	10%
4	Environment and Community	10%
5	Local Content (Minimum 10% weighting)	10%

Table 2 summarises the scores for the submitted tenders. The scores reflect the assessment panel's evaluation of the price and non-price attributes of the submitted tenders.

Table 2 – Assessment Results

Company	Score
Concrete Skate Parks	74.75
CONVIC	72.50
Oasis Skate Parks	70.00
Making Tracks	60.00
RPS	43.00
Services Inc	41.50

A budget figure of \$385,000 (GST excl) was provided within the RFT for Contractors to use in preparing

their submissions. Given that all submitted tenders were based on the same budget figure the total cost component was assessed on value for money. Further to this, the breakdown of the individual elements within the scope of works was compared to the Council cost estimate to ensure all facets of the design and construction were considered.

As no specific designs were sought for the submissions, capability and experience was the other major determining factor. Previous experiences with the Goonellabah Youth Plaza and recommendations from surrounding councils note that it is preferable to appoint specialist contractors experienced in skate park design and construction to complete these works.

The following provides a brief summary of the three (3) highest ranking submissions.

Oasis Skate Parks

The assessment process identified the tender from Oasis Skate Parks as being the third highest ranking submission. It met all the requirements outlined within the specification, however the higher ranked tenderers displayed a greater level of experience and capability when it came to design and construction projects. Furthermore, another important consideration of the assessment panel was to review the capability of the tenderer to undertake the community consultation phase of the project. This was an area of the Oasis Skate Park that was not as strong as the higher ranked submissions.

CONVIC

CONVIC has been involved in the design and construction of over 400 skate parks throughout Australia, China and South East Asia. CONVIC is considered to be one of the industry leaders in skate park design and construction and has included satisfactory QA, OHS and environmental procedures within its tender submission. The capability of the tenderer to undertake the community consultation phase of the project was not as well detailed as others.

Concrete Skate Parks

Concrete Skate Parks has satisfactorily completed projects throughout Australia for numerous councils including Gold Coast City Council, Ballina Shire Council and most recently the Goonellabah Youth Plaza for Lismore City Council.

The Goonellabah Youth Plaza was constructed under the first round of the RLCIP funding, and therefore had significant timeframe milestones that needed to be achieved to ensure compliance with the funding agreement. The tendered price submitted by Concrete Skate Parks is in accordance with the stated budget of \$385,000 and the company has stated that its aim of the project is to construct as much skatable area on the ground for the Nimbin community. When all assessment criteria were considered, Concrete Skate Parks achieved the highest score.

Risk Assessment

Financial Assessment

As part of the evaluation process, an independent assessment of the two highest ranked tenderers' financial background is currently being undertaken by Dunn & Bradstreet. The results of the financial assessment are not available at the time of finalisation of this report.

The previous financial assessment on the preferred tenderer concluded that Concrete Skate Parks had an acceptable financial capability to undertake a project of this value, representing a moderate but manageable risk to Council.

Should the current financial assessment reports indicate that there has been an increase in risk then a decision will need to be made as to the suitability of the preferred tenderer to complete this project.

Project Timetable

This project is funded through a Federal Government grant program and therefore there are numerous funding agreement conditions that must be satisfied. Two critical timeframe milestones within the funding agreement state that construction shall commence within three (3) months of signing the funding agreement and that works shall be completed by 31 December 2010. If these milestones are not achieved, there is a risk that any unspent funds may have to be returned to the Federal Government.

Council has identified a number of risks which may impact upon the project timeline being achieved, including:

- Localised community opposition to the site of the skate park.
- Inclement weather.
- Receipt of construction certificate and building approvals.
- Design amendments to suit site conditions.
- Contractor commencement delays.

A number of these risks are as a result of the grant funding timeframe requirements. These risks are not critical to the viability of the project and it is considered that all could be addressed by appropriate project management and in the event of inclement weather, correspondence with Federal Government grant representatives. Periodic reporting of project milestones to the Federal Government representatives is a requirement of the grant funding contract.

In order to compress the timelines whilst still meeting local government procurement requirements, it is recommended that Council decline to accept any tenders and then undertake negotiations with the preferred tenderer.

Project Budget

A budget allowance of \$385,000 (GST excl) was provided within the RFT for the Contractors to base their submission. Clarification of a number of issues within the preferred tender are required to ensure that all aspects of the design and construction process are considered; specifically:

- That the alternate location for the skate park will not affect the tender submission.
- Review of the community engagement plan.
- Confirm the role and appointment of the noise consultant required under the specified requirements.

It is not anticipated that these factors will affect the price/ value for money of the preferred tenderer's submission.

Table 3 summarises the various elements of the overall project budget. The forecast project contingency is based upon both funding components of the project budget. Council's funding contribution is still to be confirmed in the 2010/11 budget process.

Table 3 – Project Budget & Expenditure

Item	Cost (\$)
Federal Grant Funding Budget (R&LCIP)	\$449,000
LCC 2010/11 Budget Contribution	* 45,000
Project Budget	\$494,000

* Subject to approval in the 2010/11 budget process.

Planning Approvals, Fees and Contributions	\$ 31,000
Miscellaneous Costs (tender adverts, Australian Standards, etc)	2,500
Consultant Fees (environmental effects statement, noise impact assessment, external DA assessment)	13,500
Project Management	23,000
Skate Park Construction Costs (Budget)	385,000
Project Contingency	39,000
Project Budget	\$494,000

It should be noted that these are estimated figures, are relatively conservative and include a contingency of approximately 10% of the construction budget. If there is a surplus of funds from the Preliminaries (costs other than construction) then they will be utilised for additional construction works.

Comments

Financial Services

The Nimbin Skate Park project budget is \$494,000. This project has received a \$449,000 grant from the Regional and Local Community Infrastructure Program and \$45,000 is included in the draft 2010/11 Operational Plan.

Other staff comments

Not required

Conclusion

The Nimbin Skate Park has been nominated as the priority one project for the Federal Government's economic stimulus funding under the RLCIP program. The project was recently approved by the Department of Infrastructure Transport and Regional Development and Local Government. The appointment of the design and construct contractor is the first stage to providing this facility for the Nimbin community.

Concrete Skate Parks has been identified as the preferred tenderer. There are a number of clarifications still to be finalised with Concrete Skate Parks as outlined in the report and staff are confident that these can be resolved satisfactorily. However in the event that negotiations cannot be concluded satisfactorily with Concrete Skate Parks, it is recommended that similar negotiations be undertaken with CONVIC as the second preferred tenderer.

It is recommended that Council proceed with the project in accordance with the measures outlined in the report. To expedite the appointment of the contractor it is recommended that the General Manager be given delegation to negotiate and finalise the contract on behalf of Council.

Recommendation

That:

1. In accordance with Clause 178 (1) (b) of the Local Government (General) Regulations 2005, and as provided in the tender document, Council decline to accept any tenders for the design and construction of the Nimbin Skate Park.
2. In accordance with Clause 178 (3) (e) of the Local Government (General) Regulations 2005, Council enter into negotiations with the preferred Tenderer, Concrete Skate Parks, to resolve issues as outlined in the report.
3. In accordance with Clause 178 (4) (a) and (b) of the Local Government (General) Regulations 2005 the reasons Council will not call fresh tenders for the works and will enter into negotiations are:
 - The tenders received are not unsatisfactory, but may require some amendment if the location of the skate facility was to change prior to entering a contract.
 - The issues identified are not of a nature that they substantially alter the content or basis for the tender.
 - Discussions about those issues, if conducted after a contract has been awarded, would confer a commercial advantage on the preferred tenderer.
 - A satisfactory result can be achieved through negotiation of the relevant issues.
 - Two tenders have been identified through the tender assessment process as potentially satisfactory.
 - To call fresh tenders would unnecessarily delay the project and jeopardise funding for the project.
4. The General Manager be delegated authority to negotiate the matter on Council's behalf and subject to satisfactory resolution of those matters outlined in the report, enter into a contract with Concrete Skate Parks for design and construction of the Nimbin Skate Park.
5. In the event that the issues outlined in the report cannot be resolved to the satisfaction of the General Manager through negotiations with Concrete Skate Parks, the General Manager be authorised to negotiate with the second preferred Tenderer, CONVIC, and subject to satisfactory resolution of those matters outlined in the report, enter into a contract with CONVIC for design and construction of the Nimbin Skate Park.
6. The relevant contract documentation be executed under seal of Council.

T2010-24 Nimbin Skate Park

			Services Inc		RPS		Oasis		Convic		Concrete Skate Parks		Making Tracks	
AVG			Tender 1		Tender 2		Tender 3		Tender 4		Tender 5		Tender 6	
Criteria	Weighting		Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10)	35%	3.5	1.23	6	2.10	7	2.45	7	2.45	7	2.45	6	2.10
2	Capability and Experience (out of 10)	35%	5.5	1.93	2	0.70	7	2.45	8	2.80	8.5	2.98	6	2.10
3	Quality and Safety (out of 10)	10%	4	0.40	7	0.70	7.5	0.75	7.5	0.75	7.5	0.75	3	0.30
4	Environment and Community (out of 10)	10%	2	0.20	6	0.60	7	0.70	6.5	0.65	7.5	0.75	8	0.80
5	Local Content Minimum 10% (Out of 10)	10%	4	0.40	2	0.20	6.5	0.65	6	0.60	5.5	0.55	7	0.70
		100%		4.15		4.30		7.00		7.25		7.48		6.00
		Total 100% or 100		41.50		43.00		70.00		72.50		74.75		60.00

Report

Subject	Access and Inclusion Plan 2010-2014
File No	EF09/95:ED10/7649
Prepared by	Social Planner
Reason	To seek final endorsement of the Plan
Objective	To improve physical and social access to Lismore residents
Strategic Plan Link	Social Inclusion and Participation, Support an Ageing Population
Management Plan Activity	Develop Access and Inclusion Plan

Overview of Report

The five year draft Access and Inclusion Plan aims to ensure that people with disability and other community members have equitable access to infrastructure, services and opportunities provided by Lismore City Council in accordance with the Disability Discrimination Act, 1992.

At the Ordinary Council meeting of 9 March 2010 it was resolved that:

1. Council endorse the exhibition of the draft Lismore City Council Access and Inclusion Plan, 2010 – 2014 for a period of 28 days.
2. At the conclusion of the public exhibition period that the draft Lismore City Council Access and Inclusion Plan, 2010 – 2014 be reported back to Council for final adoption.

No submissions were received following the 28 day public exhibition period. This report seeks final endorsement of the Plan by Council.

Background

The Access and Inclusion Plan (AIP) identifies the key priorities and commitments of Lismore City Council (LCC) to meet the needs of people with a disability including Council staff, customers and the communities we work in.

It is a practical, working document to guide Council in providing more responsive programs as well as safe, accessible environments and cultures for people with disabilities, older people and those with prams and young children.

Desired outcomes of the AIP are that all people in Lismore receive the following:

- the same opportunities to access services, events and public consultations organised by LCC
- the same opportunities to access LCC facilities
- information in a format that will enable them to access information readily
- the same level and quality of service
- accessible mechanisms to make complaints.

The AIP seeks to address six key areas where barriers to access and inclusion exist. These are:

1. Information about Services
2. Physical Access
3. Complaints Procedures
4. Staff Training and Employment Practices
5. Promoting Positive Attitudes
6. Social Access.

Following Council endorsement the Plan will be lodged with the Australian Human Rights Commission in accordance with the Disability Discrimination Act, 1992.

Implementation

Outcomes will be delivered over 5 years. Progress and monitoring will be the responsibility of the Social Planner. All sections of Council have been consulted, through the initial consultation process or individually and are aware of their responsibilities with respect to outcomes, budgets and timelines identified in the Plan. There is \$15,500 in Council's budget to implement the bulk of the actions in the AIP.

Comments

Financial Services

Not required.

Other staff comments

Manager, Integrated Planning

The Access and Inclusion Plan is fully supported.

Public consultation

The AIP was developed in consultation with the Lismore Access Committee and included extensive consultation with local people with disability and disability organisations. Internal consultation occurred through a workshop and individual meetings. The Plan went to public exhibition for a period of 28 days in April 2010. No submissions were received.

Conclusion

The Access and Inclusion Plan, 2010–2014 provides Lismore City Council with the opportunity to improve services to vulnerable groups within the community. The outcomes of the implementation of the Plan over 5 years will:

- eliminate discrimination in an active way
- improve services to existing customers
- enhance organisational image
- reduce the likelihood of accidents and complaints
- increase the likelihood of successfully defending complaints and avoiding legal action
- allow for planned and managed changes to business or services
- open up new markets and attract new customers.

Recommendation

That Council adopt the Lismore City Council Access and Inclusion Plan, 2010 – 2014.

Report

Subject	Draft Public Art Policy and Reference Group
File No	EF09/1849:ED10/7550
Prepared by	Gallery Director
Reason	To endorse Public Art Policy and establish Public Art Reference Group
Objective	To endorse Public Art Policy and to gain council approval for nominees to the Public Art Reference Group
Strategic Plan Link	Develop and Support Art, Cultural, Sporting and Tourism Activities
Management Plan Project	Pubic Art Policy

Overview of Report

The Council adopted a draft Public Art Policy for consultation as well as requested nominations for a Public Art reference group (PARG) in order to administer the Policy. No submissions were received to the draft Policy and therefore its adoption is recommended. This report also recommends Council accept the nominations for the PARG.

Background

The draft Public Art Policy (Attachment 1) went to public exhibition from 4 March to 7 April 2010. During the period of public exhibition the Public Art Procedure (Attachment 2) was also made available as a companion document, however was not the subject of consultation.

As part of the new Public Art Policy, the Public Art Reference Group (PARG) is to be established to oversee all Public Art in Lismore. The PARG is to comprise:

1. 1 Councillor (Chairperson)
2. Lismore Regional Gallery Director (support officer for PARG)
3. 1 Indigenous art representative
4. 1 Arts industry representative
5. Executive Director Sustainable Development.

This report deals with the nominations associated with Points 1, 3 and 4 above. Four nominations were received – 3 Arts Industry representatives and 1 Indigenous representative. Details of the nominees are provided below:

Arts Industry Representative

Lois Randall:

Lois Randall has been the CEO and Regional Arts Development Officer of Arts Northern Rivers for the past 6 years. She will be leaving this role in May 2010, but will remain in the area to work on arts related projects. Ms Randall has extensive experience in public art, including the development of Public Art Policies for Ballina, Byron and Richmond Valley councils and has undertaken accredited training in public art policy development and commissioning for local government, through the Local Government and Shires Association.

Through her role at Arts Northern Rivers Ms Randall has gained a unique knowledge of visual artists in the region with an awareness of artist's particular skill sets. Ms Randall also displays a strong knowledge of funding sources and strategies for public art and has also been instrumental in establishing various initiatives for Indigenous artists in the region, notably in the development of business skills to assist in the development of their careers.

Scott Harrower:

Scott Harrower is a practising artist with a 15 year career in making public art and project management, including projects for Local and State Government's.

John Stewart:

John Stewart has been Head Teacher of the Creative Industries Faculty at Lismore Campus North Coast TAFE for the past 15 years, giving him a broad understanding of artists in the region. Through this position Mr Stewart also maintains a close connection with the Visual Art department at Southern Cross University. This connection has allowed him to develop a wide network of contacts in the arts community from emerging to established artist across various arts practice. Mr Stewart has also delivered a range of Aboriginal Art courses for more than a decade, illustrating a sound understanding of Indigenous art issues in the area.

Indigenous Representative

Robert Appo:

Robert Appo is from the Bundjalung Nation and a practicing artist for the past 11 years. Mr Appo was recently appointed as the Indigenous Arts Development Officer at Arts Northern Rivers. Mr Appo would bring to this role a well rounded understanding of issues pertaining to the Indigenous perspective of public art projects.

Councillor Representative

This report recommends that a Councillor be appointed to the PARG. The appointed Councillor will chair the PARG.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

The draft Public Art Policy was placed on public exhibition 4 March – 7 April 2010 with public exhibition notifications being placed in the Northern Rivers Echo (4 March 2010). During the period of public exhibition the draft Public Art Policy and Public Art Procedure were available for viewing at Council's Corporate Centre, CBD Office, Council's website and the Lismore Regional Gallery website. During the public exhibition period no submissions or comments were received.

During this same period, an advertisement seeking expressions of interest for membership nominations for the PARG was advertised in Northern Rivers Echo, Koori Mail, Council's website, the Lismore Regional Gallery website and through Arts Northern Rivers E-News. Expressions of interest closed Wednesday 7 April, 2010.

Conclusion

The draft Public Art Policy and its companion Procedure are important milestones for the City in terms of public art. They establish a comprehensive approach to recognising the importance of public art in telling the stories of the City and in the overall wellbeing of its residents.

Lois Randall is being recommended as the Arts Industry representative as she brings exceptional skills to public art including an understanding of policy and funding.

Robert Appo is being recommended as the Indigenous representative, having the cultural advantage of being a member of the Bundjalung Nation and the skills and networks of Arts Northern Rivers.

Recommendation

That Council:

1. Adopt the Public Art Policy as attached.
2. Appoint of the following representatives to the Public Art Reference Group:
 - a. Lois Randall - Arts Industry representative.
 - b. Robert Appo - Indigenous representative.
3. Appoint a Councillor to the Public Art Reference Group as Chairperson.

**DRAFT PUBLIC ART
POLICY**

POLICY NO: DRAFT	DRAFT PUBLIC ART POLICY
FUNCTION:	Sustainable Development
ACTIVITY:	Public Art Officer / Gallery Director
OBJECTIVE:	Acquire and manage high quality public artworks that enrich and vitalise the public domain and enhance Lismore's identity.
SECTION RESPONSIBLE:	Arts, Tourism and Leisure
AUTHORISED:	REVIEWED: November 2009

What is 'Public Art'

"Public Art" for the purposes of this policy is defined as artworks created for or located in a public space and readily accessible to members of the public. Public art includes works of a permanent or temporary nature located in the public domain. A public space means all public space, which the public has access to or can view; this includes, but is not limited to; parks, streets, squares, gardens, walkways, public plazas and building foyers. Public art for the purpose of this policy does not include designed architectural or landscape features such as exterior designs on buildings or mosaics on pavers.

Aim

The aim of the Public Art Policy is to facilitate the acquisition and management of high quality public artworks that improve the amenity of public places, enhance local identity and sense of place as well as enriching the cultural life of the community. A strong sense of place and identity are keys to a community's sense of wellbeing and belonging.

Objectives

Within the overarching 'Aim' of this Policy the following objectives are supported:

- The creation of Public Art that tell the 'Lismore story' in all its expressions.
- The installation of Public Art in appropriate settings and sites.
- Appropriate expenditure on Public Art by the Council.
- The fostering of high quality artwork which exhibits appropriate standards of excellence, relevance and consistency.
- Consistent levels of quality maintenance for Public Art.

Commitments/Aspirations

Lismore City Council will aspire to:

- Develop awareness within Council and in the community of the value of art in public places.
- Enhance the quality of urban and open space environments through the sensitive placement of locally relevant and meaningful public artworks.
- Establish an effective process through which Council can address public art planning issues, including identifying sites/ zones for future public art works.
- Integrate public art into Council's urban designs in order to improve the quality of community spaces and to enhance the pedestrian streetscape experience.
- Encourage the use of collaborative arrangements between artists and design professionals, such as architects and landscape architects, in the creation and commissioning of public works to ensure the context of the artwork is fully taken into account.
- Working with education institutions to develop skills in Public Art, through professional placement opportunities for artists and art administrators.
- Where Council constructs a major building, urban streetscape or sporting facility of greater value than \$2,000,000 it will include in the development integrated Public Art to the value of at least 1% of the total project cost.

Framework

The aims and objectives of the Public Art Policy are to be implemented within the Public Art Procedures and will be overseen by the Public Art Reference Group (PARG). This group will oversee the operations of the Public Art Policy and will balance the Policy against all other adopted Council Policies and Procedures.

