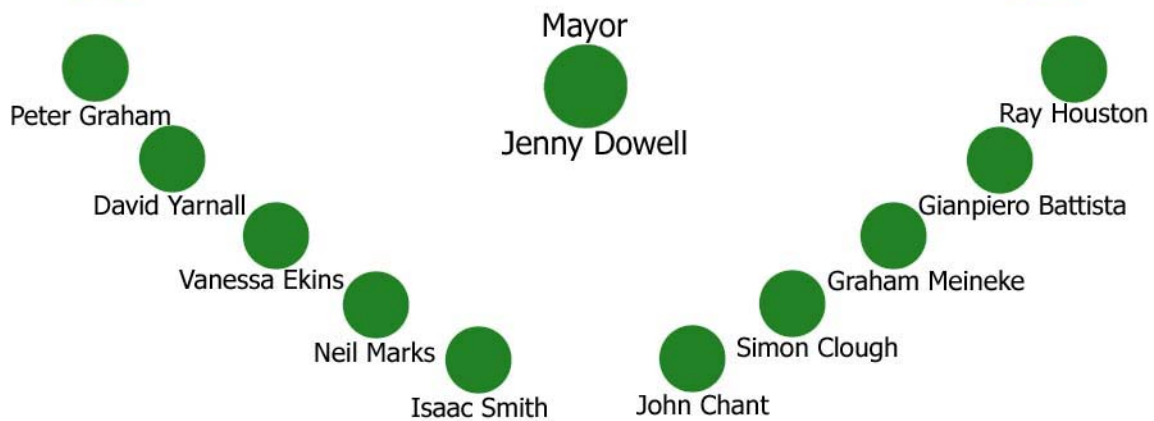


Notice of Council Meeting



Council

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, 43 OLIVER AVENUE, GOONELLABAH on Tuesday, 13 July 2010 at 6.00pm.

Members of Council are requested to attend.

Garry Hemsworth
Acting General Manager

6 July 2010



Agenda

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Councillor John Chant
3. Confirmation of Minutes
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5. Public Access Session
Stan Heywood – Notice of Motion - LEP 2010 Exhibition Period

Robert Bou-Hamdan – Report - DA2010/176 - Use of premises as Convenience Store - 81
Woodlark Street, Lismore

Jay Golledge/Nick Woodham – Report - DA2010/176 - Use of premises as Convenience Store - 81
Woodlark Street, Lismore

Delia O'Hara – Report - Regional and Local Community Infrastructure Program
6. Public Question Time
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Strategic Plan Summary

Lismore City Council Community Strategic Plan 2008 - 2018



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

Mayoral Minutes



Mayoral Minute

Subject **Development Contributions - Section 94**

TRIM Record No BP10/181:EF10/4

That:

1. Council write to the Minister for Local Government:
 - a. objecting to the cap of \$20,000 per residential lot to Section 94 funds levied under the EP and A Act; and
 - b. requesting that the definition of 'essential infrastructure' for which Section 94 funds can be levied, should include 'community infrastructure'.

2. The Mayor seek NOROC support for regional representation to the Minister on this matter.

Background

On 4 June 2010, the State Government announced major changes to local infrastructure contributions. The changes include:

- Levies for residential properties under s94 of the Environmental Planning and Assessment Act are now capped at a maximum of \$20,000 per lot. The cap came into immediate effect on Monday, 7 June 2010.
- Restrictions will be imposed on the projects that can be funded by s94 levies to 'essential' infrastructure. S94 levies will be restricted to funding 'essential' infrastructure such as land acquisition (for open space and community facilities), roads, stormwater and transport facilities. It appears that councils will not be able to collect local contributions levies to fund recreational facilities, civic or community facilities. The changes were due to come into effect on 1 July 2010 and all councils will be required to prepare new contributions plans to meet the new definition of 'essential' infrastructure.

The Independent Pricing and Regulatory Tribunal (IPART) will be responsible for the assessment of all s94 contributions plans and for approving rate increases and special rate variations. Councils can apply for a special variation on rates to cover the cost of infrastructure that is above the cap or not compliant with the revised definition of 'essential' infrastructure.

Implications for Lismore City Council:

- The average s94 contribution in the Lismore LGA is approximately \$9000 per residential lot. While this is well below the cap, Lismore should support the LGSA's campaign and that of urban or high growth Councils in our area such as Tweed, to oppose this cap.
- The restrictions on the types of infrastructure for which s94 funds can be levied is of major concern to this Council. Based on the Lismore Contributions Plan (March 2004), and assuming completed projects will not be duplicated in future contribution plans, Council would need to find an additional \$1.54 million to provide essential recreation and community facilities, and SES and RFS infrastructure over a 5 year period.

- In addition, no contributions would come from development to improve the streetscape for street tree planting that occurs after subdivision and subsequent development is completed.
- Finally, Council collects on average \$24,231 per annum for the development and administration of the contribution plan. This equates to another \$121,155 Council will need to find over a 5 year period for this purpose.

Staff Comment

Manager Finance

As the average S94 contribution in the Lismore LGA is approximately \$9,000 per residential lot, the \$20,000 cap will not change the existing S94 Plan. However, if the Department of Planning guidelines used to prepare S94 Plan's define 'essential infrastructure' to only include land acquisition (for open space and community facilities), roads, stormwater and transport facilities, the average S94 contribution will decrease and the existing S94 Plan will need to be amended.

If the definition of 'essential infrastructure' is applied to the existing S94 Plan, Council will not be able to collect S94 levies for a range of recreation and community facilities/improvements, SES and Rural Fire Service infrastructure, or recover S94 Plan development and administration costs. Based on the existing S94 Plan excluding one off major projects, this equates to a funding shortfall of approximately \$300,000 per annum. As it is unlikely that the funding shortfall to provide this community infrastructure would automatically be found within the existing budget, Council would need to consider not providing such community infrastructure or submitting a special rate variation application to generate the funding required. Given the significant affordability issue raised as part of the 2010 special rate variation consultation, I doubt a special rate variation would have the community support required to have the application approved by the Minister for Local Government.

Notice of Motions



Notice of Motion

Cr Vanessa Ekins has given notice of intention to move:

That Council:

1. Confirms its commitment to maintaining a high standard of library services to our community.
2. Seeks advice from the State Library on how to effectively provide a high standard of management services for the library.
3. Confirms its commitment to pursuing regional cooperation and efficiencies in the delivery of library services including obtaining support consultation from member Councils on any significant policy changes and any rationalisation of assets.
4. Conveys thanks to the outgoing Director of Richmond Tweed Regional Library (RTRL), Mr Martin Field, for his dedication to RTRL over 14 years transforming the regional library into one of the best in the State.

Staff Comment

Manager – Arts, Tourism and Leisure

Council continues to commit to the maintenance of the existing high levels of services delivered to all Councils within the Richmond-Tweed Regional Library Service. This commitment has been reiterated within the draft Service Level Agreements and other written communications to the Councils of Ballina, Byron and Tweed, and in verbal presentations to library staff and the Library Committee.

The State Library has prepared a draft Library Agreement based on the Administering Council model for Councils undertaking the function of providing, controlling and management of libraries. The draft contains some very useful information which will be used as a guiding reference to assist with formalising the appropriate documentation between Lismore and the three Councils.

There continues to be a strong commitment in the pursuit of regional cooperation among neighbouring Councils in the delivery of library services. It is intended that input from all stakeholder Councils will continue on an ongoing basis to assist in the strategic development and efficient operation of library services across the region.

The RTRL Committee has formally thanked the outgoing Director for his commitment and dedication over the past 14 years. A letter of thanks from Lismore City Council is considered appropriate.

(ED10/12943:EF09/631)

Notice of Motion

Cr Vanessa Ekins has given notice of intention to move:

That Council hold a briefing as soon as possible to address all matters associated with the restructure of the Richmond Tweed Regional Library.

Staff Comment

Manager Corporate Services

This matter has already been before Council on two occasions at the meetings in November 2009 and February 2010. The reports that went to Council have been **ATTACHED**. For the information of Councillors the content of a recent Lismore letter to RTRL member Councils is below:

In acknowledging the shortcomings of the current RTRL model in terms of governance and the lack of compliance with the 1993 Local Government Act the AECgroup was commissioned by the RTRL to evaluate suitable business models which would achieve compliance with legislation and meet the need of the member Councils. In response to the report that the AECgroup produced, the RTRL Committee resolved at its December 2009 meeting:

- 1) That the RTRL Committee supports the adoption of the Administrative Council option as the preferred model at this time.
- 2) That the RTRL Committee request that General Managers develop a service level agreement of library services and the management of staff under one organisation.
- 3) The RTRL Committee acknowledge the merits of a County Council Model and commits to pursuing it as a long term option.

In implementing the RTRL Committee's resolution and following the wishes of the RTRL Councils Lismore has used the Administrative Council model described in the AECgroup report. An extract of that report has been included below:

"This [Administrative Council] model would require one of the four participating Councils within the RTRL to administer the Regional Library Service on behalf of the other three Councils. This model could be implemented in a relatively short timeframe if there is sufficient goodwill between the participating Councils and a service level agreement can be agreed. The Administrative Council model also has the advantage that it is already approved by the State Government. The model would not retain the current autonomy that RTRL operates under in the current structure. The regional librarian would be subject to direction from the General Manager of the Administrative Council and all service delivery support functions would be absorbed within the existing structures of the Administrative Council."