PUBLIC ART
PROCEDURES

PROCEDURE NO: DRAFT	PUBLIC ART PROCEDURES
FUNCTION:	Sustainable Development
ACTIVITY:	Public Art Procedure document
OBJECTIVE:	Acquire and manage high quality public artworks that enrich and vitalise the public domain and enhance Lismore's identity. The Procedure document outlines the working process that articulates the Public Art Policy.
SECTION RESPONSIBLE:	Arts, Tourism and Leisure
AUTHORISED:	REVIEWED: November 2009

Scope

These Procedure document guidelines are applicable to the Public Art Reference Group (PARG) and are to guide the group in its dealings with the regulation of private sector development, Council capital works, and cultural development. The guidelines apply to all Public Art projects within the City. The PARG has the status as an advisory group to Council. In particular Chapter 21 of Council's Development Control Plan (DCP) is on public art. This chapter relates to public art required as a result of commercial, retail and tourist development in certain zones. This procedure applies to Public Art referred to the PARG under that DCP. The PARG has a role in respect of Chapter 21 of the DCP.

Purpose

To outline the main elements that need to be considered in the implementation of the policy.

Definitions

For the purposes of implementing the Lismore City Council Public Art Policy the following definitions will apply:

Art: Creative visual arts and craft activity that produces unique material objects or works of art made from lasting components and materials, or significant temporary/ephemeral works of art that can be documented and displayed in a lasting way.

Artist: Professional practitioners in the creative industries, visual arts, craft and design.

Artworks: Permanent or temporary works of art made by, or with, professional artists.

City: Lismore City including its villages.

Community Art: Work resulting from a high degree of community consultation and/or preparation. Community Art is to be produced in consultation or collaboration with an artist.

Council: Lismore City Council.

Plonk-Art: Artwork that is taken out of context, unplanned, inappropriate or existing outside its intended environment. Plonk Art excludes the correct process of consultation, planning and integration within a place/precinct.

Public Domain: Includes but is not limited to; streets, parks, squares and spaces within buildings that are accessible to general public and/or in the ownership/control of Council, State Government or Commonwealth Government agencies.

Public Art: for the purposes of this policy is defined as artworks created for or located in a public space and readily accessible to members of the public. Public art includes works of a permanent or temporary nature located in the public domain. A public space means all public space, which the public has access to or can view; this includes, but is not limited to; parks, streets, squares, gardens, walkways, public plazas and building foyers. Public art for the purpose of this policy does not include designed architectural or landscape features such as exterior designs on buildings or mosaics on pavers.

Art Register: The Art Register has formal rules for inclusion and exclusion of artworks from the collection.

Reference Group: Public Art Reference Group (PARG).

Reference Documents

This guideline has been developed to assist in the application or administration of the Public Art Policy to achieve the policy outcome.

Associated Documents:

- Lismore City Council Strategic Plan
- Lismore Local Environment Plan (LEP)
- Lismore City Council Cultural Plan
- Lismore City Council Cultural Policy
- Lismore Regional Gallery Policy
- Lismore Development Control Plan (DCP)
- Lismore City Council Consultation Policy
- Lismore City Council Aboriginal Consultation Procedure.

Private and Public Funding for Public Art

The ability to fund a Public Art program is a key consideration. It is a principle of the Public Art Policy that the public and private sectors contribute to the creation of a vibrant public realm through the funding of Public Art. There are two ways in which Public Art can be required namely:

1. Chapter 21 of the DCP requires a minimum of \$15,000 contributions where Public Art is provided on-site or at least \$12,000 where a contribution to the fund is made for commercial, retail and tourist development over \$2,000,000 in value. This procedure applies under this DCP.
2. The Public Art Policy requires Council to contribute at least 1% of the value of certain types of development over the value of \$2,000,000. This figure is higher than in (1) due the need for the Council to show leadership in this area.

Parameters

- Public Art may be incorporated within a building's structure or result in the creation of new architectural spaces or new public spaces.
- Public Art may take the form of tapestries, carpets, weaving, textiles, hangings, banners, use of colour, mobiles, ceramics, tiling, interior lighting, signage and flooring.
- Public Art could be sculpture, landmarks, environmental land works, photography, prints, paintings, projection, moving images, computer generated images.
- Public Art can introduce narrative or text, be issue based, decorative, humorous, challenging, beautiful, subtle or contentious.
- Public Art may refer to our heritage or celebrate the future, highlight specific areas and issues or be conceptual.
- Public Art can be permanent or temporary, internal or external, integral or free standing, monumental or local, large or small scale, design or ornament.

Public Art is generally initiated:

- As part of Centre Improvement Strategies, i.e. Council funded streetscape projects.
- Through Development Applications as a condition of approval. The work is funded by the developer and may be on private or public land – e.g. park or road reserve.
- Through the Regional Open Space Strategy i.e. in parks funded by Council.
- Through a community driven initiative funded by grants e.g. Ministry for the Arts and Australia Council.
- Percentage for art partnerships with State Government.
- Through a donation, gift or bequest.

Public art projects are generally managed as:

- Public art commissions.
- With or without community involvement in the development of the brief.
- Community arts projects.
- With community involvement in planning, design and fabrication.
- Community environment art design projects.

Scope of Public Art Reference Group Operations

The Public Art Reference Group will have an overseeing management role for all commissioning, implementation, relocation and de-accessioning of Public Artwork. The Group will work within the Public Art Policy and will use the Public Art Procedures as their reference documents.

The Public Art Reference Group

The Public Art Reference Group (PARG) will be the Lismore City Council's public art advisor body and will be made up of the following members:

1. 1 Councillor (Chairperson)
2. Lismore Regional Gallery Director (support officer for PARG)
3. 1 Indigenous art representative
4. 1 Arts industry representative
5. Executive Director of Sustainable Development.

PARG members (1), (3) and (4) shall be appointed by Council within 12 months after a Council election. Representatives (3) and (4) shall be done by expressions of interest.

The PARG will also consider advice pertinent to each project from the following:

- 1 Strategic Planner/ Development Assessment Planner,
- 1 Public liability/ risk management representative.

The PARG scope is to:

1. Recommend to Council in respect of proposed new Public Art concept briefs prior to the commissioning of the artists and the construction of the work.
2. Recommend to Council in respect of Public Art acquisition (via gift, donation, bequest or other means), removal, relocation and de-accession.
3. Recommend to Executive Director Sustainable Development the selection of an artist or artists to complete new Public Art works including recommendations in respect of final concept drawings within the concept brief approved by Council and the approved budget.
4. Recommend to Council six sites within the Lismore LGA for public art zones of activation. These will be the preferred locations for public art. In terms of scope items (1) and (2) the location or relocation of the subject Public Artwork will be part of the PARG scope.
5. Recommend to Council a public art plan for each site; integration, enhancement of the site, connectivity to community, relevance to history and currency of the site, and prospective partners.
6. Consult with the community as appropriate, consistent with Councils Consultation Policy and work generally in accordance with the Public Art Procedures.
7. Ensure quality control and provision of quality advice not to have any financial responsibility. However the PARG can make written submissions to the annual budget round on Public Art commissioning of work and maintenance.

The Public Art Officer (Gallery Director) will:

- Make recommendations to Council in regard to Public Art.
- Facilitate the selection of artists, being mindful of Council's tendering procedures.
- Be the support officer for the PARG.
- Contact all relevant departments and organisations, e.g.: roads, parks, electricity etc to obtain approval if necessary.
- Initiate and facilitate the collection of any background, historical and Indigenous information.
- Facilitate the project status, i.e. by commission or community arts project.
- Manage the public art aspects of projects.
- Coordinate the implementation of Council's Public Art Policy and Procedure.
- Source and consider significant policy and practice issues and trends relevant to the arts both nationally and internationally that will enhance this policy.
- Be essential in assisting/ facilitating the process of communication between: architects, builders, town planners, engineers; and artists, arts workers, other professionals; and the community.
- Liaise with all relevant sections throughout Council depending on the project.

- Consult with all stakeholders. This will vary depending on projects and what they want to achieve.
- Manage the de-accessioning, relocation and disposal of public art works.
- Prepare Public Art documents including, but not limited to, Public Art Reference Group Minutes, Public Art Contracts, Public Art Condition Reports for City Works inspectors and individual Public Art Project Briefs inline with the Code of Practice for the Australian Arts and Crafts Sector.

Selection Criteria for Public Artworks

Evaluation and approval of all public art will be based on the following criteria:

Storey telling/sense of place: It's important that Public Art tells the various stories of Lismore and villages that are unique to our area. Telling 'our stories' is critical to creating a sense of place, wellbeing and belonging. The concept brief for Public Art should reflect a storey that is relevant to the place it will be located in.

Excellence: Artwork shall be of lasting value, quality and artistic merit that will enhance the City's collection.

Audience: The artwork will be suitable for display to a diverse audience including children. It should enhance its setting and help create a sense of place. The Public Art Reference Group may not acquire public art that would, when displayed, create a hostile environment for the public.

Style: The artwork should be suitable in scale, materials, and form for its surroundings, or capable of being sited in a variety of public spaces. Artwork selected for the Council's collection should advance the purpose specified by the Public Art Reference Group at the time an acquisition project is undertaken.

Condition and Permanence: The artwork will be of materials and method of construction suitable to the setting. Artwork for outdoor exhibition will be resistant to theft, vandalism, weathering and constructed to avoid extensive maintenance and repair. At the time of acquisition, the artwork will be in good condition or worthy of restoration.

Technical Feasibility: The Reference Group will consider for commissions only those artwork proposals it finds likely to be completed according to design. The Reference Group will only select artworks for which it has an immediate location or storage capacity.

Fiscal Feasibility: The Reference Group will consider only such artworks for which it possesses adequate funding for appropriate display, maintenance, insurance and safeguarding.

Because Public Artworks are located in public areas they must be able to be safely handled by children and others, and therefore must comply with all relevant health and safety regulations and are subject to review by Council's Risk Management.

Relevance: The Reference Group will consider only such artworks that clearly demonstrate the relevance of the proposed work to its site and address aspects of the City's history, culture or society.

Consistency: The Reference Group will consider only such artworks where there is consistency of the overall vision for the Public Art Reference Group.

Spatial Relationship between Public Art and the Construction Projects that fund it

Council reserves the right to locate Public Art in the most appropriate and meaningful sites for the community. In determining the appropriate site for an artwork the following criteria will apply:

- The six sites identified by the PARG and adopted by Council shall be the priority sites for Public Art depending upon the budget etc.
- Desirable public art sites will be identified through the local area planning process.
- Pooling of funds for Public Art will be encouraged within Centres and in conjunction with Streetscape Improvement Projects.

The location of private sector funded artworks will be subject to negotiation with the project developer and will be determined within the following framework:

- Within the defined Urban Centre of which the development is a part.
- Within a prescribed area e.g. – sites within a Streetscape Improvement Project.

Uniform Public Art Evaluation and Approval Process

All proposals for new Public Art that arise from private sector development or Council capital works will be subject to a uniform Public Art Evaluation and Approval Process. This process will provide expert advice to the Development Assessment Teams and Council capital works managers on the acceptability of a proposal under the Public Art Policy and Guidelines. The process will reflect the following characteristics:

- Single point of coordination for each proposal
- Public Art Reference Group made up of key stakeholders
- Two step evaluation: preliminary and full evaluation
- Guidelines and performance criteria.

Acquisition and Establishment of New Artwork

- Upon identification of a new Public Art project the Public Art Reference Group will oversee the development and establishment of the Artwork, in accordance with adopted Procedures. Importantly the PARG will recommend to Council if the Public Art should be acquired and approve any newly commissioned work.
- Council can acquire Public Art via gift, donation or bequest or other means. Before this occurs the PARG would make a recommendation to Council for a resolution.
- New Public Art, proposed as a response to a Development Consent condition, any other Council Policy or at the behest of a private benefactor will be subject to this Procedure and will be overseen by the Public Art Reference Group.
- Council has adopted several methods for the acquisition of artwork: commission, purchase, donation, integrated (built-in) into urban initiatives in collaboration with other professionals, community projects and sponsored competitions.
- Council recognises that consultation with key stakeholders, city, state, arts, private, business sectors and community is essential prior to and during the acquisition process.
- Council places a high priority on the employment of local artists and supporting emerging artists for the supply of public art. Priority is 1. Locally (City of Lismore), 2. Regionally (Northern Rivers); 3. Northern State (Northern NSW); 4. State NSW and SE Qld.
- Council places a high priority on interactive artworks designed so as to be touched, where practicable, but must conform to health and safety legislation and be easily maintained.

Relocation or Removal of Artwork

- The Council may, as necessary or appropriate, transfer Council-owned artwork from one public site to another, remove artwork to storage or make a temporary loan of artwork to another agency or organisation.
- The Public Art Reference Group will review such proposals to relocate or remove a Council-owned artwork and make recommendations to the Council if required. Considerations for the relocation or removal of artworks may include, but are not limited to:
 - Security of the artwork can no longer be reasonably guaranteed.
 - Maintenance costs are higher than anticipated.
 - Faults of design or workmanship make repair unfeasible.
 - The artwork has been damaged and repair is unfeasible.
 - As erected, the artwork poses risks to public safety not identified during the selection process.
 - Once installed, the artwork does not conform to the expectations according to which it was selected.
 - Significant changes in the use, character or design of the site have occurred, affecting the integrity or appeal of the artwork.
 - The authenticity of the artwork is called in to question.
 - The aesthetic quality of the artwork is called in to question.
 - The Public Art Reference Group wishes to replace the artwork with a more appropriate work by the same artist.
 - The site on which the artwork has been located is required for other community or utility undertakings.
 - The significant redevelopment or upgrade of the surrounding site or the buildings necessitating the relocation or removal of the artwork.

Relocation or removal considerations and arrangements

In reviewing proposals for relocation or removal the Public Art Reference Group will receive a report from the Public Art Officer that covers the following steps/matters:

- Discussion has occurred with the artist and/or donor in respect of the circumstances prompting the review.
- If appropriate seek opinions of more than one independent professional qualified to recommend on the concern prompting the review (conservators, engineers, architects, landscape architects, critics, art historians, safety experts, etc).
- Review written correspondence, press and other public suggestions.

- Explore means of resolving the concerns prompting review of relocation or removal.
- Carry out appropriate consultation as per Council's policy.

If the Public Art has to be removed the Public Art Officer will:

- Seek a suitable relocation of the artwork.
- If the artwork was designed for a specific site, the Public Art Officer will endeavour to relocate it to a site consistent with the artist's intention. If possible, the Public Art Officer will obtain the artist's assistance in making this determination.
- If there is a cost in relocating the artwork the original artist can be commissioned to relocate it at the Executive Director Sustainable Development's discretion without seeking expressions of interest (EOI) assuming there is budget for the work.
- If no relocation is suitable, Public Art Officer will store the work in consultation with Council City Works or seek de-accession consistent with the de-accession procedure.
- Nothing in this policy shall limit the Council's ability to take whatever action is deemed appropriate to protect artwork and human health and safety in the event of an emergency.

Maintenance

- Public Art will be professionally managed and maintained (within resource constraints) so as to make the maximum contribution to the quality of life of the community and to business development.
- As part of the Art Gallery annual budget a maintenance amount should be put aside for the long term maintenance of public artworks.
- All artists designing and/or installing public artworks in the Lismore Local Government Area must provide a comprehensive written Maintenance Report.
- The Public Art Officer will perform a condition report of all public artworks once every twelve months and will inform the Public Art Reference Group of any incidents or deterioration. The Public Art Officer will determine appropriate methods of repair, which may include:
 - The artist/agent making repairs.
 - A local artist making repairs as recommended by the Public Art Officer.
 - The work being removed for de-accession (see de-accession procedure).
 - Where works require repair, Council approval will be sought following consultation with the artist/agent, preservation specialists and the community as necessary.
 - The PARG can make a submission to the annual budget round on significant maintenance if required after considering a condition report. The Gallery Director can independently allocate an annual budgetary fund to provide maintenance of installed works.
 - Where the cost of maintenance exceeds the allocated amount, the Public Art Officer will advise the Executive Manager in writing.

De-Accession

Selection criteria de-accessioning

A Public Art work may be recommended by the PARG (and then resolved by Council) to be de-accessioned if at least one of the following applies:

- Security of the artwork can no longer be reasonably guaranteed.
- There is no suitable site for relocation of a work that must be moved.
- Maintenance or relocation costs are higher than anticipated.
- The artwork requires repairs that are unfeasible.
- The work's condition requires restoration in excess of its aesthetic value.
- The work is so deteriorated that restoration would prove unfeasible or misleading.
- If, as erected, the artwork poses risks to public safety not identified during the selection process.
- It is determined that the work lacks significant aesthetic, historical and/or cultural value.
- The work is determined to be a forgery or fake. The Reference Group is responsible for ensuring that any such forgery or fake is identified as such when it leaves the Council's collection.

Disposal Procedures

The Public Art Officer may dispose of an approved de-accessioned work by any of the following means, or others not listed, as warranted by each circumstance:

- The artist/agent or donor will be given the right of first refusal to reacquire the work at fair market value, original price or gratis, depending on the recommendation of the Reference Group.
- The Public Art Officer may sell the work through a dealer.
- The Public Art Officer may sell the work through competitive bidding.
- The Public Art Officer may sell the work at a Public Sale.
- Trades or exchanges may be negotiated under special circumstances with a dealer or artist. The Public Art Officer may also trade a work to be de-accessioned for another artwork by the same artist.
- If a marginally significant work has deteriorated to such an extent that it is irreparable and unsuitable for exhibition or cannot be disposed of by means listed above, the Reference Group may, with the approval of the Council, elect to destroy it upon de-accession.
- The cost of removal of the work will be borne by the buyer.
- The cost of the artwork will be determined by the Public Art Officer after discussion with certified art valuers.
- Any monies raised through de-accession will be deposited into the Council's Public Art Fund. The Council will endeavour to use such funds for future acquisitions.
- No works may be sold, traded or transferred to a member of the Public Art Reference Group, its supporting staff or its agents. Once de-accessioned from the Council's collection, a work may not be installed on Council property and the Public Art Officer will remove all acquisition numbers and labels from the work and coordinate its physical departure from the Council's collection. The Public Art Officer will transmit a final report informing the Council of the removal of the object from the Council's collection.

Report

Subject	NORTEC Employment and Training – Fee Contribution
File No	EF09/385:ED10/7795
Prepared by	Business Facilitator
Reason	To obtain Councils formal approval to provide the donation to NORTEC as recommended
Objective	Demonstrable partnership contribution by way of site development regulatory fees payment
Strategic Plan Link	Sustainable Economic Growth and Development
Management Plan Project	Economic Development

Overview of Report

NORTEC Employment and Training have requested support from Lismore City Council by way of fees contribution financial assistance in respect to NORTEC's proposed business incubator at 8 Slade Street, Goonellabah. At its 9 February 2010 meeting, Council resolved to support the proposal in principle subject to advertising for submissions and reporting back to Council.

The proposal was advertised in the Northern Rivers Echo. During the advertisement period no phone calls, written submissions or comments were received.

Background

Lismore City Council (LCC) has worked closely with NORTEC during the last 5-6 years in the development and establishment of a small business incubator in Lismore. Lismore City Council entered a joint venture partnership with NORTEC (previously BETC).

NORTEC's business model, expertise, track record and business reach fits both the Community Strategic Plan and Delivery Plan deliverables i.e. the engagement of key partnerships for the development of successful new innovative, profitable business enterprises. The benefit of this being the ongoing enhancement of Lismore as regional service and business centre.

Council's Business Facilitator is presently in the process of favourable discussions with NORTEC in the development of a Memorandum of Understanding (MOU) between the NORTEC and the Council. The MOU will cover cooperative initiatives between the Business Facilitator and NORTEC. NORTEC Chief Executive Officer, Mr Paul Bennett has asked Council to waive the Development Application and developer contribution fees associated with the new site at 8 Slade Street Goonellabah.

Council Resolution

The Council considered NORTEC's request to waive the Development Application and S64/S94 contribution fees at its 9 February 2010 meeting. Council resolved at that meeting to:

1. *“provide in-principle support to donating \$10,818.00 in compliance (construction certificate, plumbing approvals and associated inspection fees) being a variation of Councils Policy 1.4.7 in respect to the 30% maximum;*
2. *that this donation be funded via the budget deficit,*
3. *that the payment of the estimated \$32,427.15 Section 64 and 94 fees be deferred for three years subject to the provision of an acceptable security,*
4. *that the proposed donation and deferral of charges be advertised for twenty-eight days and reported back to Council for a final decision and that Council continue to support the proposal by the provision of in-kind services via support from the Business Facilitator”.*

Comments

Financial Services

Discussions have taken place with NORTEC regarding Council's financial assistance to the development application for a business incubator in Slade Street Goonellabah. If Council supports the request, the 2009/10 Budget will be amended to incorporate the contribution for development application fees and arrangements put in place for the deferral of S94 and S64 contributions.

Council will consider the March 2010 Quarterly Budget Review report as part of this agenda. This report anticipates the approval of the \$10,800 in financial assistance and it is part of the reported \$32,400 operating deficit.

Public consultation

The proposal was advertised in the Northern Rivers Echo with submissions open for a period of 28 days. During the advertisement period no phone calls, written submissions or comments were received to the proposal.

Conclusion

Council's Business Facilitator has identified that a business incubator program, for the safe incubation of new business, is overdue and moreover is an essential community asset to sustainable business growth.

NORTEC is an important potential key stakeholder for the Lismore LGA. The benefits of business incubators are well known and are used internationally to foster new business ventures.

It is recommended that the Council finalise its February 2010 in principle approval for the donation of compliance fees and deferral of development contribution fees given Council's historical commitment to partnering in the proposed business incubator project and the fact that the project is very aligned to Council's strategic economic objectives.

Recommendation

That Council:

1. Finalise its in-principle support in respect of the proposed NORTEC business incubator development at 8 Slade Street, Goonellabah for the reasons outlined in the report to:
 - a. donate \$10,818.00 in compliance fees (construction certificate, plumbing approvals and associated inspection fees) acknowledging this is a variation to Council Policy 1.4.7 to exceed the 30% maximum;
 - b. fund the above donation via the budget deficit;
 - c. defer the estimated \$32,427.15 section 64 and S94 development contribution fees for three years subject to the provision of an acceptable security; and

- d. continue to support the provision of in-kind services through Council's Business Facilitator and/or other initiatives which may link to the common strategic intent of NORTEC and the Council as outlined in the Community Strategic Plan.

Report

Subject	March 2010 Quarterly Budget Review
File No	EF09/2198:ED10/7687
Prepared by	Principal Accountant
Reason	Clause 203, Local Government (General) Regulation 2005
Objective	To gain Council's approval to amend the 2009/10 Budget to reflect actual or anticipated results
Strategic Plan Link	Best Practice Corporate Governance
Management Plan Project	Various

Overview of Report

A review of all budgets has been undertaken based on actual results to March 31, anticipated trends and any additional information. Budget variations that can be reliably quantified have been reported.

The 2009/10 Budget has moved from an opening surplus of \$14,700 to an accumulated deficit of (\$283,800) as at September 30, 2009 and an accumulated deficit of (\$28,900) as at December 2009. The operating deficit for the March 2010 quarter was (\$3,500) hence an accumulated deficit of (\$32,400) as at March 2010.

Major budget variations that impact the operating result for the March Quarter are:

- Salary savings identified \$215,800 – these savings are due to positions being not filled during part of 2010 while the recruitment process was undertaken, or removed from the staff structure due to the restructure of Sustainable Development. It is not anticipated that these savings will be ongoing
- Increase in revenue streams (Art Gallery \$12,900 and Sustainable Development \$29,300) \$42,200
- Decrease in Pensioner Subsidy (\$72,900)
- Increase operational expenses across programs (\$19,000)
Rangers and Compliance - Parking processing fees (\$28,800), Lismore Regional Airport (\$16,200) being for surround maintenance and lower head tax revenue. These have been offset by savings within Swimming Pools \$11,400, Telephone \$11,800 and Community Services \$14,100.
- Engage a consultant to assist with Special Rates variation (\$17,000)
- DA Contributions NORTEC (\$10,800)
- Revised operating deficit for Goonellabah Sports and Aquatic Centre due to lower than anticipated revenues (\$129,100) - refer note 1
- Distribution HIH Insurance \$9,000

Other adjustments have been made to capital works, operating expenses and revenues which have not resulted in an impact on the operating result. Additional information is provided in the Program Summary section of this report on these movements.

Background

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

The objective of the March review is to revise all budgets based on actual cost, anticipated trends and additional information received. Variations to budgets are included when sufficient information is available to reliably quantify the change.

General Fund

The original 2009/10 Budget provided for a surplus of \$14,700 and this changed to an accumulated deficit at the December quarter of (\$28,900). This review details a deficit of (\$3,500) for the March quarter, with the annual accumulated deficit at March 31, 2010 being (\$32,400). A summary of the movement follows:

Budget Movements for Quarter Summary	Amount \$
Opening - December 31, 2009 (Deficit)	(28,900)
Add – Salary Savings identified: <ul style="list-style-type: none"> • Economic Development - due to restructure and position being not filled • Art Gallery – position unfilled for part of year • Sustainable Development restructure – position unfilled part of year • Communications and Customer Service - position unfilled part of year • Community Services – restructure and savings indentified in Full 2009/10 Budget Review • Development and Governance - revised budget • Subdivision Management – position unfilled <p>The savings are not anticipated to be ongoing as they result either from a delay in positions being filled or from positions that have been removed from the structure.</p>	49,700 14,000 55,400 20,000 28,700 18,000 30,000
Add – Distribution received in relation to HIH Insurance	9,000
Add – Additional revenues (the following programs has achieved stronger than anticipated revenue streams to March 31): <ul style="list-style-type: none"> • Art Gallery – these funds are surplus to current year programs • Sustainable Development – stronger than expected building activity 	12,900 29,300
Add – identified savings in revised operational expenses across programs <ul style="list-style-type: none"> • Communication and Executive Services - Main telephone savings • Community Services – projects not to proceed as not required • Planning Services - Subdivision Expenses – administration savings • Swimming Pool and Lake Pool - identified savings • Rugby – Waratahs v Reds (net surplus) 	11,800 14,100 2,400 11,400 7,000
Less – GSAC Operations. The operations have been reviewed based on actual information and anticipated trends. Note 1	(129,100)
Less – Contribution to Rural Fire Service	(4,000)
Less – Child Care Outside of School Hours – finalisation to program	(3,300)
Less – Audit Fees	(5,400)
Less – Special Rate Variation Consultation	(17,000)
Less – Adjustment to pensioner subsidy received to budget	(72,900)
Less – Valuation Fees Koala	(4,000)
Less – DA Contributions NORTEC	(10,800)

Less – Events, additional costs have been identified as part of the following events:	
• Festival of Cricket	(4,800)
• Master Games	(7,200)
Less – increased operational expenses across programs:	
• Events management - promotion and advertising	(8,700)
• Tourism Guide – budgeted revenue not received	(5,000)
• Rangers and Compliance- Parking processing fees increase cost	(28,800)
• Lismore Regional Airport – maintenance expenses and decreased revenues	(16,200)
Closing – March 31, 2010 (Deficit)	(32,400)

Note 1 – Goonellabah Sports and Aquatic Centre

Councillors were advised in March 2010 that the estimated 2009/10 Operating Result for GSAC had increased to \$634,800. This has subsequently been reduced to \$625,400. In addition to the information provided at the time, the following comment by Manager – Arts, Tourism and Leisure is now provided:-

Since the budget was revised earlier this year, revenue is now tracking well with the budget estimates. Significant cuts have been made to a range of operational areas, particularly staffing levels and opening hours which became effective in early March. These cutbacks have resulted in immediate savings, however due to the earlier high level of expenditure which occurred in the first half of the financial year, it will be impossible to make enough savings to deliver a balanced budget and still keep the centre operating. The 2010 revised revenue and expenditure targets are realistic and achievable, although the centre continues to run at a deficit as explained above. A much tighter and realistic budget has been set for the 2010/2011 financial year.

Program Summary

Information on each Program with significant variances of \$10,000 or more is provided below. This excludes variances that impact on the operating result reported in the summary above.

The following variations have no impact on the overall operating result. Please refer to the Individual Programs attachment for a summary of all budget movements.

Corporate Management

Council is developing a Growth and Investment Strategy. The total cost of the project will be \$61,400 with \$29,900 from grants and \$32,200 from matching grants reserves.

The project will be commenced in 2009/10 at a cost of \$15,000 with funding from reserves with the balance to be undertaken in 2010/11.

Asset Management

There has been a transfer of operating expenses to capital expenses for the purchase of a new speed advisory sign \$13,400.

Lismore Wastewater

Council has accepted a \$6,000,000 loan from the NSW Government for the construction of the Southern Trunk Main. These funds will not be required until 2010/11 subsequently there has been a transfer to Unexpended Loans held. A review of the Lismore Wastewater Fund has also been completed and there are adjustments between and within capital works and operating expenses areas.

Lismore Water

A review of the operations of Lismore Water Fund has been completed and there are adjustments between and within the capital works and operating expenses areas.

Waste Minimisation and Farming

Revenues have been revised down by (\$26,000) based on anticipated sales. Operations have been reviewed to offset the lower than expected revenue with matching savings identified of \$26,000.

Bridges

Reserve funds of (\$470,000) carried forward from 2008/09 have been applied to the following works:

Terania Creek Road Bridges 1, 2 & 3.	\$150,000
Blakebrook Bridge	\$120,000*
Blakebrook Bridge approaches	\$100,000**
General bridge maintenance program	\$134,000

The following comment is provided by Manager – Works;

**The Blakebrook Bridge project had several delays due to inclement weather and was inundated several times with minor and moderate flooding. Natural Disaster funding scheme does not include works under construction therefore restoration works are required to be funded by Council.*

***Blakebrook Bridge approaches – the regional roads timber bridge replacement program allows a maximum amount of \$200,000 towards bridge approaches. The amount requested is the shortfall in funding required to complete the road approaches which involved improving the horizontal alignment and design speed of the bridge approaches.*

Parks and Recreation

Grant funds of (\$449,000) have been included for the Nimbin Skate Park. It is anticipated that only \$45,000 of these funds will be required for works in 2009/10 with the remaining funds to be used in 2010/11. A transfer of (\$404,000) has been made to unexpended grants for use in the 2010/11 budget year.

The Urban Sports Development Fund \$19,200 and Rural Sports Development Fund \$16,800 have been increased to reflect approved projects with funding identified through contributions received from sporting clubs \$17,900 and reserves \$18,100.

There has been a transfer from the Goonellabah Youth Plaza Development construction vote to Parks and Gardens – Sun Protection \$17,700. These are funds that were originally allocated to the Youth Plaza Development from the recurring Sun Protection program and subsequently not required.

Roads

Insurance claims were made in relation to works undertaken resulting from the 2007 Storms. Revenues of \$450,200 have been recognised and are offset by increased maintenance costs \$450,200 being repair works associated with the storms.

These storm repair works are for a range of facilities and infrastructure and not all are associated with the roads program. The repairs costs are centralised under roads for control and management purposes.

Reserve funds of (\$1,809,500) carried forward from 2008/09 have been applied to the following works:

Capital:

Rock Valley Road	\$122,000
Rosebank Road	\$422,500
Bridge Street, Wyrallah	\$200,000
Cawongla Road	\$287,000
The Channon Road – Safety rail	\$ 40,700
Carrington Street Art Work	\$ 29,500
Drainage – Dibbs Street	\$ 45,000
Belvedere Drive	\$ 95,000
Invercauld Road Driveways	\$ 60,000
Dibbs Street	\$335,000

Maintenance:

Training of outdoor staff*	\$ 50,000
PAMP Program (continuation)	\$ 62,900
Rural Roads reseals	\$ 59,900

**This item is designed to give members of the outdoor staff the opportunity to gain specialised training to assist in obtaining further machinery plant tickets, such as crane, backhoes, forklifts and truck licensing. The benefits to the organisation are that the skill level of the personnel is enhanced which means that the workforce is more flexible.*

There has been a transfer of \$750,000 to reserves for works planned in 2009/10 however these works are not anticipated to commence in the year. Works included Conway Street Stage 2 \$400,000 and Winterton Parade \$350,000.

Roads and Traffic Authority

Operating expenses have increased by \$847,200 for various works associated with the Block Grant program \$173,000, Order Works program \$374,200 and the Kyogle Road* realignment \$300,000.

These adjustments have been funded from an increase in operational grants \$683,300 and transfer from reserve funds \$300,000 carried forward from 2008/09.

There has been a transfer to reserves of \$136,100 being the anticipated increase in the surplus generated from undertaking the increased RTA Ordered Works program.

In addition the following comment by Manager – Works is now provided:

**The Kyogle Road realignment project is funded through the Federal Government black spot program. The project has required additional works associated with a larger amount of rock encountered during excavation.*

Survey and Design

Grant funds of \$45,000 have been received to develop a Natural Disaster Mitigation Program to assist with flood monitoring and warning system. There has been a matching increase in capital works to offset the grant funds.

Tourism

Council has been advised that grant funding of \$32,000 being for the Work for the Dole Program, will not be received due to changed funding criteria. In addition to revenue being reduced by \$32,000, operating expenses have also been decreased by (\$43,700) with an overall net impact of \$11,700 (and this has been included within Budget Movements for Quarter Summary above).

Environmental Services

Operating expenses have been increased by \$13,500 to reflect new grant funding received for the Habitat Action – Improving Passage in Tucki Tucki Creek. Revenues have been increased to reflect the additional grant revenue.

Emergency Services

Richmond River County Council (RRCC) as flood mitigation authority borrowed \$200,000 in 2000 to fund part of Lismore City Council's share of the Lismore Flood Levee costs. The loan repayment costs are recharged fully to and paid by Lismore City Council (Council). The loan is a renewal loan with repayments based on a 20 year period and a loan condition requiring the terms to be renegotiated at the end of Year 10 (2009/10). The balance outstanding will be approximately \$140,000 and RRCC have asked for instructions as to if the balance should be paid out or the loan renewed.

As \$140,000 is not readily available to payout this loan in the 2009/10 Budget, it should be renewed. Rather than involve RRCC in future administration, it is planned to include new borrowings of \$140,000 in Council's 2009/10 Borrowings Program. Due to Council's size, it may also be able to negotiate a better interest rate.

The 2009/10 Budget and future budgets adequately provide for the loan repayment costs (\$19,800) assuming the existing arrangement with RRCC would continue, so this change will not effect Council's financial position.

Change in Net Assets

The 2009/10 Management Plan showed an Operating result from Continuing Operations of \$4,925,000. The September review reduced this by (\$3,935,100) to \$989,900 and the December review reported a further decline of (\$2,550,600) to (\$1,560,700). This review shows an increase of \$129,000 to an Operating loss from Continuing Operations of (\$1,431,700).

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

Comments

Financial Services

This report has been prepared in consultation with the Manager – Finance and comments where required incorporated into the report.

Other staff comments

Not required

Public consultation

Not required

Conclusion

The 2009/10 Budget has moved from an opening surplus of \$14,700, to an accumulated deficit of (\$283,800) in September 2009 and an accumulated deficit of (\$28,900) in December 2009. This review reports an accumulated deficit at March 2010 of (\$32,400) with the operating deficit for the March quarter being (\$3,500).

A review of operational and capital works budgets has been undertaken based on actuals to March 31, anticipated trends and any additional information received. Budget variations that can be reliably quantified have been reported.

Management continues to monitor the budgets to identify areas of potential savings and has reinforced the message that meeting 2009/10 Budget expectations is a priority for all Budget Managers in order to commence 2010/11 as proposed in the Delivery and Operational Plan.

Recommendation

That:

1. Council adopt the March 2010 Quarterly Budget Review for General, Water and Wastewater Funds.
2. This report is forwarded to Council's Auditor for information.
3. The Division of Local Government is advised of the change to the 2009/10 Borrowings Program to include \$140,000 for Flood Mitigation.

2009/10 Estimates of Income and Expenditure To June 2010					
BUDGET ITEMS	Original 2009/10	September	December	March	Total Budget
		30-Sep-09 Quarter	31-Dec-09 Quarter	31-Mar-10 Quarter	
OPERATING REVENUES					
General Manager	27,511	(862)	237	(57)	26,828
Infrastructure	46,587	(361)	965	1,101	48,292
Development & Governance	6,343	(70)	(577)	(174)	5,522
TOTAL OPERATING REVENUES	80,441	(1,294)	625	869	80,642
OPERATING EXPENSES					
General Manager	4,159	54	39	12	4,264
Infrastructure	52,232	593	619	1,467	54,912
Development & Governance	14,023	539	(157)	(222)	14,183
TOTAL OPERATING EXPENSES	70,414	1,187	502	1,258	73,360
OPERATING RESULT BEFORE DEPRECIATION	10,028	(2,480)	124	(389)	7,282
Less					
DEPRECIATION	16,248	0	2,765	0	19,013
OPERATING RESULT BEFORE CAPITAL AMOUNTS	(6,220)	(2,480)	(2,641)	(389)	(11,730)
Add: Capital Grants and Contributions					
Non-cash Developer Contributions	750	0	0	0	750
Capital Grants and Contributions	8,543	(1,455)	91	512	7,691
Section 94 Contributions (incl. interest)	1,717	0	0	6	1,723
Gain / (Loss) on Disposal of Assets	135	0	0	0	135
Operating result from continuing operations	4,925	(3,935)	(2,551)	129	(1,432)
AVAILABLE FUNDS RECONCILIATION					
Add Expenses Not Involving a Flow of Funds					
Depreciation	16,248	0	2,765	0	19,013
Subtract Income Not Involving a Flow of Funds					
Non-cash Developer Contributions	(750)	0	0	0	(750)
Add Non-operating Funds Employed					
Loan Funds Used	11,322	16	0	6,140	17,478
Unexpended Specific Purpose Grants Used	150	3,180	264	(441)	3,152
Developer Contributions (Section 94) Used	20	(0)	(10)	0	10
Repayments by Deferred Debtors	43	0	0	0	43
Subtract Funds Deployed for Non-operating Purposes					
Acquisition of Assets	(32,005)	(1,531)	(214)	(1,492)	(35,242)
Repayment of Principal on Loans	(2,092)	0	0	0	(2,092)
Subtract Unexpended Grants and Contributions Received During Year					
Developer Contributions Net Movement	(754)	0	0	0	(754)
Cash Surplus / (Deficit)	(2,893)	(2,271)	253	4,336	(574)
Equity Movements					
Reserve Funds - Increase / (Decrease)	(2,908)	(1,972)	(2)	4,340	(542)
Reserve Funds - Operating Surplus Reserve	0	0	0	0	0
Working Capital - Increase / (Decrease)	15	(299)	255	(4)	(32)

2009/10 Estimates of Income and Expenditure for Quarter Ended March 2010 - Individual Programs										
Group and Program	Operating Revenue	Operating Expense	Capital Grants and Contributions	Developer Contributions	Loan Funds Used	Capital Purchases	Transfers from Reserves	Transfers to Reserves	Unexpended Grants	Net Period Result
General Managers /Chief Executive										
Corporate Management	-	(15,000)	-	-	-	-	15,000	-	-	-
Corporate and Community Relations	-	11,600	-	-	-	-	-	-	-	11,600
Financial Services	(57,400)	(5,400)	-	5,800	-	-	-	-	-	(57,000)
Human Resource Management	-	(3,500)	-	-	-	-	-	-	-	(3,500)
Total General Managers Chief Executive	(57,400)	(12,300)	-	5,800	-	-	15,000	-	-	(48,900)
Infrastructure										
Asset Management	1,600	13,400	-	-	-	(13,400)	-	-	-	1,600
Lismore Regional Airport	-	-	-	-	-	-	-	-	-	-
Caravan Parks and Nimbin Pool	-	(2,100)	-	-	-	-	-	-	-	(2,100)
Sewerage Services	-	-	-	-	6,000,000	-	-	(6,000,000)	-	-
Waste Services	(26,000)	26,000	-	-	-	-	-	-	-	-
Miscellaneous Properties	-	(5,100)	-	-	-	-	-	-	-	(5,100)
Bridges	-	134,000	-	-	-	(470,000)	336,000	-	-	-
Bushfire Services	-	(4,000)	-	-	-	-	-	-	-	(4,000)
Emergency Services	-	(140,000)	-	-	140,000	-	-	-	-	-
Parks and Recreation	-	(10,200)	466,900	-	-	(92,900)	18,100	-	(404,000)	(22,100)
Roads - Urban	450,200	(559,600)	-	-	-	185,500	677,400	(750,000)	-	3,500
Roads - Rural	-	(59,900)	-	-	-	(1,072,200)	1,132,100	-	-	-
RTA Works	683,300	(847,200)	-	-	-	-	300,000	(136,100)	-	-
Survey and Design	-	(4,800)	45,000	-	-	(45,000)	4,800	-	-	-
Workshop and Fleet Operations	-	-	-	-	-	(1,600)	-	-	-	(1,600)
Total Infrastructure	1,109,100	(1,459,500)	511,900	-	6,140,000	(1,509,600)	2,468,400	(6,886,100)	(404,000)	(29,800)
Sustainable Development										
Art Galleries	15,600	11,300	-	-	-	-	-	-	-	26,900
Child Care - After School Care	(165,800)	152,200	-	-	-	-	-	10,300	-	(3,300)
Swimming Pools	(29,200)	40,600	-	-	-	-	-	-	-	11,400
Community Services	1,600	30,400	-	-	-	-	-	-	-	32,000
Information Services	-	(5,800)	-	-	-	-	-	-	-	(5,800)
Economic Development	15,300	14,000	-	-	-	-	6,000	-	-	35,300
Planning Services	(6,100)	55,800	-	-	-	-	-	-	-	49,700
Planning Development	24,400	18,000	-	-	-	-	-	-	-	42,400
Environmental Health & Building Control	24,500	8,700	-	-	-	-	46,800	-	(37,000)	43,000
Goonellabah Sports and Recreation Centre	(49,000)	(80,100)	-	-	-	17,700	-	-	-	(111,400)
Rangers	(5,600)	(23,200)	-	-	-	-	-	-	-	(28,800)
Total Development and Governance	(174,300)	221,900	-	-	-	17,700	52,800	10,300	(37,000)	91,400
Council Total	869,000	(1,257,700)	511,900	5,800	6,140,000	(1,491,900)	2,536,200	(6,875,800)	(441,000)	(3,500)
										Deficit

Report

Subject	March 2010 Quarterly Management Plan Review
File No	EF09/1726:ED10/7746
Prepared by	Manager Corporate Services
Reason	Requirement of Local Government Act S.407(1)
Objective	Information for Councillors
Strategic Plan Link	Best Practice Corporate Governance
Management Plan Project	This is a report on the progress of the 2008/2009 Management Plan

Overview of Report

This report relates to the performance of programmes and activities highlighted in the 2009/2010 Management Plan during the quarter ended June 2009.