Since February 2010 in accordance with the resolutions of the member Councils Lismore has acted on the RTRL Committee's resolution to:

- Embed the administrative and support service delivery functions into its existing management structure while leaving the Library branch structure unchanged.

Notice of Motion

- Drafted Service Level Agreements which outline service proposed for 2010/11 under the 2010-2011 RTRL budget. This status quo service has enjoyed unanimous support from all Councils. If changes to the status quo are required by any member Councils the Service Level Agreement will be renegotiated as part of the 2011-2012 budget process. Lismore City Council remains committed to providing the current highly regarded service level into the future unless changes are requested by member Councils.
- Proactively manage the change process from a staff perspective with extensive consultation and negotiation.
- Provide IT connectivity between the RTRL and Lismore City Council.

There are three outstanding major tasks required to complete the implementation of the Administrative Council Model. These are:

1. Complete an overarching legal agreement between Lismore City Council and the member Councils. This agreement will include the membership terms, the conditions should a member Council choose to leave the RTRL, and the ownership of shared assets.
2. The provision of formal delegations for Lismore City Council, from the member Councils, to act as the Administrative Council for the RTRL.
3. Documenting the future role of the Library Committee.

Lismore City Council has engaged Lindsay Taylor Lawyers to draft the required legal documentation. Once these drafts are completed they will be circulated to member Councils. Negotiations to formalise these arrangements will then begin. The brief provided to Lindsay Taylor Lawyers includes:

- Formalisation of the RTRL structure under the administrative council model.
- Formalisation of asset ownership and control based on the established equity.
- Formalisation of the role of the RTRL Committee.
- Formalisation of the member Council's delegations to Lismore City Council.
- Formalisation of the service level agreements as the vehicle for the establishment of Lismore City Council's responsibility for service provision and member Council's responsibility for the provision of funding.

The shared assets such as the RTRL headquarters, the book mobile and the library resources have always been legally owned by Lismore City Council. Lismore recognises however that these assets were paid for by member Councils and will not interfere with the established equity except with the support of the RTRL member Councils. The overarching legal agreement between member Councils will formalise this understanding.

This matter has been determined by Council through its resolutions in November 2009 and February 2010, the direction and intent has been supported by the Councils of Ballina, Byron and Tweed, and with the foregoing update provided above the purpose of conducting a briefing is unclear.

(ED10/11996:EF10/631)

Report

Subject	Executive Council Responsibilities – Richmond Tweed Regional Library
File No	EF09/2497:ED09/17570
Prepared by	Manager – Finance / RTRL Executive Member
Reason	Advise of Lismore City Council's responsibilities as the 'Executive Council' for Richmond Tweed Regional Library
Objective	Provide clarity as to these responsibilities
Strategic Plan Link	Best Practice Corporate Governance
Management Plan Project	Community Services

Overview of Report

Lismore City Council is the 'Executive Council' for the Richmond Tweed Regional Library. In response to legal advice received in regards to the responsibilities of the Executive Council, changes are required in current practices to meet the obligation of the agreements between member Councils and compliance with the Local Government Act 1993.

Background

Richmond Tweed Regional Library (RTRL) commenced operations in the early 1970's. By the late 1970's, all current member Councils (Lismore City Council, Ballina Shire Council, Tweed Shire Council and Byron Shire Council) had signed agreements to participate in the regional library service.

The agreements creating RTRL are between Lismore City Council (LCC) and Ballina Shire Council (BaSC), and LCC and Tweed Shire Council (TWS), and LCC and Byron Shire Council (BySC). These separate agreements are still considered legally binding on all parties in the absence of alternative agreements.

In accordance with the agreements, the RTRL is to be managed by the RTRL Committee with two members appointed by each Council with LCC's Town Clerk (General Manager) appointed as the Executive Member. LCC is also the Executive Council and is responsible for implementing the decisions of the Library Committee and undertaking the day to day management of the Library.

Current Situation

RTRL has evolved to operate successfully with a high degree of autonomy to the point where LCC does not provide the day to day management of the Library. For example, RTRL employ and pay all staff, prepare the annual budget, prepare strategic planning documents, maintain bank and investment accounts, pay all creditors, issue tax invoices, remit and claim taxes, prepare the annual report and annual financial reports.

From a legal perspective, it can be considered an unincorporated body established by LCC in accordance with its obligations under the agreements. As such, it cannot hold real property in its name resulting in the RTRL Headquarters in Goonellabah being held in the name of the Executive Council (LCC). Furthermore, the employees are legally employed by LCC although current practices make this invisible.