Background

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

Recommendation

That the report be received and noted.

Report

Subject	Goods and Services Tax - Council Compliance
File No	EF09/1891:ED10/6849
Prepared by	Manager – Finance
Reason	Division of Local Government requirement for councils to supply a certificate of confirmation regarding their Goods and Services Tax systems
Objective	For Council to resolve to sign the attached certificate of compliance
Strategic Plan Link	Best Practice Corporate Governance
Management Plan Project	Finance

Overview of Report

The Division of Local Government requires all councils to provide a certificate of confirmation to the effect that the GST management systems are adequate with regards to being compliant with the GST legislation.

Background

With the introduction of the Goods & Services Tax (GST) in July 2000, the Australian Taxation Office (ATO) requested NSW Treasury to provide some assurance that NSW Councils were meeting their GST obligations.

In June each year, the Commonwealth seeks from members of the GST Administration Subcommittee (GSTAS) advice on voluntary GST payments by local government bodies. The timing of this request is to allow the Commonwealth Commissioner of Taxation to make a determination concerning the amount of GST collected in the financial year in question. Information sought by the Commonwealth is simply instances of where voluntary payments should have been, but were not, paid by local government bodies.

Accordingly, local governing bodies are requested to provide the Division of Local Government (DLG) with this advice in June each year. The DLG then provides advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

Initially, this was achieved by the DLG requiring councils to annually issue their auditor with a statement to the effect that GST management systems were in place to ensure compliance with GST legislation as well as copies of any correspondence regarding outstanding taxation debts that are attributable to the business activity statement.

Based on this, the auditor would undertake an independent review, not a tax audit, on Council's GST management systems. This was completed for 2001, 2002, 2003 and 2004 by Council's Auditor, Thomas Noble and Russell and an appropriate GST Audit Review Report issued.

In 2005, the DLG amended this requirement so that a council was to provide a certificate of confirmation, therefore reduce costs, or at its own discretion (and expense), initiate an external review to support the process. Since 2005, Council resolved to provide the certificate of confirmation.

For the current reporting period (1 May 2009 to April 30, 2010) the approach from recent years is again recommended based on the following reasons:-

- a) Council's GST management systems were reviewed and updated as part of the implementation of the corporate software system, Authority. This review included all new business practices necessary for processing transactions. The Authority system provides for the electronic preparation of the BAS with a range of reporting options that all full transactional investigation of each GST transaction category.
- b) Council's GST management systems are centralised within the Finance section, predominately computerised and the monthly business activity statement (BAS) is prepared and reviewed by the Manager – Finance.
- c) Staff received extensive training on the use of Authority and are proficient with data processing requirements to accurately record and therefore correctly report GST on the BAS.
- d) The vast majority of Council's transactions (rates, water, payment of creditor invoices, issuing of debtor invoices, cash payments, grants, contributions, fees and charges) are consistent from year to year and therefore the GST treatment does not change.
- e) Spot checks of current practices are undertaken regularly to assess compliance to GST legislation.
- f) In February 2010, Council engaged an independent consultant to review its GST revenue systems. While the majority of transactions checked were correct, two errors were detected and rectified. Overall, the consultant was impressed by Council's systems and processes.

General Information

Lismore City Council is registered for GST purposes. Based on this registration, Council is required to submit a monthly Business Activity Statement (BAS). For the period July 1, 2000 to March 31, 2010, a total of 117 BAS's have been completed and submitted to the ATO. A summary of the relevant information included on these follows:

- | | |
|-------------------------------------|---------------|
| • Total GST payable to the ATO | \$ 16,539,611 |
| • Total GST receivable from the ATO | \$ 39,986,100 |

During this time, the ATO has undertaken a compliance review in August 2003 and a BAS refund assurance audit in September 2006. While the compliance review was limited, Council was advised that '...had achieved a high level of GST preparedness towards ensuring voluntary compliance.' There was one transaction identified as being non compliant that had to be adjusted. As to the assurance audit, all documentation required was provided and the ATO advised that no further action was required.

The April 2010 BAS will be prepared and submitted before the May 11, 2010 Council meeting is held.

Comments

Other staff comments

Not required

Public consultation

Not required

Conclusion

The Division of Local Government requires Council to provide a certificate of confirmation to the effect that Council's GST management systems are adequate with regards to being compliant with the GST legislation.

Given the reasons included in the report, this approach is recommended rather than undertaking an independent review.

Recommendation

That Council submit a Goods and Services Tax Certificate to the Department of Local Government certifying the payment of voluntary GST for 1 May 2009 to 30 April 2010 signed by the Mayor and Deputy Mayor.

**COUNCIL OF THE CITY OF LISMORE****GOODS AND SERVICES TAX CERTIFICATE****Payment of Voluntary GST 1 May 2009 to 30 April 2010**

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Lismore City Council for the period 1 May 2009 to 30 April 2010.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

This is signed in accordance with Council's resolution made on May 11, 2010.

Jenny Dowell
Mayor

Isaac Smith
Deputy Mayor

Paul O'Sullivan
General Manager

Rino Santin
**Manager – Finance
(Responsible Accounting
Officer)**

Report

Subject	Investments – April 2010
File No	EF09/2209:ED10/7895
Prepared by	Management Accountant
Reason	Required by Local Government Act, 1993, Local Government (General) Regulation 2005 and Council's Investment Policy
Objective	To report on Council's Investments
Strategic Plan Link	Best-Practice Corporate Governance
Management Plan Project	Financial Services

Overview of Report

Investments as at 30 April 2010 are estimated to be \$24,840,270 subject to final market valuations typically provided after month end.

The interest rate reported for April 2010 is estimated to be 4.60% which is above the Bank Bill Swap Rate for the period of 4.52%. The final interest return may vary due to actual returns achieved on investments advised after month end.

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 March 2010</i> | \$27,334,483 |
| • <i>Estimated Investments – at Market Value – 30 April 2010</i> | \$24,840,270 |

The current rate of return on investments for April 2010 is estimated to be 4.60% which is above the Bank Bill Swap Rate for the period of 4.52%. 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.

There are still a number of investments not paying coupons. These include investments in Blackrock Care & Maintenance Fund, Longreach – Series 25 and five Lehman Brothers related investments that are terminating. These investments are shown on the 'Estimated Interest' attachment with an estimated interest rate and weighted interest for the period of zero.

In regards to the Blackrock Care & Maintenance Fund, as this fund is being independently managed with a view to its ultimate termination, the payment of a coupon is dependent on funds available net of costs. A coupon payment has not been recognised as a return on investment this month.

Richmond Tweed Regional Library

To meet compliance requirements associated with being the Executive Council for Richmond Tweed Regional Library, Council must report on investments held by the Library each month. For the month ended 30 April, 2010 the estimated total value of investments held by Richmond Tweed Regional Library is \$2,262,414. The current rate of return on the library's investments for April 2010 is estimated to be 5.54%.

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

There are no special, extraordinary or irregular events to report on investments for April 2010.

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 April 30, 2010, investments total \$24,840,270 and the annualised rate of return was 4.60%.

This report includes investment information for the Richmond Tweed Regional Library. As Council is the Executive Council for the Richmond Tweed Regional Library, this information must be reported to Council monthly.

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

Recommendation

That the report be received and noted.

**Capital Value Movements
Summary of Investments held as at
30 April, 2010**

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Balance Sheet Valuation (Note 1)	Current Market Value (Note 4)	
Cash Based Returns									
Blackrock Care & Maintenance Fund	Managed Fund	A	High	15/10/2008	N/A	26/04/2010	\$ 1,999,857	\$ 2,280,318	Note 3
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	26/04/2010	\$ 4,452,500	\$ 4,452,500	
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/9/2006	N/A	26/04/2010	\$ 252,382	\$ 252,382	
ANZ High Yield Cash Account	Cash Management Account	AA	High	N/A	N/A	26/04/2010	\$ 1,525,549	\$ 1,525,549	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	8/4/2010	12/5/2010	8/04/2010	\$ 2,000,000	\$ 2,000,000	
IMB Banking & Financial Services	Term Deposit	A2	High	19/3/2010	18/5/2010	19/03/2010	\$ 2,000,000	\$ 2,000,000	
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	6/4/2010	7/6/2010	6/04/2010	\$ 2,000,000	\$ 2,000,000	
Newcastle Permanent	Term Deposit	A2	High	19/4/2010	18/6/2010	19/04/2010	\$ 1,000,000	\$ 1,000,000	
Westpac Banking Corporation	Term Deposit	AA	High	4/12/2009	4/12/2010	4/12/2009	\$ 2,000,000	\$ 2,000,000	
Newcastle Permanent	Term Deposit	A2	High	18/12/2009	20/12/2010	18/12/2009	\$ 1,000,000	\$ 1,000,000	
Summerland Credit Union	Term Deposit	Not Rated (Note 7)	High	17/1/2010	17/1/2011	17/01/2010	\$ 1,000,000	\$ 1,000,000	
Merrill Q A/A FRN / CBA	Floating Rate Note	A+	High	22/3/2005	8/6/2010	31/03/2010	\$ 949,250	\$ 997,920	
Bishopsgate (Wentworth)	Floating Rate CDO	AA	High	1/9/2006	20/9/2010	30/06/2009	\$ 435,100	\$ 435,100	Note 5
Herald Limited (Quartz)	Floating Rate CDO	B+	Low	1/9/2006	20/12/2010	31/03/2010	\$ 13,572	\$ 13,572	Note 5
Cypress (Lawson)	Floating Rate CDO	BBB+	Low	1/9/2006	30/12/2010	30/06/2009	\$ 379,500	\$ 379,500	Note 5
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated (Note 7)	High	1/9/2006	18/10/2011	30/06/2009	\$ 247,500	\$ 247,500	Note 5
BELO (Katgoorle)	Commodity Backed Security	AA+	High	1/9/2006	27/2/2012	30/06/2009	\$ 580,440	\$ 580,440	Note 5
Magnolia (Flinders)	Floating Rate CDO	BB+	Low	1/9/2006	20/3/2012	30/06/2009	\$ 210,000	\$ 210,000	Note 5
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2006	22/6/2012	30/06/2009	\$ 126,200	\$ 126,200	Note 5
Beryl (Esperance 2)	Floating Rate CDO	BB+	Low	1/9/2006	20/3/2013	30/06/2009	\$ -	\$ -	Note 5
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	30/06/2009	\$ 59,400	\$ -	Note 5
Zircon (Merimbula)	Floating Rate Note	C	Low	1/9/2006	20/6/2013	30/06/2009	\$ -	\$ -	Note 5
Corsair (Kakadu)	Floating Rate CDO	CCC	Low	1/9/2006	20/3/2014	30/06/2009	\$ 124,550	\$ 124,550	Note 6
Longreach - Series 25	Equity Linked Investment	AA-	High	2/4/2007	4/4/2014	30/06/2009	\$ 662,600	\$ 666,140	Note 2
Helium (Scarborough)	Floating Rate CDO	CCC-	Low	1/9/2006	23/6/2014	30/06/2009	\$ 2,200	\$ 2,200	Note 5
Beryl (Global Bank Note)	Floating Rate Note	C	Low	1/9/2006	20/9/2014	30/06/2009	\$ -	\$ -	Note 5
Zircon (Cocklangatta)	Floating Rate CDO	C	Low	1/9/2006	20/9/2014	30/06/2009	\$ -	\$ -	Note 5
Aphex (Glencle)	Floating Rate CDO	CCC+	Low	1/9/2006	22/12/2014	30/06/2009	\$ 60,900	\$ 60,900	Note 5
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	14/12/2015	31/03/2010	\$ 440,100	\$ 489,500	Note 5
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	16/3/2016	31/03/2010	\$ 864,000	\$ 996,000	Note 5
Zircon (Miami)	Floating Rate CDO	C	Low	1/9/2006	20/3/2017	30/06/2009	\$ -	\$ -	Note 5
Investment on Hand							\$ 24,385,600	\$ 24,840,270	

Investments Redeemed during period (Note 6)

Newcastle Permanent	Term Deposit	A2	High	18/2/2010	19/4/2010	18/02/2010	\$ 1,000,000	\$ 1,000,000
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	8/3/2010	8/4/2010	8/03/2010	\$ 2,000,000	\$ 2,000,000
SGE Credit Union	Term Deposit	Not Rated (Note 7)	High	12/2/2010	13/4/2010	12/02/2010	\$ 2,000,000	\$ 2,000,000
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	5/2/2010	8/4/2010	5/02/2010	\$ 2,000,000	\$ 2,000,000
Surcorp Bank	Term Deposit	A-1	High	8/2/2010	9/4/2010	8/02/2010	\$ 2,000,000	\$ 2,000,000

\$ 33,385,600	\$ 33,840,270
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Note 1: Balance Sheet Valuation is the value reported in Council's Financial Report as at 30 June, 2009 or the purchase price for investments purchased post 30/06/09
Note 2: Capital Guaranteed note if held to maturity
Note 3: The Balance sheet Valuation 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	19,671,010
Internally Restricted	5,169,260
	<u>\$ 24,840,270</u>

**Estimated Interest
Summary of Investments held as at
30 April, 2010**

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Current market Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period
Cash Based Returns						
Blackrock Care & Maintenance Fund	Managed Fund	A	0.00%	\$ 2,280,318	\$ -	0.00%
CBA - Business On Line Banking A/c	Cash Management Account	Cash	3.85%	\$ 4,452,500	\$ 14,089	0.63%
Macquarie Cash Management Trust	Cash Management Account	Not Rated	4.35%	\$ 252,382	\$ 902	0.04%
ANZ High Yield Cash Account	Cash Management Account	AA	4.30%	\$ 1,525,549	\$ 5,392	0.26%
Credit Union Australia (CUA)	Term Deposit	Not Rated	5.96%	\$ 2,000,000	\$ 7,838	0.35%
Southern Cross Credit Union	Term Deposit	Not Rated	5.61%	\$ 2,000,000	\$ 6,763	0.30%
Newcastle Permanent	Term Deposit	A2	5.74%	\$ 1,000,000	\$ 1,730	0.08%
IMB Banking & Financial Services	Term Deposit	A2	5.20%	\$ 2,000,000	\$ 8,548	0.38%
Westpac Banking Corporation	Term Deposit	AA	6.80%	\$ 2,000,000	\$ 11,178	0.50%
Newcastle Permanent	Term Deposit	A2	7.00%	\$ 1,000,000	\$ 5,753	0.26%
Summerland Credit Union	Term Deposit	Not Rated	6.50%	\$ 1,000,000	\$ 5,342	0.24%
Merrill Q A/A FRN - CBA	Floating Rate Note	A+	4.58%	\$ 997,920	\$ 3,762	0.17%
Bishopsgate (Wentworth)	Floating Rate CDO	AA	4.53%	\$ 435,100	\$ 1,860	0.08%
Herald Limited (Quartz)	Floating Rate CDO	B+	5.74%	\$ 13,572	\$ 142	0.00%
Cypress (Lawson)	Floating Rate CDO	BBB+	4.53%	\$ 379,500	\$ 1,860	0.07%
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated	6.10%	\$ 247,500	\$ 1,253	0.06%
BELO (Kalgoorlie)	Commodity Backed Security	AA+	5.28%	\$ 580,440	\$ 3,038	0.12%
Magnolia (Flinders)	Floating Rate CDO	BB+	4.24%	\$ 210,000	\$ 1,045	0.04%
Omega (Henley)	Floating Rate CDO	CCC	5.04%	\$ 126,200	\$ 1,657	0.03%
Beryl (Esperance 2)	Floating Rate CDO	BB+	0.00%	\$ -	\$ -	0.00%
Corsair (Torquay)	Floating Rate CDO	CCC-	5.84%	\$ -	\$ -	0.00%
Zircon (Marimbu'a)	Floating Rate Note	C	0.00%	\$ -	\$ -	0.00%
Corsair (Kakadu)	Floating Rate CDO	CCC	5.64%	\$ 124,550	\$ 2,318	0.03%
Longreach - Series 25	Equity Linked Note	AA-	0.00%	\$ 666,140	\$ -	0.00%
Helium (Scarborough)	Floating Rate CDO	CCC-	5.46%	\$ 2,200	\$ 898	0.00%
Beryl (Global Bank Note)	Floating Rate Note	C	0.00%	\$ -	\$ -	0.00%
Zircon (Coolangatta)	Floating Rate CDO	C	0.00%	\$ -	\$ -	0.00%
Aphex (Glenelg)	Floating Rate CDO	CCC+	5.94%	\$ 60,900	\$ 2,441	0.01%
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated	4.74%	\$ 489,500	\$ 1,948	0.09%
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated	4.79%	\$ 996,000	\$ 3,937	0.19%
Zircon (Miami)	Floating Rate CDO	C	0.00%	\$ -	\$ -	0.00%
Investment on Hand				\$ 24,840,270	\$ 93,693	3.92%