Legal Status

The need to update the agreements or change the organisation's legal structure has been on the RTRL's agenda for more than 15 years. A comprehensive assessment of the alternatives by RTRL was undertaken in the late 1990's and did not proceed due to legislative limitations.

In 2008, LCC requested legal advice on the responsibilities of the Executive Council. The need for this advice came about as there was uncertainty as to how certain situations and requests from LCC to RTRL and visa versa should be treated. While the legal advice received provided the information requested and is reported below, the most significant consequence for RTRL is that it cannot continue to operate with the current level of autonomy.

The RTRL is currently investigating changes to achieve compliance including the creation of a county council or a one council service delivery model and while this is progressing, it is likely that it will take some time to eventuate. When a proposal is sufficiently developed, a detailed report will be provided to Council on these options. It is due to the fact it may take some time for a change to eventuate that Lismore City Council as the Executive Council cannot allow the status quo to continue.

Executive Council Responsibilities

The advice received from Lindsay Taylor Lawyers is extensive and highlights the need for Council to take action in both meeting its obligations in accordance with the agreements with other member councils and legislative compliance. The following is a summary of the advice:-

1. Lismore City Council, as the Executive Council, is responsible for implementing the decisions of the Library Committee and undertaking the day to day management of the Library
2. The terms of delegation given to the RTRL Committee by LCC, BaSC, TSC and BySC contravene s377 (1) and do not cater for the requirements of s380 of the Local Government Act 1993. These delegations should be revoked and replaced with complying delegations.
3. The delegation provision of the agreements must also be amended so that the amended delegations by the participating Councils can occur without contravening the agreement.
4. Many practices are not consistent with the intention of the agreements and in some cases do not comply with requirements of the LGA. In particular, RTRL monies must be accounted for and audited in accordance with the LGA as part of LCC's funds by inclusion in LCC's Management Plan, Budget Quarterly Reviews and Investment reporting processes and Financial Reports. It is noted that the Budget Quarterly Reviews, Investments and Financial Reports are reported to the RTRL Committee and the Financial Reports are independent audited, however that does not meet the requirements of the LGA and accordingly LCC is in breach of its governance responsibilities.
5. Where RTRL wishes to invite tenders, the tendering process must be undertaken by Lismore City Council on its behalf in accordance with the applicable provisions of the LGA.
6. Delegation from the General Manager to the Library Director is required to give effect to some of functions purported to be undertaken by Library staff.

Implementation of Responsibilities

It is emphasised that the RTRL provides a very efficient and effective regional library service. This is factually supported by the both the State Library's annual statistics and the Department of Local Government's comparative financial reporting.

The RTRL and the General Managers from all member Council's have acknowledged that the status quo cannot be maintained and a process is in place to determine and implement a new agreements or change the organisation's legal structure. As this process is likely to take some time, it is unreasonable for Lismore City Council's in its capacity as 'Executive Council' to not take steps immediately to meet the requirements of the existing agreement and comply with the LGA.

In accordance with the legal advice, it is proposed to:-

- Advise member Councils requesting their approval to amend the current agreements to ensure they comply with s377 (1) and cater for s380 of the Local Government Act 1993.
- Advise member Councils suggesting they revoke their existing delegations to RTRL and request they replace them with complying delegations.
- Advise RTRL that in accordance with the agreements and LGA requirements, Lismore City Council as the Executive Council will work with the Library Director to implement changes in current practices such as for delegations and financial management to achieve best compliance.

In regards to achieving best compliance, this will require changes in current RTRL work practices.

Comments

Financial Services

Not required

Other staff comments

Not required

Public consultation

No required

Conclusion

Lismore City Council in its capacity as 'Executive Council' for Richmond Tweed Regional Library is aware that it is not fully meeting its obligations in accordance with the current, albeit out dated agreements and the Local Government Act 1993.

Council has been working with Richmond Tweed Regional Library to implement either new agreements or change the organisation's legal structure to address these issues. While this process has commenced, it is unlikely to be resolved quickly. This being the case, Council must act to meet its obligations.

In accordance with legal advice received, it is proposed to undertake a number of actions. These will result in greater compliance, but at the same time result in a change in current work practices for Richmond Tweed Regional Library staff.

Recommendation

That Council

1. Write to member Councils requesting their approval to amend the current agreements to ensure they comply with s377 (1) and cater for s380 of the Local Government Act 1993.
2. Request member Councils to revoke their existing delegations to RTRL and agree to replace them with complying delegations.
3. Write to Richmond Tweed Regional Library advising that in accordance with the agreements and LGA requirements, Lismore City Council as the Executive Council is required to implement changes in current work practices such as for delegations and financial management to achieve best compliance.