Note 1,3

Note 2,5

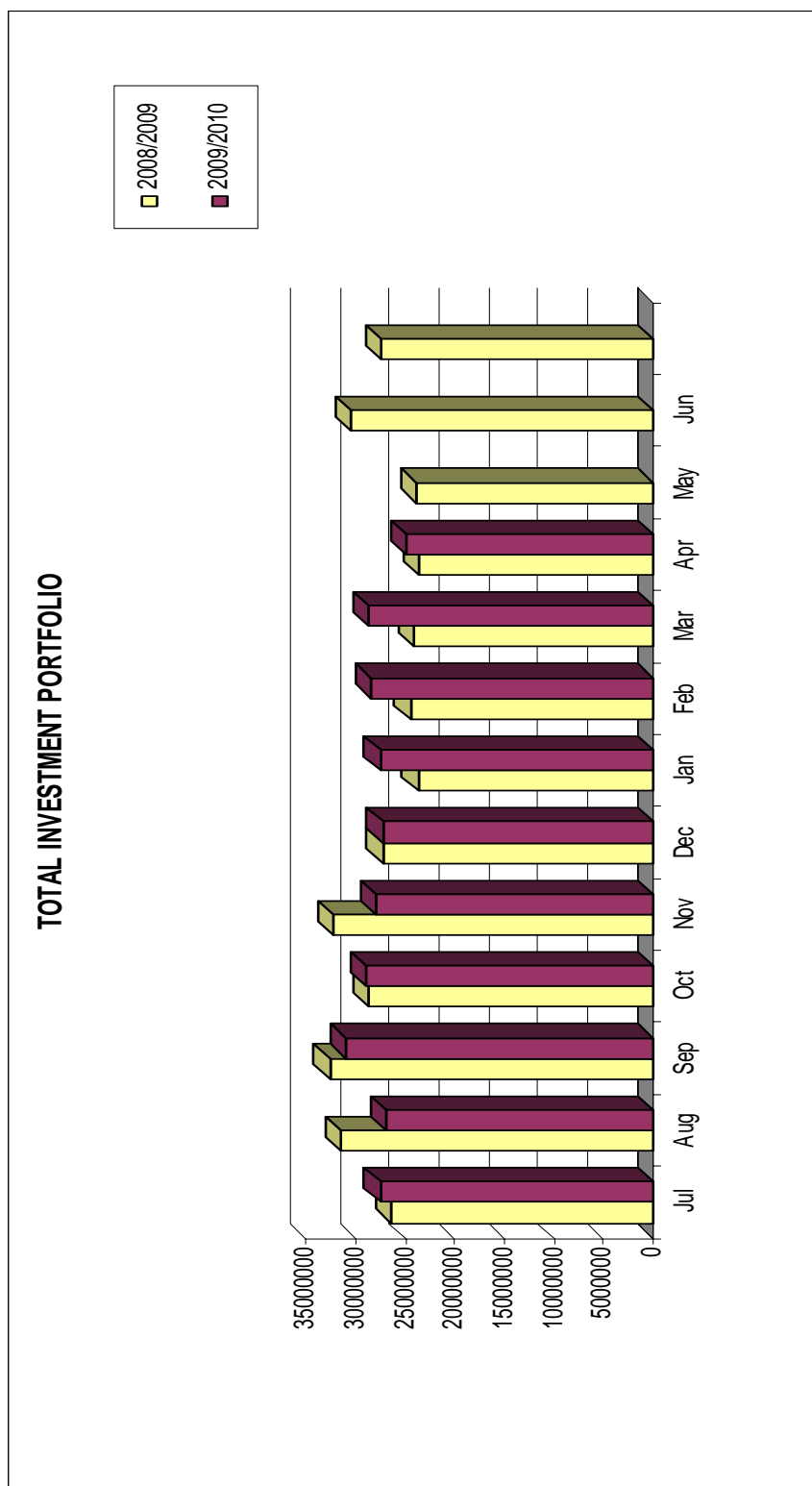
Note 4

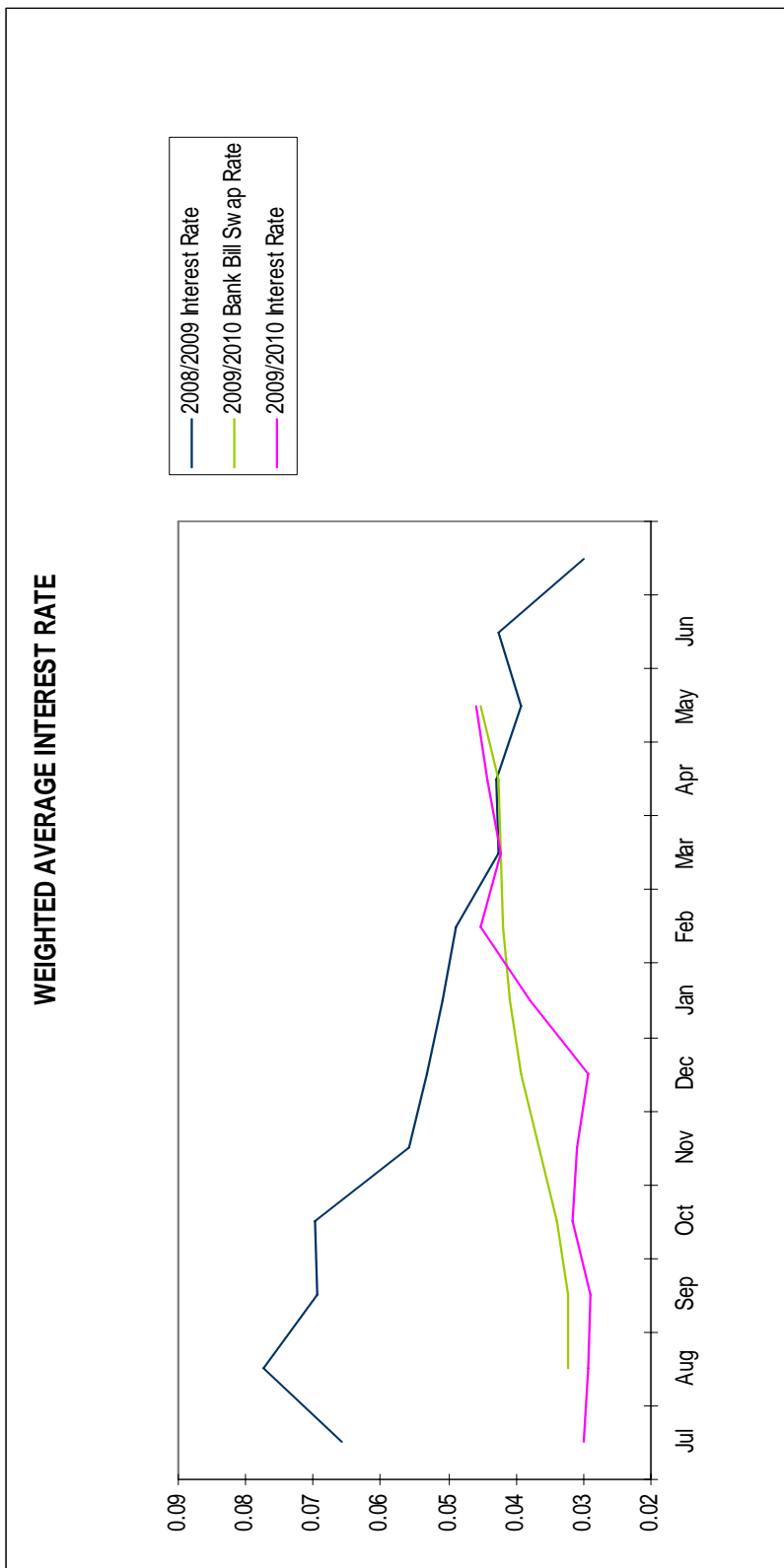
Investments Redeemed during period

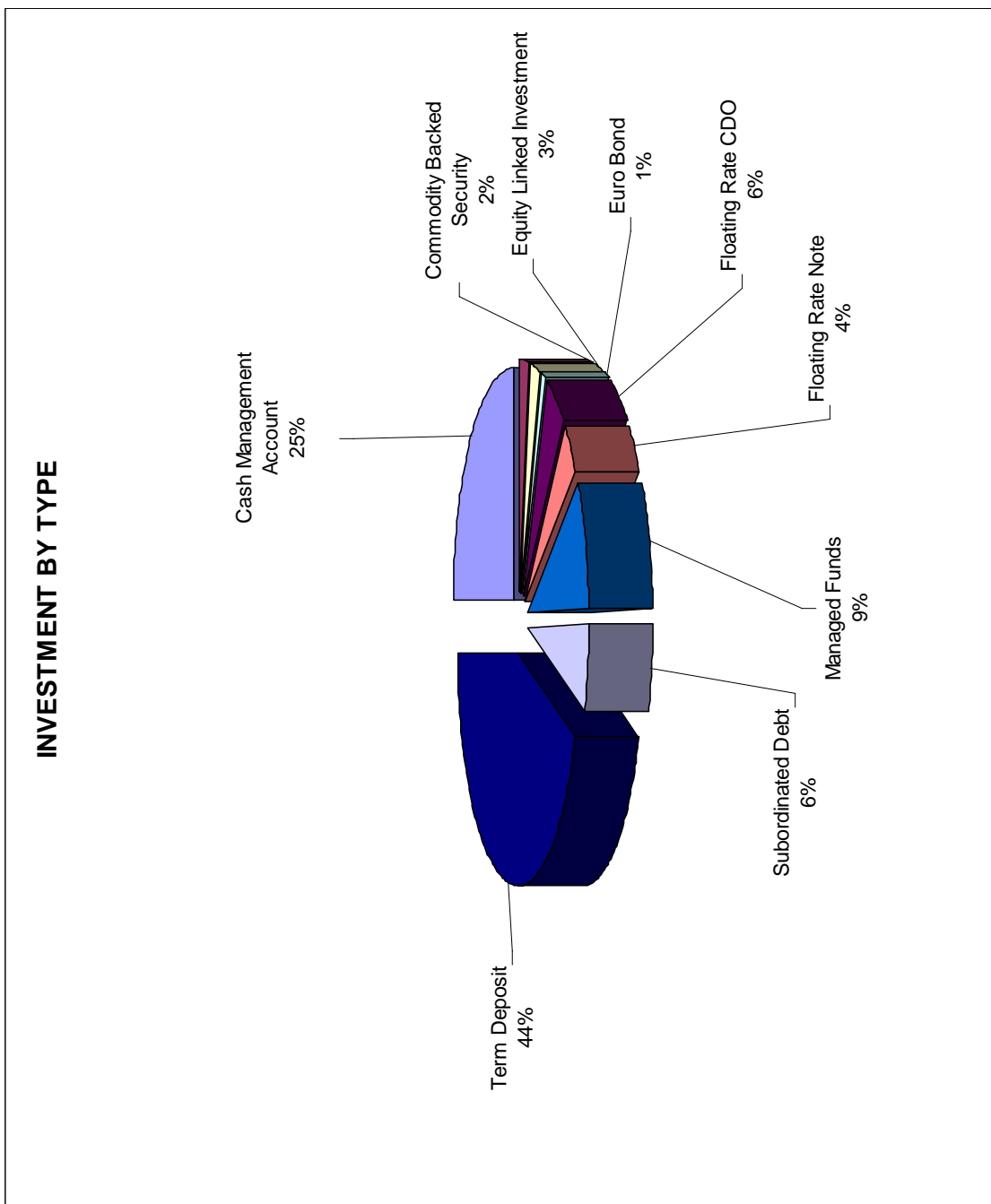
Newcastle Permanent	Term Deposit	A2	5.56%	\$ 1,000,000	\$ 2,894	0.14%
Southern Cross Credit Union	Term Deposit	Not Rated	5.60%	\$ 2,000,000	\$ 2,455	0.12%
SGE Credit Union	Term Deposit	Not Rated	5.90%	\$ 2,000,000	\$ 4,203	0.20%
Credit Union Australia (CUA)	Term Deposit	Not Rated	5.72%	\$ 2,000,000	\$ 1,881	0.09%
Suncorp Bank	Term Deposit	A-1	5.60%	\$ 2,000,000	\$ 2,762	0.13%

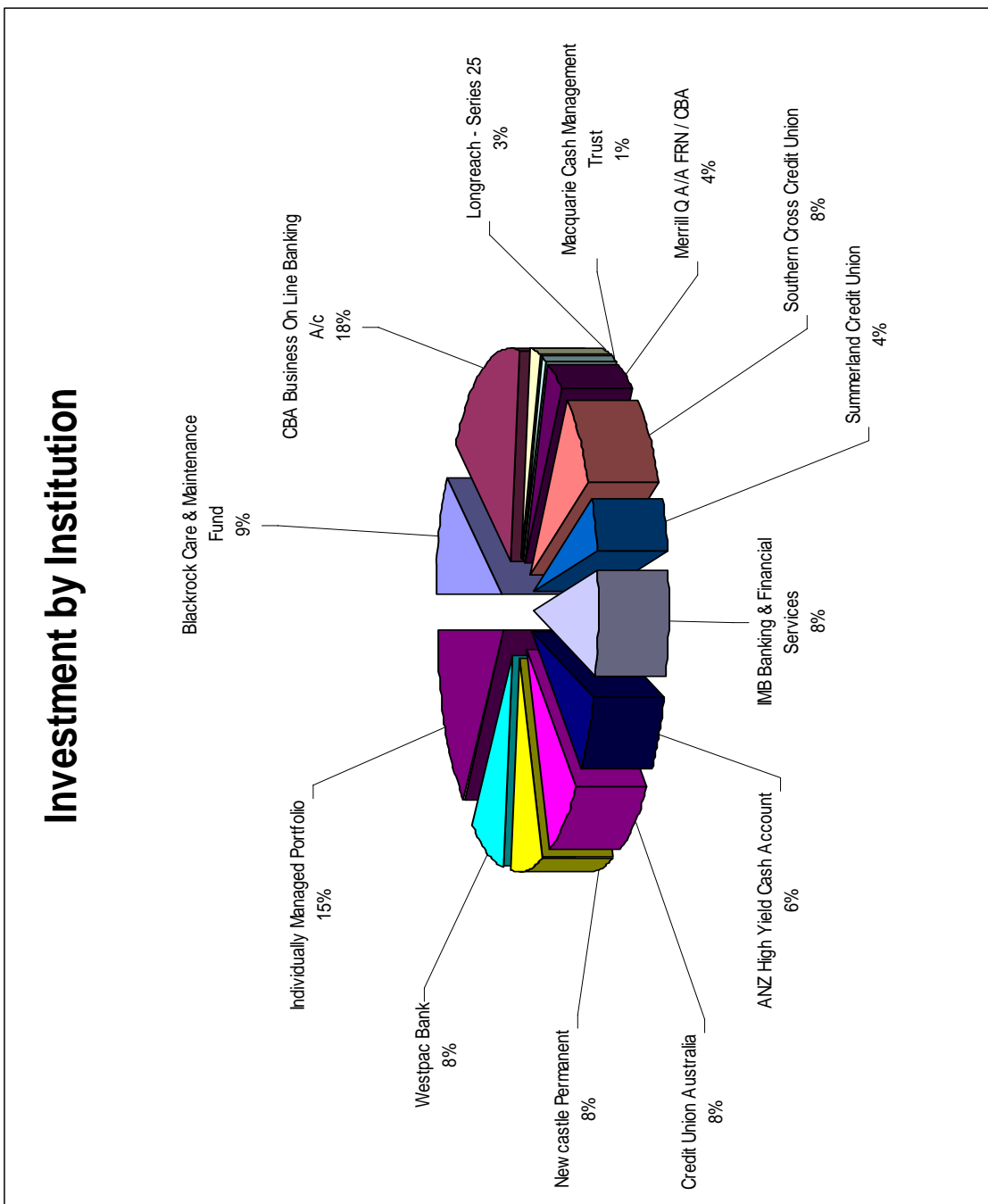
30/4/2010		4.60%
\$ 33,840,270	\$ 107,887	

Note 1: Interest return is calculated on (actual interest + plus accrued interest + plus realised gains - losses on disposal - expenses) / principal value









Traffic Advisory Committee Minutes

21 April 2010

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE HELD IN MAGELLAN ROOM, CBD CENTRE, 55 MAGELLAN STREET, LISMORE ON WEDNESDAY, 21 APRIL 2010 AT 10.00AM.

Present

Councillor Jenny Dowell (*Chairperson*), Frank Smallman (*RTA*), Snr Const Steve Hilder (*Lismore Police*).

In Attendance

Garry Hemsworth (*Executive Director-Infrastructure Services*), Lisa Marshall (*Road Safety Officer*) and Bill MacDonald (*Traffic & Emergency Services Co-ordinator*).

Apologies

TAC22/10 An apology for non-attendance on behalf of Thomas George MP (*Member for Lismore*) was received and accepted.

Confirmation of Minutes

TAC23/10 The Committee was advised that the minutes of the Traffic Advisory Committee held on 17 March 2010 were confirmed by Council on 13 April 2010.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Col Starr - Parking in Dibbs Street adjacent to Lismore Public School

Raising concerns regarding potential conflict between through traffic and motorists wishing to park in front of Lismore Public School.

There is a bus zone as well as 45 degree angle parking on the western side of Dibbs Street between Pound Street and Magellan Street. Mr Starr has observed a number of near misses due to the narrow width of the parking lane which means motorists must pull up in the through lane to reverse into the angle parking bays.

The inclusion of a centre line marking in Dibbs Street, removal of the existing bus zone in Dibbs Street and reverting the 45 degree angle parking back to parallel are proposed options to resolve current conflicts. These have been discussed and supported by the Lismore Public School Principal and Northern Rivers Bus Lines. There is currently a bus zone in Magellan Street that can easily cater for any additional bus movements as a result of the removal of the zone in Dibbs Street.

- TAC24/10** **Recommended** that the bus zone in Dibbs Street adjacent to Lismore Public School be removed and existing 45 degree angle parking on the western side of Dibbs Street, between Pound and Magellan Streets be reverted to parallel parking. Further that a centre line marking be painted in Dibbs Street from Ballina Road to a point over the crest north of Magellan Street. (R6020)

Southern Cross University - Darrell Chapman Fun Run

Submitting a Traffic Management Plan and template for the staging of the Darrell Chapman Fun Run on Sunday, 16 May 2010.

The traffic management plan and proposed route is the same as last year which was staged without any known issues.

- TAC25/10** **Recommended** that approval for the proposed fun run be granted in accordance with the Traffic Management Plan as submitted. (CI10/8895:EF09/1304)

Stephen Nelson, City Centre Manager

Submitting a proposal to close a section of Carrington Street for a planned 'World Fair Trade Day' event on Saturday 8 May 2010

Mr Nelson advised that as part of this year's event it was proposed to close Carrington Street, between Magellan Street and Eggins Lane on Saturday afternoon 8 May 2010 from 12.15pm to 4.30pm. Providing all went well with this initial event at this location it was his intention to then stage other events in the future that would potentially attract visitors into the CBD at a traditionally quiet time of the week. Mr Nelson would ensure nearby businesses were consulted prior to the date.

- TAC26/10** **Recommended** that approval be granted for the proposed closure provided a suitable TMP was submitted. (R7303)

Part 'B' – Determined by Committee

Chris Muldoon - 'Give Way' Sign at Intersection Brettmark Court and Just Street

Requesting consideration of installing a 'Give Way' sign in Brettmark Court at its intersection with Just Street.

Just Street begins at Oliver Avenue and turns at a right angle at its intersection with Brettmark Court and continues on into a new subdivision which is yet to be fully developed.

In the future it may be that Just Street will carry more traffic due to this new development however, as the intersection in question is a 'T' formation the installation of a 'Give Way' sign in Brettmark Court is not considered warranted at least in the short term.

- TAC27/10** **It was agreed** that the writer be advised that the installation of a 'Give Way' sign was not considered warranted and that normal 'T' intersection rules would apply. (R7499)

Mr F Aquilina - Access to Property James Street, Dunoon

Raising ongoing concerns regarding restrictions in accessing his property beside the Dunoon Service Station due to parking at the petrol bowsers and on street in front of the premises.

An onsite meeting was held separately with both Mr Aquilina and the operator of the service station, Russel Wilson. It was noted that the service station had been in Dunoon for many years, more than likely prior to the construction of the existing footpath which traverses the front of the premises.

The location of the bowsers in close proximity to the footpath means that motorists park partly over the footpath when pulled up at the bowsers to purchase fuel. This is also the case when the fuel tanker is refilling the tanks once a week for about 20 minutes. Apart from severely restricting the service station operator's business by closing access to one side of the bowsers, there is little that can be done to resolve footpath conflicts.

The greatest restriction is when the fuel tanker is filling and to this end the operator has agreed to place a warning sign at the rear of the tanker indicating alternative pedestrian access on the other side of the bowsers. It is also proposed that some line marking be carried out on the road in front of the service station including an edge line and hatching between the two driveways. This will provide additional sight lines for Mr Aquilina when exiting his driveway.

TAC28/10 **It was agreed** that the above information be noted and the proposed works be implemented. (R1501)

Dean Baldwin - Advice from Police of Accidents in Local Government Area

Dean Baldwin, Council's Urban Works Engineer - submitting a request for consideration of identifying an appropriate way of obtaining advice from Police when accidents occur in the Lismore LGA that may either implicate Council or where Council infrastructure is damaged.

Snr Const Hilder has advised that generally Police already use a standard 'Hazard Identification' form which would include most of the information Council would need.

It may be a case of just modifying this form and ensuring it was part of any protocol when Police are responding to a reported accident. Snr Const Hilder undertook to ensure this happens in the future.

It was noted that there would be many accidents where minor infrastructure was damaged, such as signage, which were not reported to Police.

TAC29/10 **It was agreed** that Police advice and support be relayed to Mr Baldwin. (EF09/211)

Lismore Parish Centre Pre-school - Pedestrian Refuge Keen Street

Requesting consideration of installing a pedestrian refuge in Keen Street somewhere near the Rous Hotel.

Mr MacDonald has spoken with the Licensee of the Rous Hotel who confirmed that this location was used regularly by pedestrians. There is already a pathway through the garden on the Rous Hotel corner but nothing on the other side in front of the Church.

It is suggested that the installation of a pedestrian refuge in Keen Street just north of Zadoc Street would assist not only pedestrian flows but in regulating vehicular traffic flows at this intersection which has already been identified as being hazardous in terms

of accident potential.

TAC30/10 **It was agreed** that this matter be referred to Council's Design Services Section to develop a plan and estimate for the proposed refuge. (R7313)

John Crowther - Pedestrian Safety - Crossing in front of Lismore Base Hospital

Raising concerns regarding pedestrian safety at the marked pedestrian crossing in Uralba Street in front of Lismore Base Hospital.

The location was inspected and it was noted that the crossing was well signposted from both approaches with wide kerb blisters on each side and a centre refuge. Temporary barriers on the northern side of Uralba Street had now been removed and it was suggested that this may have assisted in reopening sight lines on approaches.

Snr Const Hilder advised that there was no accident history associated with the pedestrian crossing. Additional measures to highlight the crossing were not considered warranted.

TAC31/10 **It was agreed** that the above information be noted. (R6058)

Trish Claydon - Accessible Parking Bay Adjacent to Westlawn Building

Requesting consideration of providing an additional accessible parking bay in Woodlark Street adjacent to the Westlawn building.

This location was inspected and it was noted that three five minute parking bays currently existed in front of the Westlawn building in Molesworth Street. These were seen as a better option in terms of accessibility than introducing an accessible parking bay that could be taken up all day by one motorist. Regardless of this, Woodlark Street was not suitable for such a facility due to its grade and narrow width.

It was suggested that the Rangers be made aware of parking demands in this area and ensure that the current parking limits be adhered to.

TAC32/10 **It was agreed** that Ms Claydon be advised in the above terms. (R7329,R7322)

Closure

This concluded the business and the meeting terminated at 10.35 pm.

(EF09/1963:BP10/55)

Financial Assistance - Section 356

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

Budget: \$11,000 Spent to date: \$12,432.67

Animal Right & Rescue \$18.18

Multitask \$82.55

Five Loaves \$99.45

Friends of the Koala \$14.91

Lismore Soup Kitchen \$15.92

1st Lismore Scout Group \$9.09

Lifeline \$256.36

Westpac Life Saver Helicopter \$45.45

Total \$541.91

In accordance with policy.

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

Budget: \$2,700 Spent to date: \$1,845.40

Our Lady of Lourdes Infant School, East Lismore are seeking a donation towards their Charity Golf Day on Sunday, 30 May 2010. The proceeds of the day will go towards the purchase of school computers (CI10/10134).

\$100.00

Recommendation

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

Confidential Matters–Closed Council Meeting

A Council may close to the public only so much of its meeting as comprises the receipt or discussion of any of the following:

Section 10A(2) – Local Government Act 1993:

- a) personnel matters concerning particular individuals;
- b) the personal hardship of any resident or ratepayer;
- c) information that would, if disclosed, confer a commercial advantage of a person with whom the Council is conducting (or proposes to conduct) business;
- d) commercial information of a confidential nature that would, if disclosed:
 - i) prejudice the commercial position of the person who supplied it, or
 - ii) confer a commercial advantage on a competitor of the Council, or
 - iii) reveal a trade secret;
- e) information that would, if disclosed, prejudice the maintenance of law;
- f) matters affecting security of the Council, Councillors, Council staff or Council property;
- g) advice concerning litigation, or advice, that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege;
- h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Clause 34 of Council Code of Meeting Practice

Representations from the public as to whether part of the meeting should be closed to the public can be made after the motion to close the meeting has been moved and seconded for a period of 10 minutes.

Recommendation

That the Council exclude members of the press and public from the meeting and move into Closed Council Meeting to consider the following matters:

Item	Performance Monitoring 2009/10 – General Manager
Grounds for Closure	Section 10A(2) (a)
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it contains personnel matters concerning the General Manager.

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Ordinary Council Minutes

13 April 2010

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, 13 APRIL 2010 AT 6.00PM.

Present

Mayor, Councillor Dowell; Councillors Battista, Chant, Clough, Ekins, Graham, Houston, Marks, Meineke, Smith and Yarnall, together with the General Manager; Executive Director Infrastructure Services; Executive Director Sustainable Development; Manager Finance; Manager Arts, Tourism and Leisure, Manager Development and Compliance, Assets Engineer, Community Services Officer (Social Planner), Strategic Planning Coordinator, Communications Coordinator, Corporate Compliance Coordinator and the Personal Assistant to the General Manager.

Apologies/ Leave of Absence

Nil

56/10 Minutes

The minutes of the Ordinary Meeting held on 9 March 2010 were confirmed with the following amendment:

Resolution 53/10 part C should read that, '...a donation of 100% of the development application and construction fees apply to be funded from the Rural Sports Fund.'

(Councillors Graham/Clough)

The minutes of the Extra Ordinary Meeting held on 23 February 2010 were confirmed.

(Councillors Clough/Graham)

Disclosure of Interest

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

Notice of Motion – Margaret Olley Art Centre

Nature of Interest: I wish to declare a less than significant, non-pecuniary perceived conflict of interest in the Notice of Motion relating to the proposed Margaret Olley Art Centre. My husband Ron is an employee of Southern Cross University (SCU) and an elected staff representative on SCU Council and its Finance Committee. SCU is contribution \$1m to the Olley Art Centre. This grant decision was made under SCU Council's delegations to its Executive Officer. My husband was not involved in any decision to make that contribution and does not benefit either financially or personally by it. Neither do I receive any pecuniary or non-pecuniary benefit from that decision. I therefore intend to remain in the Chamber and participate in the vote.

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

Report – Section 96 Application to relocate the noise bund for Champions Quarry

Nature of Interest: Previous applications including the Development Application to which this relates have been opposed by members of the community who have assisted in my election campaign. I regard it as less than significant and will stay in the Chamber and participate in the vote.

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

Report – Champions Quarry Part 3A Exhibition

Nature of Interest: Opponents of this application assisted in my election campaign by providing small donations or handing out flyers on Election Day. These contributions constitute a less than significant conflict of interest and I will stay in the Chamber and participate in the vote.

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

Report – Section 96 Application to relocate the noise bund for Champions Quarry

Nature of Interest: I have known Mr Champion and his wife for many years and have dined with Mr Champion on many occasions. I do not believe I have significant conflict of interest but will absent myself from the Chamber on anything to do with his quarry and do not want to receive from Council any written material in respect to this matter.

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

Report – Champions Quarry Part 3A Exhibition

Nature of Interest: I have known Mr Champion and his wife for many years and have dined with Mr Champion on many occasions. I do not believe I have significant conflict of interest but will absent myself from the Chamber on anything to do with his quarry and do not want to receive from Council any written material in respect to this matter.

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

Report – Section 96 Application to relocate the noise bund for Champions Quarry

Nature of Interest: Opponents of the original Development Application contributed to my election fund in kind and in a small financial manner but not to the extent of meeting the pecuniary amount limit.

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

Report – Champions Quarry Part 3A Exhibition

Nature of Interest: Opponents of the Development Application contributed in donations and in kind to my election campaign but not to the extent of meeting the pecuniary amount limit.

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

Report – Section 96 Application to relocate the noise bund for Champions Quarry

Nature of Interest: Mr Champion's daughter handed out how to vote cards for me on Election Day.

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

Report – Champions Quarry Part 3A Exhibition

Nature of Interest: Mr Champion's daughter handed out how to vote cards for me on Election Day.

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

Report – Sport and Recreation Policy Advisory Group Membership

Nature of Interest: I am the current director of Football Far North Coast, the employer of Steve Mackney.

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

Report – Section 96 Application to relocate the noise bund for Champions Quarry

Nature of Interest: Members of the Tucki community contributed to my election campaign in amounts less than \$1000.

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

Report – Champions Quarry Part 3A Exhibition

Nature of Interest: Members of the Tucki community contributed to my election campaign in amounts less than \$1000.

Public Access Session

Janine Wilson – Notice of Motion – Margaret Olley Art Centre

Ms Wilson on behalf of the Lismore Community Action Network spoke in support of the Notice of Motion. She claimed there was no community support for the project, Council could not afford the project and should focus on essential infrastructure.

Malcolm Marshall – Notice of Motion – Margaret Olley Art Centre

Mr Marshall, Executive Director - Corporate Services at Southern Cross University reaffirmed the commitment of the University for the Margaret Olley Art Centre. He spoke to the benefits of the Centre to the city and the rarity of attracting such grants. He also advised that the University would contribute to the ongoing costs of the Centre.

Bill Hutchinson – Notice of Motion – Roadside Hawking

Mr Hutchinson outlined the history of road side selling of fruit, his successful efforts to undertake such activities in Byron Shire Council and Richmond River Shire Council but his difficulties with Lismore City Council.

At this juncture Councillor Chant left the meeting.

Chris Woolley - Report – Section 96 Application to relocate the noise bund for Champions Quarry

Mr Woolley a neighbour of Champions Quarry spoke to the history of the bund construction on the adjoining property and the adverse impact it had on his visual amenity. He also raised issues in respect to noise and its impact on his lifestyle.

John Burrell - Report – Section 96 Application to relocate the noise bund for Champions Quarry

Mr Burrell asked Council to defer a decision on this matter on the basis that it was already under appeal for a deemed refusal. He sought to enter into negotiations on the location of the bund.

Lois Wadsworth - Report – Champions Quarry Part 3A Exhibition

Ms Wadsworth spoke against the Part 3A application raising issues in respect to roads, buffer zones, fauna, noise and and the adverse economic impact on ecotourism.

At this juncture Councillor Chant returned to the meeting.

Jenny Hutchinson – Report – Lismore Lake Pool

Ms Hutchinson commended Council on its decision to keep the Lake Pool open. She requested Council make incremental improvements to the pool to keep it open. In addition, she outlined a wider improvement program for the precinct to enhance it as a prime recreation area.

Damien Chapelle – Report – Development Application 2010/1 – Proposed Liquor Outlet

Mr Chapelle spoke in support of the recommendation. He stressed the preparation work that had been undertaken before submitting the application and that the development would result in a transfer of an existing Lismore liquor licence.

Notice of Motions

Margaret Olley Art Centre

A MOTION was MOVED that Council withdraw its application for grant funding for the Margaret Olley Art Centre (MOAC) and cease all preparation works on the Development Application.

(Councillors Marks/Meineke)

On submission to the meeting the MOTION was DEFEATED.

Voting against: Councillors Dowell, Houston, Battista, Clough, Graham, Yarnall, Ekins and Smith.

(EF09/631:ED10/5788)

Roadside Hawking

57/10 **RESOLVED** that Council prepare a report on a new Policy to regulate the sale of products from local farmers and producers, a practice referred as hawking, in safe and suitable areas along main roads in the Lismore Local Government Area.

(Councillors Battista/Clough)

(EF09/631:ED10/5243)

NSW Increase in Car Registration Fees

58/10 **RESOLVED** that:

1. Council write to the Minister for Transport, the Premier and the Treasurer expressing extreme disappointment at the increase of up to \$30 in car registration fees to fund the Sydney Transport Plan. This tax is bad policy for a number of reasons:
 - a. It impacts on rural and regional car owners who will never drive in Sydney. It is the opposite to "user pays".
 - b. It discriminates against rural and regional car owners as it is a weight based tax and country drivers generally have heavier cars because of the longer distances they travel and because of the poorer quality of country roads.
 - c. It penalises diesel, LPG and hybrid cars, all of which produce lower emissions, and most of which are heavier than their straight petrol counterparts.
2. Council seek the support of NOROC in opposing this inequitable and poorly conceived tax.
3. The state government be requested to either exempt rural and regional motor vehicle registrations from the above increase or reallocate the increase in monies received from rural and regional motor vehicle registrations to regional and rural transport.

(Councillors Clough/Marks)

(EF09/631:ED10/6270)

Altering Order of Business

59/10 **RESOLVED** that order of business be altered to debate the following matters raised during Public Access:

Section 96 Application to relocate the noise bund for Champions Quarry
Champions Quarry Part 3A Exhibition
Lismore Lake Pool
Development Application 2010/1 – Proposed Liquor Outlet

(Councillors Marks/Clough)

At this juncture Councillor Chant left the meeting.

Reports

Section 96 Application to relocate the noise bund for Champions Quarry

A MOTION was MOVED that:

1. Consideration of this matter be deferred to the August 2010 Council Meeting or after the outcome of the Land and Environment Court Appeal which ever comes later.
2. Council resolves to defend any appeal proceedings commenced in relation to Council's determination of modification application DA2005.999.3 and authorises Council staff to deal with any appeal proceedings to this effect in accordance with existing delegations of authority.

(Councillors Graham/Meineke)

On submission to the meeting the MOTION was DEFEATED.

Section 375A Voting Record

Voting for: Councillors Meineke, Marks and Graham.

Voting against: Councillors Dowell, Houston, Battista, Clough, Smith, Ekins and Yarnall.

A FORESHADOWED MOTION was MOVED that Council:

1. Refuse the application to modify development consent 2005/999 to retrospectively approve an earth bund forming part of Champion's Quarry for the following reasons:
 - a) The bund will have an unacceptable visual impact.
 - b) The bund will adversely impact on the amenity of the occupants of 139 Hazlemount Lane.

2. Resolves to defend any appeal proceedings commenced in relation to Council's determination of modification application DA2005.999.3 for the reasons in item A above, and authorises Council staff to deal with any appeal proceedings to this effect in accordance with existing delegations of authority.
3. Commence the process of serving an order to have the unauthorised bund removed.

(Councillors Smith/Clough)

60/10 **RESOLVED** that Council:

1. Refuse the application to modify development consent 2005/999 to retrospectively approve an earth bund forming part of Champion's Quarry for the following reasons:
 - a) The bund will have an unacceptable visual impact.
 - b) The bund will adversely impact on the amenity of the occupants of 139 Hazlemount Lane.
2. Resolves to defend any appeal proceedings commenced in relation to Council's determination of modification application DA2005.999.3 for the reasons in item A above, and authorises Council staff to deal with any appeal proceedings to this effect in accordance with existing delegations of authority.
3. Commence the process of serving an order to have the unauthorised bund removed.

(Councillors Smith/Clough)

Section 375A Voting Record

Voting for: Councillors Dowell, Houston, Battista, Clough, Yarnall, Ekins and Smith.

Voting against: Councillors Marks, Meineke and Graham.

(DA 5.2005.999.3:ED10/3887)

Champions Quarry Part 3A Exhibition

61/10 **RESOLVED** that:

1. The report be noted and Council make a submission to the Minister as provided in attachment 1.
2. If Council resolves to approve section 96 application 2005.999.3 for Champion's Quarry, then the section of the submission under the heading "Unauthorised Development and Retrospective Approval" be removed from the submission.

(Councillors Clough/Yarnall)

Section 375A Voting Record

Voting for: Councillors Dowell, Graham, Houston, Battista, Clough, Yarnall, Ekins and Smith.

Voting against: Councillors Marks and Meineke.

(P16275:ED10/5623, AD10/4297)

At this juncture Councillor Chant returned to the meeting.

Lismore Lake Pool

62/10 **RESOLVED** that:

1. The Lismore Lake Pool remain open for a limited season (December 2010 - January 2011) subject to it remaining within budget and that no significant repairs are required.
2. The long term use of the Lismore Lake Pool facility be determined after the Sport and Recreation Plan is completed.

(Councillors Yarnall/Graham)

(EF09/1839:ED10/5467)

Development Application 2010/1 – Proposed Liquor Outlet

63/10 **RESOLVED** that Council:

1. Grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application, and condition traffic movements within Ewing Street if required, except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
2. As the consent authority, approve Development Application 2010/1 for the: demolition of existing structures, the erection of a Liquor Outlet (Dan Murphy's), on-site car parking, landscaping, signage and the consolidation of allotments, subject to conditions as detailed below:

STANDARD

In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) Drawing No's:

- DL-TP001 Revision B Sheet 01 dated 02.12.09
- DL-TP002 Revision B Sheet 02 dated 02.12.09

- DL-TP003 Revision B Sheet 03 dated 02.12.09
- DL-TP004 Revision B Sheet 04 dated 02.12.09
- DL-TP005 Revision B Sheet 05 dated 02.12.09
- DL-TP006 Revision B Sheet 06 dated 02.12.09
- DL-TP007 Revision B Sheet 07 dated 02.12.09
- DL-TP008 Revision B Sheet 08 dated 02.12.09

and as shown overdrawn in red and/or supporting documents submitted with the application. Copies of the approved plan is/are attached to this consent.

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

CONSOLIDATION

2 All separate parcels of land shall be consolidated into one allotment under one title and lodged with the Registrar General **prior to any Occupation of the building.**

***Reason:** To prevent future dealing in separately titled land, the subject of one consolidated site development application. (EPA Act Sec 79C(c))*

3 The proponent shall submit an **application for a Subdivision Certificate** for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

***Reason:** To comply with environmental planning instrument. (EPA Act Sec 79C(a))*

BUILDING

4 Provide an on-site sign, in prominent visible position, stating:

- (a) That unauthorised access to the site is not permitted, and
- (b) Showing the name of the builder or person responsible for the site and a telephone number at which such person can be contacted outside working hours.

***Reason:** Required by Clause 78H of the Environmental Planning and Assessment Regulation.*

5 Provide a fence, hoarding or other measure to restrict public access to the site, when work is not in progress or the site is otherwise unoccupied. The fence is to be provided **prior to any work commencing on site.**

***Reason:** Required by Clause 78H of the Environmental Planning and Assessment Regulation.*

6 Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided.

***Reason:** To ensure the provision of minimum amenities to the site.*

7 The building must be clad in low-reflective material.

***Reason:** To minimise the reflectivity of the building and to ensure its compatibility with the landscape.*

8 Retaining wall structures 1200 mm (1.2 m) or more in height must be of a design certified by a Practising Structural Engineer acceptable to Council.

***Reason:** To ensure the structural integrity of the retaining wall.*

9 Structural Engineering details are to be submitted to and approved by the principal certifying authority **prior to commencement of the work.**

Reason: *To ensure the adequate structural design of the building components.*

10 The primary building elements must be protected against attack by subterranean termites by physical barriers in accordance with AS 3660.1-1995 "Protection of Buildings from Subterranean Termites".

Reason: *Required by Clause B1.1 of the Building Code of Australia.*

11 Access for people with disabilities in accordance with AS1428.1 is to be provided to the main entrance of the building.

Reason: *Required by Clause D3.2 of the Building Code of Australia.*

12 Facilities for the use of people with disabilities must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1998 "Design for Access and Mobility".

Reason: *Required by Clause F2.4 of the Building Code of Australia.*

13 Provide signs to facilities for people with disabilities in accordance with AS 1428.1-1998 "Design for Access and Mobility".

Reason: *To highlight the availability of facilities for people with disabilities.*

14 Provide car parking spaces for people with disabilities, including signage, in accordance with the requirements of AS 2890.1 - 1993 "Off-Street Car Parking" Cl 2.4.5(b).

Reason: *Required by Clause D3.5 of the Building Code of Australia.*

15 Provide signs, incorporating the disabled access symbol to people with disabilities, identifying the location of each accessible entrance to the building, lift and sanitary facility.

Reason: *Required by Clause D3.6 of the Building Code of Australia.*

16 Fire hose reels must be provided in accordance with Clause E1.4 Building Code of Australia and the following:

- (a) Must comply with Australian Standard 1221 "Fire Hose Reels" and be installed in accordance with Australian Standard 2441, "Installation of Fire Hose Reels".
- (b) At the connection of the most hydraulically disadvantaged hose reel to the fire main or water service pipe, provide a water flow rate of 0.33 L/s.
- (c) Must not be installed in fire-isolated stairways, fire-isolated ramps or fire-isolated passageways.
- (d) At least one hose reel must be accessible to all occupants of the storey served by it.
- (e) No part of the storey must be beyond the reach of the nozzle end of a fully extended hose reel installed on that storey.

Reason: *Required by Clause E1.4 of the Building Code of Australia.*

17 During construction provide not less than one fire extinguisher to suit Class A, B and C fires and electrical fires, on each storey adjacent to each required exit or temporary stair or exit.

Reason: Required by Clause E1.9 of the Building Code of Australia.

18 Fire hydrants are to be provided within the building so no point on the floor of the building is more than 6 m from the nozzle end of a fully extended 30 m length of hose. The hydrant is to be within 4 m of a required exit and installed in accordance with AS 2419.1 "Fire Hydrant Installations".