Ordinary Council Meeting

10 November 2009

Minute Action Sheet (ED09/18196)

Executive Council Responsibilities – Richmond Tweed Regional Library

218/09

RESOLVED that Council:

1. Write to member Councils requesting their approval to amend the current agreements to ensure they comply with s377 (1) and cater for s380 of the Local Government Act 1993.
2. Request member Councils to revoke their existing delegations to RTRL and agree to replace them with complying delegations.
3. Write to Richmond Tweed Regional Library advising that in accordance with the agreements and LGA requirements, Lismore City Council as the Executive Council is required to implement changes in current work practices such as for delegations and financial management to achieve best compliance.

(Councillors Clough/Houston) (EF09/2497:ED09/17570)

Report

Subject	Richmond Tweed Regional Library – Development of Business Model
File No	EF09/74:ED10/1889
Prepared by	Manager – Finance
Reason	The current business model is not consistent with the legal agreements forming Richmond Tweed Regional Library and acceptable business models consistent with the Local Government Act 1993.
Objective	To implement a business model that is acceptable to all four participating councils and is compliant with the Local Government Act 1993
Strategic Plan Link	Social Inclusion and Participation
Management Plan Project	Community Services

Overview of Report

The business model to operate the Richmond Tweed Regional Library (RTRL) has been under review for some time. The current agreements to operate a regional library service date back to the 1970's and require changed to meet statutory compliance requirements.

The RTRL and member council representatives considered the options and engaged a consultant to undertake an independent assessment of the county council and one council service delivery models.

Based on the consultants report and discussions between the RTRL and member Council representatives, and RTRL Committee considerations, an administrative council model is recommended to be pursued.

Background

Richmond Tweed Regional Library (RTRL) commenced operations in the early 1970's. By the late 1970's, all member Councils (Ballina Shire Council, Tweed Shire Council and Byron Shire Council had signed agreements with Lismore City Council as the Executive Council to participate in the regional library service.

The agreements creating RTRL are between Lismore City Council (LCC) and Ballina Shire Council, and LCC and Tweed Shire Council, and LCC and Byron Shire Council These separate agreements are still considered legally binding on all parties in the absence of alternative agreements.

In accordance with the agreements, the RTRL is to be managed by the RTRL Committee with two members appointed by each Council with LCC's Town Clerk (General Manager) appointed as the Executive Member. LCC is also the Executive Council and is responsible for implementing the decisions of the Library Committee and undertaking the day to day management of the Library.

Current Situation

RTRL has evolved to operate successfully with a high degree of autonomy to the point where LCC does not provide the day to day management of the Library. For example, RTRL recruit and pay all staff, prepare and adopt the annual budget, prepare strategic planning documents, maintain bank and investment accounts, pay all creditors, issue tax invoices, remit and claim taxes, prepare the annual report and annual financial reports.

From a legal perspective, it can be considered an unincorporated body established by LCC in accordance with its obligations under the agreements. As such, it cannot hold real property in its name resulting in the RTRL Headquarters in Goonellabah being held in the name of the Executive Council (LCC). Furthermore, the employees are legally employed by LCC although current practices make this invisible.

Legal Status

The need to update the agreements or change the organisation's legal structure has been on the RTRL's agenda for more than 15 years. A comprehensive assessment of the alternatives by RTRL was undertaken in the late 1990's but did not proceed due to legislative limitations.

In 2008, LCC requested legal advice on the responsibilities of the Executive Council. The need for this advice came about as there was uncertainty as to how certain situations and requests from LCC to RTRL and visa versa should be treated. While the legal advice received provided the information requested and LCC has acted on that advice (Council meeting 10/11/2009 - Resolution 218/09), the most significant consequence for RTRL is that it cannot continue to operate with the current level of autonomy.

Development of Business Model

RTRL has been aware of the limitations of the current agreements and requirements of the LGA for more than 15 years with a comprehensive assessment of alternatives undertaken in the late 1990's. The options were reduced to an administrative council (similar to an Executive Council), joint management (all Council's), trust or corporation. The RTRL's preferred options of either a trust or corporation were not pursued as the neither would satisfy the requirements of the Library Act 1939 meaning member councils would not be eligible for the annual library subsidy.

Based on the legal advice which clearly indicated that RTRL cannot continue to operate with the current level of autonomy, a meeting was held with member Councils (Mayors and General Managers invited) to discuss business model options and how to progress their development. It was agreed that consultants would be appointed to develop a business plan that clearly sets out the business case of both a county council (RTRL preferred model) and a one council service delivery model option (similar to current agreement).

It was also agreed that the business plan would consider governance and compliance matters as based on the performance and comparative information provided by the Department of Local Government (DLG) and NSW State Library as RTRL already has an efficient and effective service delivery model.

ACE Group Consultants were appointed to undertake the consultancy and they presented their report to RTRL and member Councils (All Mayors except Byron Council's and all General Managers attended) in November 2009. A copy of the full report is available on request, but the key points are listed below:

- The formation of a county council would resolve the risk and legal issues, however it is unlikely that such a model would be approved by the State Government in the short to medium term.

- An administrative model could work. This model involves one council taking control of all staff (approximately 60 EFT) and all the functions of the library. The model then relies heavily on that council providing the regional library services based on service level agreements (SLAs) with all the member councils. The SLAs would need to be negotiated between all members and the administrative council which then charges the members for the provision of the library services.
- The third possible model is defined as Shared Services. Under this model one council delivers specific elements of the library service. These elements could include items such as centralised procurement, operation of the mobile library service etc. The member councils would then provide the remaining elements and an example would be the direct employment of staff.

The consensus of the joint meeting was that an administrative council model with service levels to be determined be pursued.

At the December 4, 2009 RTRL Committee meeting, it was resolved that:

- 1) That the RTRL Committee supports the adoption of the Administrative Council option as the preferred model at this time.
- 2) That the RTRL Committee request that General Managers develop a service level agreement of library services and the management of staff under one organisation.
- 3) The RTRL Committee acknowledge the merits of a County Council Model and commits to pursuing it as a long term option.

Byron Shire Council, Tweed Shire Council and Ballina Shire Council have considered this matter at their December meetings. Byron and Tweed have clearly indicated their support for an administrative council model with service levels to be developed and with Tweed prepared to act as the administrative Council in the absence of any other contender. Ballina has noted the on-going discussions.

From Lismore City Council's management perspective, the development of an administrative council business model that is acceptable to all member councils is supported.

Comments

General Manager

Even though on a day-to-day basis the library service is being delivered to a standard acceptable to all four member Councils, some key requirements of the Local Government Act are not and cannot be met under the current structure.

Changes anticipated by adoption of an administrative Council model will require a higher level of active involvement in library management by the staff of Lismore City Council. This will be particularly pronounced in the finance, governance and human resource areas. Lismore City Council will be entitled to recoup any actual additional costs from the member Councils and this aspect is understood by the General Managers.

As the status quo is not an option the model preferred by the member Councils and as recommended in this report is supported.

Public consultation

Not required.

Conclusion

The development of a new business model for Richmond Tweed Regional Library has been ongoing for at least fifteen years. The current agreements between member councils are dated in the 1970's and some current practices do not comply with these agreements or meet statutory requirements.

Both RTRL and high level member council representatives have considered options and based on an independent consultants report, and individual council considerations, an administrative council approach is recommended

Recommendation

That:

1. Council support the adoption of an administrative council model as the business model for the Richmond-Tweed Regional Library Service.
2. Lismore City Council offer its resources to perform the role of administrative Council under a new Regional Library Agreement.
3. That Council authorise the General Manager to develop in conjunction with the General Managers of the other member councils the service levels to be incorporated into an Agreement for the provision of Library Services under the administrative council model with the management of staff under one organisation.

Ordinary Council Meeting

9 February, 2010

Minute Action Sheet

Richmond Tweed Regional Library – Development of Business Model

16/10 **RESOLVED** that:

1. Council support the adoption of an administrative council model as the business model for the Richmond-Tweed Regional Library Service.
2. Lismore City Council offer its resources to perform the role of administrative Council under a new Regional Library Agreement.
3. Council authorise the General Manager to develop in conjunction with the General Managers of the other member councils the service levels to be incorporated into an Agreement for the provision of Library Services under the administrative council model with the management of staff under one organisation.

(Councillors Smith/Yarnall)

(EF09/74:ED10/1889)

Notice of Motion

Cr Vanessa Ekins has given notice of intention to move:

That Council include costs and designs for footpaths/cycleways in all road reconstruction estimates.

Staff Comment

Executive Director – Infrastructure Services

Council has ongoing budgets for cycleway construction and footpath replacement and maintenance. There is no dedicated budget for new footpath construction. In the past, Council has adopted a principle of maintaining existing footpaths to a satisfactory level before expanding the footpath network.

The cycleway program is typically funded on a 50:50 basis with the State Government (through the RTA). It is recognised our off street cycleways are used by cyclist and pedestrians. Cycleways have been a strategic priority for Council. Grant funding makes cycleway construction good value for money and Council has supported the program through Council funding for many years.

Currently cycleways are designed as part of the road reconstruction project when they are located on Council's adopted cycleway plan. Due to Lismore's steep terrain, sensitive environment and limited funds it is difficult to develop a blanket policy for footpath construction.