Reason: Required by Clause E1.3 of the Building Code of Australia.

19 Where an external hydrant serves a building the maximum length of hose shall be 60 metres, providing a maximum 10 metres horizontal jet of water.

Reason: Required by Clause E1.3(b) of the Building Code of Australia.

20 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.

Reason: Required by Clause E1.6 Building Code of Australia.

21 A hydraulic consultant shall certify that the pressure/flow from the hydrant is satisfactory in accordance with the provisions of Australian Standard AS2419.1 - 1994. This certification must be submitted to the Accredited Certifier or Council with the application for the Construction Certificate.

Reason: To ensure adequate pressure as required by Australian Standard AS2419.1 - 1994.

DRAINAGE

22 Prior to **release of the Construction Certificate** detailed design of stormwater drainage from hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be undertaken by a suitably qualified person experienced in hydraulic design and submitted to **the Principal Certifying Authority**. The design shall incorporate suitable measures to prevent any inundation of adjoining properties due to changes to existing overland flows. This system shall be designed and constructed in accordance with Australian Standard AS3500 Plumbing and Drainage Part 3: Stormwater Drainage. Drainage is to direct all stormwater from impervious areas to an appropriate drainage system to prevent intensification of discharge runoff onto adjoining land or concentration of flow upon adjoining lands. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent. Appropriate management practices must be put in place to ensure that the integrity of this condition is maintained at all times both during construction, and when the development is operational.

Reason: To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b))

23 Prior to **release of the Construction Certificate** the detailed design of stormwater drainage systems shall ensure the discharge of stormwater from the site shall be limited to the pre-development flow (rural flow) for an ARI of 10 years and a time of concentration of 6 minutes. On-site retention of stormwater shall be encouraged to achieve this requirement.

Reason: To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b)).

ROADWORKS AND VEHICULAR ACCESS

24The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended), relevant Australian Standards and Austroads guidelines. The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

- a) Construction of a kerb and gutter on the alignment of the existing kerb on the southern side of Ewing St with a bitumen sealed road pavement between the kerb and the existing bitumen sealed road pavement generally as indicated in ttm's drawing number 33705-01 rev A1 dated 1/12/09, as lodged with the development application.
- b) Construction of a bitumen sealed road pavement on the northern side of Ewing St to accommodate heavy vehicle turning movements generally as indicated in ttm's drawing number 33705-01 rev A1 dated 1/12/09, as lodged with the development application.
- c) Pavement strengthening of Ewing St to accommodate the expected increase in heavy vehicles incorporating construction of a 100mm depth gravel overlay and reseal of the existing road pavement in Ewing St from the intersection with Brewster St to the western boundary of the subject property.
- d) Alterations to the existing line marking and traffic signage upon Ballina Road to restrict parking for the frontage of the development to Ballina Road.

Prior to the release of either an Interim or Final Occupation Certificate the applicant shall obtain a certificate of completion for the above works from Council. Prior to obtaining this certificate a practising qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans, completed asset record forms and a construction certification. The certification shall certify that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development and Construction Manual (as amended).

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a) and to specify requirements for approval under section 138 of the Roads Act.*

25**Prior to the issue of the construction certificate** the applicant shall obtain approval under section 138 of the Roads Act for the works upon public roads. For this approval full design plans of the proposed engineering works required upon the public road shall be submitted to and approved by Council. Plans shall include details of works required to satisfy condition(s) 24,28 and 29. Such plans shall be accompanied with the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

Reason: *To ensure an adequate road network in accordance with adopted standards can be provided. (EPA Act Sec 79C(a)) and to specify requirements for approval under section 138 of the Roads Act.*

26**Prior to the commencement of works** upon the public road the proponent shall have approved by Council a Plan of Management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. All works shall comply with the Occupation Health and Safety Act.

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

27**Prior to the issue of a Construction Certificate** the proponent shall lodge a bond of \$5000 with Council to cover any damage to infrastructure within the road reserve arising during the

construction of the proposed development. Evidence is to be provided to the Principle Certifying Authority indicating the pre development condition of the surrounding public infrastructure. Any damage arising from construction activities to roads, kerb and gutter, footpaths or any other infrastructure within the road reserve shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended) to Councils satisfaction. Certification as to compliance with this condition shall be provided by the Principle Certifying Authority to Council **prior to the issue of an interim or final Occupation Certificate.**

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))

28 Prior to the issue of an interim or final Occupation Certificate the vehicular accesses to the proposed development shall be constructed generally in accordance with ttm's traffic report "Proposed Retail Development – Dan Murphy's Liquor" dated December 2009, as lodged with the development application. All works shall be constructed in accordance with the Council's Design and Construction Specification for Vehicular Access. The existing accesses to Ballina Rd shall be modified to provide a left in and a left out access. Appropriate signage shall be erected within the carpark to clearly identify the access/egress requirements.

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

29 Prior to the issue of an Interim or Final Occupation Certificate any redundant driveway crossings shall be removed and reinstated in accordance with Council's Development, Design and Construction Manuals (as amended).

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))

CAR PARKING AND LOADING and UNLOADING

30 All loading and unloading shall take place within the property boundaries, as will the parking of construction and private vehicles associated with the development.

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

31 All vehicles associated with the construction of the development shall be legally parked at all times. During the construction of the development no vehicles shall be parked, standing or loaded/unload from Ballina Road.

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

32 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 1, Part A, Chapter 7 - Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

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

33 **Prior to the release of either an Interim or Final Occupation Certificate** provision shall be made for Sixty Seven (67) car parking spaces and a loading bay suitable for a articulated vehicle with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 1, Part A,

Chapter 7 - Off Street Carparking Requirements, Australian Standard AS2890.1 Parking Facilities – Offstreet Parking and Council's Development, Design and Construction Manuals (as amended). Design plans to be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

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

34 Prior to the release of an Interim or Final Occupation Certificate car parking and loading areas, as shown on the approved plan, shall be clearly marked on the ground and signage erected to clearly indicate both the off-street parking and loading area.

Reason: *To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))*

NOISE MANAGEMENT

35 The hours of work for any noise generating activity relating to any demolition work and the construction of the proposed development are to be limited to the following time restrictions:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

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

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

36 All noise generated by demolition and construction activities must be managed in accordance with the Interim Construction Noise Guideline, DECC July, 2009. A construction noise management plan (CNMP) must be prepared and be implemented for the development. The CNMP must include auditing procedures. Site managers and all persons who carry out demolition or construction activities on and about the development site must be made properly aware of their responsibilities and to ensure the objectives of the guideline are complied with.

Reason: *To minimise the impact of demolition and construction noise on the neighbourhood.*

37 The proposed land use shall not result in the emission of offensive noise.

Offensive noise means:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
- (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

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

38 The noise generated by the post construction phase of the development must not exceed the project specific noise levels (PSNL) as detailed in the acoustic report and based on the intrusive criteria as this reflects the most stringent noise level requirement. The PSNL are:

- Daytime 7.00am to 6.00pm **47dB(A)**
- Evening 6.00pm to 10.00pm **43dB(A)**
- Night 10.00pm to 7.00am **36dB(A)**

No audible security or equipment alarm devices or forklifts are to be used on the premises.

A Noise Management Plan (NMP) must be prepared and implemented to put in place appropriate management practices to ensure that the requirements of this consent and the PSNL are complied with at all times. The NMP must be regularly reviewed and reflect contemporary best practice.

The noise generated from the development (and including all activities, machinery, plant, and equipment) must not exceed the PSNL at all assessment time periods at any receiver.

Reason: To confirm the PSNL for the development and to ensure that noise generated by the development complies with the PSNL and this consent.

39 **Within 90 days of the issue of any Occupation Certificate**, a document prepared by a suitably qualified noise assessment professional, must be provided to Council certifying compliance with Condition 38.

Reason: To confirm the PSNL for the development and to ensure that noise generated by the development complies with the PSNL and this consent.

40 Waste collection is limited to one collection event of no more than one hour duration in any 24 hour period.

Reason: To provide for a noise adjustment of 5dB(A) for duration as detailed in the NSW Industrial Noise Policy and to confirm the information provided in the acoustic report.

41 Waste removal and delivery activities (including the use of trolley/pallet jacks) must be limited to the following time restrictions:

- Monday to Saturday - 8am to 6pm;
- No waste removal and delivery activities on Sundays or public holidays.

A maximum of 2 deliveries are permitted each day. Trolley/pallet jacks may be used within the building during normal operating hours provided that all doors are closed and the PSNL are met at all times.

Reason: To assist in the mitigation of noise impacts and to preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))

42 All cardboard bailing activities must take place between the hours of 8am and 6pm and must be carried out inside the loading dock with all doors closed.

Reason: To assist in the mitigation of noise impacts and to preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))

43 Acoustic barriers must be provided as detailed in the recommendations contained in the acoustic report.

Reason: *To confirm the provision of acoustic barriers.*

44 A detailed assessment of noise emissions from plant and equipment must be carried out by a qualified acoustic consultant **prior to installation**. Plant and equipment must be acoustically treated and have soft start capability to prevent noise emissions from adversely impacting on receivers.

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

EROSION AND SEDIMENT CONTROL

45 Erosion and sediment control measures must be put into place and be properly maintained to prevent soil erosion and the transport of sediment from the development site or into natural or constructed drainage lines or watercourses.

The measures must:

- maximise the diversion of clean waters
- minimise the extent and duration of site disturbance
- provide for appropriate water quantity and quality treatment and management
- include devices and practices to prevent sediment being carried from the site by vehicles and plant and including their tracks and tyres
- properly manage all dust generated by the development.

All control measures must be properly designed and be regularly inspected and be managed and maintained to ensure the measures operate to the design requirements and to meet all relevant environment protection standards. Weather patterns must be monitored and be coordinated in with the inspection and management and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion or the transport of sediment from the development site.

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

SECURITY LIGHTING

46 All security and external lighting (including signage lighting) must be installed to ensure that no nuisance is caused to neighbouring premises or motorists. Appropriate light selection and shielding and/or other measures must be implemented, and the installation must comply with AS4282 "Control of the Obtrusive Effects of Outdoor Lighting".

Reason: *To protect the amenity of the neighbourhood.*

STORMWATER QUALITY

47 **Prior to issue of the Construction Certificate** a Section 68 application to install stormwater treatment devices, together with full engineering design details, and the appropriate fees, must be submitted to and be approved by Council. The application details must implement contemporary water sensitive design practices (including any water reuse strategies), and optimise the interception, retention and removal of water-borne pollutants through the use of measures (including the construction of stormwater treatment devices e.g. bio-retention systems and detention/retention basins) that will satisfy the performance objectives as stated within Table 19 of Lismore Urban Stormwater Management Plan, 2007 (SMP), prior to discharge to receiving waters. The information submitted must include

commentary that clearly demonstrates compliance with Councils SMP and detail soil media specifications (filter media) for surface, transition and drainage layers. A comprehensive management plan must be developed and include maintenance and auditing/accountability systems. Responsible persons and contact details must be provided.

If CSIRO 2005 or other publications are to be referenced it will be necessary to demonstrate that the performance can be related to the Lismore environment and rainfall characteristics. The performance curves for South Coast within the WSUD Technical Design Guidelines for South Eastern Queensland are accepted as being indicative of Lismore characteristics.

Reason: *To protect the environment (EPA Act Sec 79C(b)), to satisfy the requirements of the Local Government Act, 1993, and to ensure the environmental management of stormwater complies with contemporary standards.*

WASTE MANAGEMENT

48**Prior to the issue of a Construction Certificate**, a Waste Management Plan in accordance with the provisions of Chapter 15 - Waste Minimisation of the Lismore Development Control Plan, must be prepared, submitted to and approved by Council.

Reason: *To comply with the requirements of the Lismore Development Control Plan.*

49All waste materials generated from construction and demolition works shall only be disposed at licensed waste management facilities capable of receiving the waste as classified under the NSW Department of Environment and Climate Change (EPA) guideline document 'Waste Classification Guidelines: Part 1 Classifying Waste 2008'.

Reason: *To protect the environment and manage wastes appropriately. (EPA Act Sec 79C(b))*

50 All waste management must incorporate sustainable waste minimisation and recycling initiatives that are consistent with contemporary community expectations.

Reason: To ensure sustainable waste management practices are incorporated into the development.

51 No equipment or materials are permitted to be stored outside the building except for sealed waste storage/recycling containers which must be stored in an unobtrusive location and must be maintained in a sanitary condition at all times.

Reason: To clearly state the location of storage activities and to prevent the creation of unsightly, disorderly or insanitary conditions.

WATER AND SEWER

52 The proponent shall obtain approval under Section 68 (s68) of the Local Government Act, 1993 for the water supply and sewerage works required for this development. The proponent shall submit the appropriate Activity Application Forms accompanied by such information as is listed in Council's Water, Sewer and Liquid Trade Waste Activity Application Check-list.

The proponent's Principal Certifying Authority should note; the proponent must be granted approval for the water supply and sewerage works **prior to being issued with a Construction Certificate.**

Reason: To comply with Section 68 (s68) of the Local Government Act, 1993.

53 The proponent shall pay to Council all Water and Sewerage levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993. The rates and amounts applying at the date of this notice, **totalling \$4,492**, are set out in the schedule for your information. Such levies shall be paid, as required by Council, **prior to being issued with a Construction Certificate.**

Lismore Council Development Charges are those applicable as at the date of the original consent. If the Development Charges are not paid within twelve (12) months of the date of the original consent, the rates shall be increased on an annual basis in accordance with the prevailing Australian Bureau of Statistics Consumer Price Index (Sydney), as applicable at the time of payment.

NOTE: The Rous Water Development Charge will be the charge that is current at the time of payment NOT the charge current at the time of consent adjusted by CPI to the time of payment.

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's and Rous Water's Development Servicing Plans as required by the increased population or activity (Water Management Act 2000, Sec 306).

LANDSCAPING and VEGETATION

54A revised landscaping plan (in duplicate) shall be submitted to the Certifying Authority and approved **prior to release of the Construction Certificate.**

The revised landscaping plan shall provide **higher 'screening buffer planting' adjacent to the eastern and western sides of the building and acoustic barriers** to better soften and screen these built form elements from the adjoining residential dwellings.

The revised landscaping plan shall also be in accordance with **Crime Prevention Through Environmental Design (CPTED) Principles**, Council's Landscape Guideline and relevant

Development Control Plans. Species identified in Council's Landscape Guideline shall be planted wherever possible. Landscaping plans shall indicate:

- location of Council's sewer;
- proposed location for planted shrubs and trees;
- botanical name of shrubs and trees to be planted;
- mature height of trees to be planted;
- location of grassed areas;
- location of paved areas; and
- location of trees identified for retention in the development application plans.

Certifying Authority approved landscaping shall be completed **prior to the release of either the Interim and/or Occupation Certificate** and **maintained at all times to the satisfaction of Council.** Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))

55Any landscaping to be located within 2m of the vehicular access shall be limited in height to a maximum height of 0.6m.

Reason: To ensure that landscaping does not inhibit pedestrian sight distance.

56As shown overdrawn on the approved plans in red, one of the car spaces adjacent to the southern boundary is to be converted to a landscaped area.

Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))

57Three (3) existing trees, as shown overdrawn on the approved plans in red, are to be retained on the site as part of the development.

Reason: To ensure the protection of nominated existing vegetation.

58The removal of nominated trees must be completed by an Arborist (AQF level 3 qualifications) in such a way so as to ensure no damage is caused to any surrounding vegetation or structures on the same or adjoining lots, including any boundary fence. It is recommended that all insurances are checked before works commences.

Reason: To protect surrounding vegetation or structures on the same or adjoining lots.

FLOODING

59Secure storage facilities shall be provided above the adopted standard Flood Planning Level of 12.7m (AHD) and shall be equivalent to not less than 25% of the GFA of the proposed building, that is subject to flooding. Such space shall accommodate goods or fittings that are not flood compatible. **114m² of the nominated 25% of the GFA** may be used for purposes other than storage when flooding is not expected, provided the space is readily available and can be made secure during the period of flooding. Documentary evidence to be provided to the Certifying Authority **prior to release of Construction Certificate** indicating storage area has been provided.

Reason: To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))

60All materials used in the building, fixtures and power outlets below the adopted standard flood level of 12.37m (AHD), shall be flood compatible.

Reason: *To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))*

61In accordance with this development consent and in the event of flood waters entering the premises, reasonable action shall be taken to minimise damage to machinery, equipment, goods or other property stored in the premises upon the land.

Reason: *To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))*

62A risk analysis report prepared by a structural engineer certifying the design criteria adopted for the building will withstand the impacts of floodwaters and debris for floods up to the 1 in 500 year ARI and PMF events. **Such report to be lodged with the Construction Certificate Application.**

Reason: *To comply with Part A, Chapter 8 of the Lismore Development Control Plan.*

SIGNAGE

63Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.00pm and 6.00am.

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

64**Prior to the release of the Construction Certificate**, documentary evidence shall be submitted to the Principal Certifying Authority to confirm that the erection of the signsatisfies Country Energy guidelines. Evidence shall confirm sufficient clearance and setbacks are provided from the existing above ground electrical supply in the area.

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

65Signs that interfere with the amenity of the area, by reason of glare or excessive illumination or any interference to radio, television or communication equipment and/or transmission signals in the locality, shall not be used or installed.

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

66The signage shall be located wholly within the subject property.

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

67The sign shall be located so as to not restrict the vision of traffic either upon the public roadway or entering/exiting private property.

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

CRIME PREVENTION

68Security lighting for the development is to be provided in accordance with AS1158.3.1:2005 and AS4282 "Control of the Obtrusive Effects of Outdoor Lighting".

Reason: *To increase the safety of the common areas of the site.*

69Security lighting is to be designed to be vandal resistant. Details are to be submitted to and approved by Council **prior to the issue of the Construction Certificate.**

Reason: *To target harden approved infrastructure.*

70A maintenance schedule for the approved security lighting is to be submitted to and approved by Council **prior to the issue of the Construction Certificate.**

Reason: To ensure security lighting is well maintained and operational.

PLANNING

71All plant and equipment is to be screened from the public domain to the satisfaction of Council. Details of the location and proposed screening are to be provided to Council **prior to the issue of the Construction Certificate.**

Reason: To ensure plant and equipment is well screened from the public domain.

72A 'Right of Carriageway' benefitting Lot 7 DP 19046 (No. 53 Ewing Street) is to be provided over relevant parts of the car park access aisles of the development to enable, in the event of future redevelopment of that site, two-way vehicular access and egress from Ballina Road to the southern boundary of No. 53 Ewing Street.

The 'Right of Carriageway' is to be registered on the relevant titles **prior to any occupation of the liquor outlet building.**

Reason: To enable greater access options to the future redevelopment of Lot 7 DP 19046 (No. 53 Ewing Street)

73**Prior to the issue of the Construction Certificate** the developer is to enter into an agreement with Council to contribute an amount of \$15,000 towards the provision of public art on public land.

Reason: to ensure compliance with Part A Chapter 21 of the Lismore DCP.

74Operating hours of the premise shall be between 9.00am to 9.00pm Monday to Saturday and 10.00am to 8.00pm on Sunday and Public Holidays.

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

CONTRIBUTIONS

75Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the **Construction Certificate is granted**). The rates and amounts applying at the date of this notice, totalling **\$20,169.74**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All levies, fees, contributions, bonds etc. shall be paid prior to the **Construction Certificate being granted.**

The levies are those applicable as at date of original consent. If these levies are not paid within twelve (12) months of the date of original consent, the rates shall then be increased on an annual basis in accordance with the prevailing Australian Bureau of Statistics Consumer Price Index (Sydney), as applicable at the time of payment.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will

pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated July 1999 as required by the increased population or activity. (EPA Act Sec 94)*

(Councillors Meineke/Smith)

Section 375A Voting Record

Voting for: Councillors Dowell, Houston, Battista, Meineke, Chant, Graham, Yarnall, Marks and Smith.

Voting against: Councillors Clough and Ekins.

(DA2010/1:ED10/4499)

Lismore Memorial Baths: usage and fee structure review

64/10 **RESOLVED** that:

1. Council endorse the proposed fee structure for the Lismore Memorial Baths outlined in Table 6 of this report to be included in the 2010/2011 fees and charges with the 12 month pass being removed from the pricing structure subject to Item 2 below.
2. The Lismore Memorial Baths close over the winter period, June – August 2010.
3. The adopted fees be promoted as part of the new marketing plan for the Lismore Memorial Baths.
4. Council endorse the introduction of a concession fee based on the off-peak rates in Table 6. The concession fee will apply to pensioner, disability and full time student card holders on presentation of a concession card at time of purchase of a ticket or membership.