Council's current practice of funding road reconstruction and cycleway construction separately is supported as road projects are often fairly short and a section of footpath constructed at the time of road reconstruction may be isolated for many years.

I am concerned if the Notice of Motion is adopted this will create more work for design staff and raise expectations in the community, yet Council does not have the resources to include footpath/cycleways with every road reconstruction project.

Council's current policy of giving funding priority to an adopted cycleway network (that receives Government subsidy) is seen as the best value for money.

(ED10/12005:EF10/631)

Notice of Motion

Cr Neil Marks has given notice of intention to move:

That Council withdraw and review the draft Lismore Local Environmental Plan (LEP) 2010 for reasons including but not limited to:

1. Lismore City Council (LCC) has not followed the recommendations of the NSW Department of Planning and the NSW Department of Industry and Investment in relation to the preparation of a new LEP for rural lands.
2. LCC has not adequately informed or communicated with rural landholders in sufficient detail to ensure all affected owners are aware of the issues.
3. Many of the maps and plans shown on the LCC website are unable to be printed and read. Additionally some of the maps, including the flood prone maps, are totally inaccurate. The productive value and protection of Class 2, 3 and 4 agricultural land, currently zoned 1(a) and 1(r) should be zoned RU1 under the draft LEP as per the state government agency guidelines.
4. No privately owned agricultural land currently zoned 1(a), 1(b) and 1(r) should be zoned E3 or E2 under the draft LEP without the landholders consent.

Councillor Comment

This motion comes from a Motion passed at a community meeting held at the Lismore Workers Club on 29 June 2010. The meeting was convened by Lismore MP Thomas George on behalf of concerned rural ratepayers and other interested parties that had contacted him about the LCC "Draft" LEP. The night was attended by approximately 200 people plus several Councillors and Council staff including the Strategic Planning Coordinator, who conducted an information session and fielded many questions on the draft LEP.

This Motion was passed by those present and was one of three on the night.

The LEP is an important document for us, the LCC, and for the community who will have to live with it for many years to come so it is important that it is clear to all as to what it means and what implications it has for the community, especially those with rural properties that provide an income for them and many in our community. It is essential that we get it right for all concerned.

Staff Comment

Executive Director – Sustainable Development

The Notice of Motion (NOM) requests and contentions are rejected and are largely unfounded. The draft LEP is not significantly flawed and does not require being withdrawn. Management and planning staff have confidence in the subject provisions and consultation process in respect of the draft Lismore LEP for a number of reasons. Firstly, the subject environmental protection and rural zonings in the draft LEP are based on sound background information. For example the subject environmental protection zoning was based on vegetation mapping. However, the proposed zone boundaries may require some corrections in response to community consultation given there were limited resources available in their development. That is why the exhibition phase is an integral step in the process before the LEP is finalised.

Notice of Motion

Secondly, the Department of Planning (DOP) provided Council with a certificate to exhibit the draft LEP. In simple terms this is a quality control step from an external body and they would not have provided Council with this certificate if the draft LEP was 'significantly flawed' in the matters outlined in the NOM. Thirdly, the consultation process currently being undertaken has met statutory minimum requirements and has gone beyond that in several ways e.g. sending individual letters to affected landowners and holding rural information sessions. The comments on the other related NOM cover consultation in more detail.

There is no need to withdraw the LEP as changes can be made by Council following consultation and consideration of submissions by residents. It is also important to note that if the LEP is withdrawn, it will need to be referred back to the Department of Planning for another exhibition certificate, which would add significantly to the LEP adoption timeline and impact adversely on land owners of urban release areas.

Other than the above some other context considerations Council should bear in mind with the proposed environmental protection and rural zoning in the draft LEP:

- a) Decisions around zoning involve a balance between private property rights and the broader community interest to protect high value environmental and landscape areas.
- b) The proposed environmental protection zones (E2 and 3) only involve approximately 2.2% of the total local government area and not all of this is farming land.
- c) Irrespective of the proposed zoning changes current farming enterprises are largely unaffected. It is only when a development needs Council approval that the new zoning provisions and objectives apply.

The Strategic Planning Coordinator will comment on the individual dot points raised in the NOM.