(Councillors Graham/Smith)

Voting against: Councillors Ekins and Battista.

(EF09/1851:ED10/5465)

Amendment No. 6 to Lismore DCP – North Lismore Industrial Estate

65/10 **RESOLVED** that consideration of this matter be deferred to permit further discussions and clarification between Council staff and the landowner/landowners consultants regarding inter alia matters concerning flooding objectives, parking and manoeuvring, grass swales and filling of roads.

(Councillors Meineke/Smith)

Section 375A Voting Record

Voting for: Councillors Dowell, Houston, Battista, Meineke, Clough, Chant, Graham, Yarnall, Ekins, Marks and Smith.

Voting against: Nil.

(EF09/1957:ED10/5482)

Public Exhibition of Draft Local Environment Plan 2010

66/10 **RESOLVED** that Council endorse the Community Engagement Plan for the Draft Local Environmental Plan 2010.

(Councillors Meineke/Chant)

Section 375A Voting Record

Voting for: Councillors Dowell, Houston, Battista, Meineke, Clough, Chant, Graham, Yarnall, Ekins, Marks and Smith.

Voting against: Nil.

(EF09/1957:ED10/5803)

Draft Section 94 Contributions Plan – Complying Development

67/10 **RESOLVED** that Council adopt the Section 94 Contributions Plan incorporating the recommended amendments as attached to this report and give notification of its decision in accordance with clause 31 of the *Environmental Planning and Assessment Regulation 2000*.

(Councillors Meineke/Battista)

Section 375A Voting Record

Voting for: Councillors Dowell, Houston, Battista, Meineke, Clough, Chant, Graham, Yarnall, Ekins, Marks and Smith.

Voting against: Nil.

(EF09/829:ED10/2560)

Development Assessment Panel Review

68/10 **RESOLVED** that:

1. The current Council Policy 5.2.2 – Development Assessment Panel – Role, Constitution and Operation be revoked by Council.
2. Council adopt the draft policy “Determination of development applications under delegated authority” as distributed.
3. Councillors be provided with a briefing prior to December 2010 on changes in policy and approach to development application determinations as outlined in this report.

(Councillors Smith/Battista)

Voting against: Councillor Ekins.

(EF09/135:ED10/5669)

Social Impact Assessment (SIA) Policy and Guidelines

69/10 **RESOLVED** that Council endorse the draft Social Impact Assessment Policy and Guidelines as attached.

(Councillors Clough/Smith)

(EF09/80:ED10/3181)

Electricity Supply Procurement

70/10 **RESOLVED** that:

5. Council proceed to engage Regional Procurement and Energy Action to conduct a reverse auction tender for electricity supply for street lighting, large usage sites and the combined total of low usage sites.
6. The specification for the supply of the electricity includes an option for 10% GreenPower to all sites.
7. The General Manager be authorised to negotiate and finalise relevant matters with Regional Procurement and Energy Action to conduct the tender process on behalf of Council.
4. The outcome of the reverse auction tender processes is reported back to Council for a decision once the procurement processes have been completed.

(Councillors Clough/Graham)

(ED10/6099; EF09/2049)

Application for Closure of Road – Two Sections of Bouyon Street, North Lismore

71/10 **RESOLVED** that:

1. A joint Application to Close a Public Road for the two portions of Council road, being land adjoining Lot 12 DP830362 (Lot 1) and Lot 188 DP758615 (Lot 2), as shown on the plan

Ordinary Council Minutes

13 April 2010

included in this report, be endorsed by Council and lodged with the Land and Property Management Authority.

2. Upon formal notification of the road closure and gazettal as Council land, Lot 1 (adjoining Lot 12 DP830362) will automatically be classified as operational land in accordance with Section 43 of the *Roads Act* 1993.
3. Council sell the land shown as Lot 1 on the plan (82m² approximately) included in this report to the joint applicant (adjoining landowner) at market value and that the land shall be consolidated within the applicant's adjoining land.
4. Upon formal notification of the road closure and transfer from the Crown, Lot 2 (adjoining Lot 188 DP758615) be classified as community land in accordance with Part 2, Division 1 of the *Local Government Act* 1993 and be consolidated with the adjoining community land (Arthur Park).
5. All costs associated with the road closure, including any Council and Land and Property Management Authority fees and plan registration shall be shared 50:50 with the adjoining landowner of Lot 1. Surveying of each respective lot shall be borne by the respective applicant. Each party is to pay their respective legal fees and share 50:50 any legal fees jointly incurred.
6. The General Manager and Mayor be authorised to sign and affix the Council Seal to land transfer documents and plans of survey or any other documents deemed necessary to complete this resolution.

(Councillors Meineke/Chant)

(R6206: ED10/6116)

Lease of Old Scout Hall, South Lismore

71/10 **RESOLVED** that:

1. Council approve the preparation of a new lease to The Family Support Network Incorporated for its continued occupation of the Old Scout Hall at 41 Wilson Street South Lismore.
2. The Mayor and General Manager be authorised to execute and affix Council's seal to any documentation necessary to implement this resolution.

(Councillors Marks/Houston)

(P18747:ED10/5678)

At this juncture Councillor Smith left the meeting.

Sport and Recreation Policy Advisory Group Membership

72/10 **RESOLVED** that Council appoint Steve Mackney and Laurie McLeod to the Sports and Recreation Policy Advisory Group for the term of this Council.

(Councillors Battista/Yarnall)

(EF09/1922:ED10/2481)

At this juncture Councillor Smith returned to the meeting.

Council's Code of Meeting Practice – Public Access

73/10 **RESOLVED** that Council's Code of Meeting Practice be amended by changing Section 63, Part 2 to read: Public Access session time slots be limited to five minutes.

(Councillors Yarnall/Clough)

(EF09/631:ED10/5398)

Investments – March 2010

74/10 **RESOLVED** that the report be received and noted.

(Councillors Yarnall/Smith)

(EF09/2209: ED10/6441)

Committee Recommendations

Traffic Advisory Committee – 17 March 2010

75/10 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Smith/Yarnall)

(EF09/1963:ED10/3131)

Financial Assistance - Section 356

76/10 **RESOLVED** that in accordance with Section 356 (1) of the Local Government Act 1993, the assistance to persons listed is hereby approved.

(Councillors Graham/Clough)

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

Budget Approved:\$11,000 Spent to Date:\$1,424

Mr Jaiden Walker has been selected to represent NSW/Australia at the 2010 Tokyo Youth Football Tournament on 22 April 2010 and is seeking financial assistance with the cost of the trip (CI10/8461).

\$356.00

In accordance with policy.

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

Budget Approved:\$21,400 Spent to date: \$18,943

Lismore Symphony Orchestra requesting Council discount hire fees for the Lismore only Christmas variety concerts (3 rehearsals/3 concerts) and regular winter concert series including Lismore (1 rehearsal/1 concert). An entrance fee is to be charged (CI10/125).

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

\$287.20

Lismore Jazz Club Inc. requesting Council discount hire fees (\$457) for a Lulo Reinhardt concert at the City Hall on March 20, 2010. An entrance fee is to be charged (CI10/5726).

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

\$91.40

Funky Moves Dance Studio requesting Council discount hire fees by 50% during Term 1 due to the air conditioning not functioning and the amenity of the space greatly reduced because of the extreme heat and humidity in the room and nature of the hire. An entrance fee is to be charged (CI10/5702).

Comment: The air conditioner in the dance studio is not working and insufficient funds exist to replace it. The request to discount the fees beyond the normal policy level (20%) is considered reasonable.

Ordinary Council Minutes

13 April 2010

Recommendation: In accordance with Clause 5 of the policy, a donation of 50% of the hire fee applies (\$25 per hour to \$12.50 per hour).

\$2,250.00

Lismore United Nations Peace Day Project requesting Council waive the hire fees (\$309) for an all inclusive event for peace on United Nations Day at the City Hall on October 24, 2010. An entrance fee will not be charged (C110/5702).

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

\$77.25

Northern Rivers Writers' Centre requesting Council discount hire fees (\$309) for primary school events as part of the Byron Bay Writers Festival Schools Program at the City Hall on August 9, 2010. An entrance fee will be charged (C110/5702).

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

\$61.80

Red Inc. requesting Council discount hire fees (\$225) to provide community participation music sessions at the City Hall on February 24, March 3 and March 10, 2010. An entrance fee is not to be charged (C110/5702).

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

\$56.25

Red Inc. requesting Council discount hire fees (\$1,500) to provide community participation music sessions at the City Hall on Tuesdays from February 16 to May 4, 2010. An entrance fee is not to be charged (C110/5702).

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

\$375.00

In accordance with policy.

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

Budget: \$300 Spent to date: \$751.45

Northern Rivers Kart Club Inc. requesting Council waive 100% of the development application fees (\$415) applicable to enable a 5 year x 5 year lease from the North Coast National A&I Society Inc. to be registered with the Registrar General (C110/6555:P4-05).

Recommendation: In accordance with clause B of the policy, a 30% donation to the development application fees apply.

\$124.50

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:\$12,252.77

Ordinary Council Minutes

13 April 2010

Animal Right & Rescue \$63.64
Challenge Foundation \$280.00
Five Loaves \$260.65
Friends of the Koala \$39.27
Lismore Soup Kitchen \$22.73
LifeLine \$280.00
Saint Vincent De Paul \$38.18
Westpac Life Saver Helicopter \$36.36

Total **\$1020.83**

In accordance with policy.

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

Budget:\$2,700 Spent to date:\$1,645.40

Richmond River High School Equity Group are requesting sponsorship towards their Human Rights Forum to be held at Southern Cross University on 7 June 2010 (C110/8236).

\$100.00

Lismore Relay for Life Committee are requesting sponsorship towards their even on the 1-2 May 2010 (C110/8800).

\$100.00

Closure

This concluded the business and the meeting terminated at 9.00pm.

CONFIRMED this Eleventh day of May 2010 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, 13 APRIL 2010 AT 3.00PM.

Present

Mayor, Councillor Dowell; Councillors Battista, Chant, Clough, Ekins, Graham (3.12pm), Houston (3.31pm), Marks, Meineke, Smith and Yarnall (3.08pm), together with the General Manager; Executive Director Infrastructure Services; Executive Director Sustainable Development; Manager Development and Compliance, Development Assessment Coordinator, Senior Development Assessment Planner, Corporate Compliance Coordinator and the Council Solicitor (Daryl Gray).

**Apologies/
Leave of
Absence**

Nil

Disclosure of Interest

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

Report – Land and Environment Court Appeal – Champion’s Quarry – Development Application No. 2008/233

Nature of Interest: My objections to this Development Application are long standing and well known. Opponents to this DA assisted my election campaign by making less than reportable, small donations, attending fundraising events and handing out flyers on Election Day. I intend to stay in the Chamber and vote on the matter.

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

Report – Land and Environment Court Appeal – Champion’s Quarry – Development Application No. 2008/233

Nature of Interest: I have known Mr Champion and his wife for many years and have dined with Mr Champion on many occasions. I do not believe I have significant conflict of interest but will absent myself from the Chamber on anything to do with his quarry and do not want to receive from Council any written material in respect to this matter.

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

Report – Land and Environment Court Appeal – Champion’s Quarry – Development Application No. 2008/233

Nature of Interest: Mr Champion’s daughter handed out flyers for me on Election Day.

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

Report – Land and Environment Court Appeal – Champion’s Quarry – Development Application No. 2008/233

Nature of Interest: I have attended the occasional lunch at which Mr Champion has been present.

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

Report – Land and Environment Court Appeal – Champion’s Quarry – Development Application No. 2008/233

Nature of Interest: A member of the Tucki community donated less than \$1000 to my election campaign.

At this juncture Councillor Chant left the meeting.

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:

Lois Wadsworth – Report – Land and Environment Court Appeal – Champion’s Quarry – Development Application No. 2008/233

Ms Wadsworth on behalf of the Tucki Community Against Mega Quarry spoke in opposition to the expansion of the existing quarry. She cited concerns with respect to damage to roads, road safety, noise, dust, sediment runoff and buffers. She mentioned there were alternate sources for this material.

At this juncture Councillor Yarnall joined the meeting.

Confidential Matters – Closed Meeting

54/10 **RESOLVED** that the Council exclude members of the press and public from the meeting and move into Closed Council Meeting to consider the following matter:

Item	<i>Land and Environment Court Appeal – Champion’s Quarry – Development Application No. 2008/233</i>
Grounds for Closure	Section 10A(2) (e)
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it contains information that would, if disclosed, prejudice the maintenance of law.

(Councillors Clough/Smith)

At this juncture Councillors Graham and Houston joined the meeting.

Resumption of Open Council

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

Land and Environment Court Appeal – Champion’s Quarry – Development Application No. 2008/233

Recommends that Council adopt the following recommendation:

That Council defends the appeal lodged with the Land and Environment Court against the refusal of Development Application 2008/233, following consideration of legal advice and having identified priority grounds for such defence.

(Councillors Clough/Meineke)

55/10 **RESOLVED** that the recommendation of Council meeting in Closed Council be received and adopted.

(Councillor Clough/Meineke)

Section 375A Voting Record

Voting for: Councillors Dowell, Houston, Battista, Meineke, Clough, Yarnall, Ekins, Marks and Smith.

Voting against: Councillor Graham.

(Z08/233)

Closure

This concluded the business and the meeting terminated at 5.26pm.

CONFIRMED this Eleventh day of May 2010 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, 20 APRIL 2010 AT 6.00PM.

Present

Mayor, Councillor Dowell; Councillors Battista, Chant, Clough, Ekins, Graham Houston, Marks, Meineke, Smith and Yarnall, together with the General Manager; Executive Director Infrastructure Services; Executive Director Sustainable Development; Manager Finance; Manager Corporate Services; Environmental Strategies Coordinator, Corporate Compliance Coordinator and the Personal Assistant to the General Manager.

**Apologies/
Leave of
Absence**

Nil

Disclosure of Interest

Nil

Mayoral Minute

Opportunity for the public to address Council on the Special Rate Variation application

77/10 **RESOLVED** that Council suspend standing orders to allow members of the public to address Council on the issue of the Special Rate Variation application.

(Councillors Dowell/Yarnall)

(EF10/4:ED10/6859)

Public Access Session

Janine Wilson

Ms Wilson on behalf of the Lismore Community Action Network stressed that the proposed rate increase was not affordable by the community, stressing the current rate levels, low medium income, and current high default rate.

Rob Walker

Mr Walker spoke on behalf of the Lismore Business Promotion Panel in support of the Business Promotion component of the proposed Special Rate Variation.

Brenton Shalders

Mr Shalders spoke on behalf of the Lismore Business Promotion Panel and Lismore Chamber of Commerce in support of the Business Promotion component of the proposed Special Rate Variation. He stressed the funds were needed to execute the Business Promotion plan.

Neville King

Mr King spoke against the possible splitting of the Special Rate Variation on the basis that this option was not canvassed with community.

Joe Friend

Mr Friend stressed the need for Council to develop an on ground weeds program to address toxic weeds in the catchment, outlining the threat seed toxic weeds presented to the community.

Jean Rose Rapmund

Ms Rose Rapmund stressed that Council needed to address its current situation before it spent additional funds.

Kel Graham

Mr Graham stressed the need for Councillors to listen to and act for the local people. He asked Council address issues such as debt, basic services before asking for increases in rates.

Jeff Latimer

Mr Latimer advised he considered the CBD rates were too high at present, that Council should review the CBD rating structure to reduce the rates to stimulate business within the CBD.

Bill Sheaffe

Mr Sheaffe spoke in support of the Business Promotion levy and its need to support the promotional plan to made Lismore CBD a viable place to do business.

Reports

Special Rate Variation

A MOTION was MOVED that:

1. Council submit a Section 508 (2) Special Rate Variation application to the Division of Local Government for \$800,000 (3.51%) for Roads \$500,000 and Environment \$200,000 and Business Promotion \$100,000 on an ongoing basis, in addition to the 2.6% rate pegging increase.
2. The draft 2010-2014 Delivery Plan and 2010/11 Operational Budget be prepared and advertised with two scenarios being: 1. If the Special Rate Variation is approved; and 2. If the Special Rate Variation is not approved.
3. All rateable properties are to be rated for the Roads \$500,000 (2.19%) and Environment \$200,000 (0.88%).
4. All business rated properties within the Lismore Urban area are to be rated for the Business Promotion \$100,000 (0.44%).
5. All subsequent rate pegging increases must be allocated to the Special Rate Variation program from which they are raised.
6. Council increase by \$30 the Council funded pension rebate.
7. At the earliest opportunity Council convene a workshop to discuss matters arising from the community consultation process associated with the Special Rate Variation including but not limited to financial management, work practices, funding priorities, reform of local government and the lack of trust in Council by the community.

(Councillors Yarnall/Houston)

An AMENDMENT was MOVED that:

1. Council submit a Section 508 (2) Special Rate Variation application to the Division of Local Government for \$300,000 (1.32%) for Environment \$200,000 and Business Promotion \$100,000 on an ongoing basis, in addition to the 2.6% rate pegging increase.
2. The draft 2010-2014 Delivery Plan and 2010/11 Operational Budget be prepared and advertised with two scenarios being 1. If the Special Rate Variation is approved and 2. If the Special Rate Variation is not approved.
3. All rateable properties are to be rated for the Environment \$200,000 (0.88%).
4. All business rated properties within the Lismore Urban area are to be rated for the Business Promotion \$100,000 (0.44%).

(Councillors Ekins/Smith)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting against: Councillors Dowell, Graham, Houston, Battista, Meineke, Clough, Chant, Marks and Yarnall.

On submission to the meeting the MOTION was DEFEATED.

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

A FORESHADOWED MOTION was MOVED that Council not apply for a Special Rate Variation in 2010/11.

(Councillors Graham/Chant)

On submission to the meeting the FORESHADOWED MOTION was DEFEATED.

Voting against: Councillors Dowell, Houston, Clough, Yarnall, Ekins and Smith

A FORESHADOWED MOTION was MOVED that:

1. Council submit a Section 508 (2) Special Rate Variation application to the Division of Local Government for \$100,000 (0.44%) for the Business Promotion on an ongoing basis, in addition to the 2.6% rate pegging increase.
2. The draft 2010-2014 Delivery Plan and 2010/11 Operational Budget be prepared and advertised with two scenarios being 1. If the Special Rate Variation is approved and 2. If the Special Rate Variation is not approved.
3. All business rated properties within the Lismore Urban area are to be rated for the Business Promotion \$100,000 (0.44%).

(Councillors Smith/Battista)

An AMENDMENT was MOVED that:

1. Council submit a Section 508 (2) Special Rate Variation application to the Division of Local Government for \$250,000 (1.1%) for Environment \$150,000 and Business Promotion \$100,000 on an ongoing basis, in addition to the 2.6% rate pegging increase.
2. The draft 2010-2014 Delivery Plan and 2010/11 Operational Budget be prepared and advertised with two scenarios being 1. If the Special Rate Variation is approved and 2. If the Special Rate Variation is not approved.
3. All rateable properties are to be rated for the Environment \$150,000 (0.66%).
4. All business rated properties within the Lismore Urban area are to be rated for the Business Promotion \$100,000 (0.44%).

(Councillors Clough/Ekins)

On submission to the meeting the AMENDMENT was DEFEATED

Voting against: Councillors Dowell, Houston, Battista, Meineke, Chant, Graham, Yarnall, Marks and Smith

78/10 **RESOLVED** that:

1. Council submit a Section 508 (2) Special Rate Variation application to the Division of Local Government for \$100,000 (0.44%) for the Business Promotion on an ongoing basis, in addition to the 2.6% rate pegging increase.
2. The draft 2010-2014 Delivery Plan and 2010/11 Operational Budget be prepared and advertised with two scenarios being 1. If the Special Rate Variation is approved and 2. If the Special Rate Variation is not approved.
3. All business rated properties within the Lismore Urban area are to be rated for the Business Promotion \$100,000 (0.44%).

(Councillors Smith/Battista)

Voting against: Councillors Dowell, Houston, Graham and Yarnall.

(EF10/31:ED10/6662)

Closure

This concluded the business and the meeting terminated at 8.15pm.

CONFIRMED this Eleventh day of May 2010 at which meeting the signature herein was subscribed.

MAYOR