Strategic Planning Coordinator

1. This is not correct. The Department of Planning and the Department of Industry and Investment's recommendations were followed. Further, the Department of Planning certified the draft LEP to be released for public consultation. A condition of the certification was that the draft LEP had to be consistent with all state government directions in relation to rural lands. The draft LEP is currently being reviewed by all state government departments. Any comments received about the draft LEP from government departments will be reported to Council and if any amendments are required, these will be made accordingly.
2. LCC commenced consultation on the draft LEP on 29 April 2010. Letters were sent to all land owners in the City whose zone was proposed to change significantly. Council has also advertised in the Echo and the Northern Star and placed articles in local village newspapers. Council wrote to all farming interest groups offering to provide briefings about the draft LEP. Not one of these groups has responded. Council has provided a special briefing to planning consultants and these consultants have clients who are rural land holders. Council staff have also been available at the Wyrallah Hall, Dunoon Hall, Clunes Hall and Nimbin Hall to answer questions specific to individual's properties. A presentation specific to the McLeans Ridges area was also made at the McLeans Ridges Hall. An article will appear in the July edition of the Rural Weekly about the draft LEP (it was unable to be included in the June edition due to other commitments in the Rural Weekly). Staff have also personally offered to attend and talk to any meeting organised by rural groups of land owners about specific issues, in particular the concern about the environmental protection zone. This offer has not been taken up.

3. There are a range of different maps connected to the draft LEP. Some of these are in a format on which it can be difficult to locate detail. With respect to individual properties people can use the interactive mapping on Council's website to locate their own property and determine the zoning and other relevant aspects. A number of people have contacted Council with requests for maps - usually where they are not familiar with mapping systems - and in these cases, hard copies of the maps are sent out. Real examples of where the flood prone maps are inaccurate are needed before a comment can be made. The flood prone maps are based on flood modelling. It is also noted that Richmond River County Council released updated flood modelling for the south of the City and these will be incorporated into the draft LEP. The boundaries of the RU1 zone are based on composite map of:

- State & regionally significant farmland;
- Land with low constraints to cropping & grazing – Soil & Landscape Constraint Map;
- Class 2 & 3 agricultural land – Agriculture Classification Map (DPI);
- Horticulture & private forestry identified on vegetation mapping; and
- Council approved quarries.

Class 2, 3 and 4 agricultural land is included in the RU1 Primary Production zone or the RU2 Rural Landscape zone. Having said that, once state government departments have reviewed the proposed RU1 and RU2 boundaries in the draft LEP, in particular the Department of Industry and Investment, the appropriateness of the boundaries of the RU1 and the RU2 zones can be reviewed. A recent meeting with staff from the Department of Industry & Investment indicated that some Class 4 land could be included in the RU1 zone. Having said that, it is important to remember that it is the zones that determine the use to which the land can be put and in terms of the permissibility of agricultural uses, there is NO difference between the two zones.

4. Land use zones apply to all land owners in the City and affect how all land owners use their land. Sometimes land owners do not agree with the controls that apply to their land. Council is listening to the views of all residents about the appropriate level of controls that should be placed on development across the whole of the City area.

(ED10/12969:EF09/631)

Notice of Motion

Cr Graham Meineke has given notice of intention to move:

Council extends the exhibition period of the Lismore Local Environmental Plan (LEP) 2010 by a minimum of two months.

Councillor Comment

I have received a number of queries about the impact of the LEP 2010 on the rural areas in particular. It is apparent from these queries and from the meeting of rural land owners held on 29 June 2010 that the implications are not well understood. This in turn does not allow considered submissions to be made. The exhibition period is due to conclude on 29 July 2010 but needs to be extended to enable the impacts of the LEP 2010 to be digested and appropriate submissions to be made.

Staff Comment

Executive Director – Sustainable Development

The Council's consideration of this Notice of Motion (NOM) should balance the need for more time to make submissions against the impact of extending the exhibition period on landowners waiting for changes in the draft LEP e.g. landowners of new land release areas. It should also be noted that the Council's draft LEP consultation program is quite extensive. Council has sent letters to affected landowners, held rural information sessions and will hold workshops for submitters to present their submissions.

The current consultation period for the draft LEP closes on the 29 July 2010 (a three month period), thus a one month extension to the exhibition period will result in submissions closing on Monday, 30 August 2010. This would provide a reasonable balance between the need for additional time to make submissions and the needs of other landowners to not delay the process.

A minimum two month extension to the exhibition period as per the NOM is not supported (being a five month exhibition period). There are three reasons for this:

1. The most important reason is that other landowners are waiting for the draft LEP to progress e.g. the landowners for the new land release areas within the City. Progress of the draft LEP in this case is of citywide benefit in terms of allowing the timely release of new land for housing.
2. A one month extension will provide six weeks to prepare a submission to Council which is ample time to research and document a case on behalf of any landowner or group of owners.
3. A two month extension will push Council's planned timeline beyond the preferred original target of December 2010. Rolling though the holiday season into 2011 is an undesirable impact.

(ED10/12967:EF09/631)

Notice of Motion

Cr Simon Clough has given notice of intention to move:

That:

1. Council writes to the Minister for Climate Change and the Environment, the Premier and the Treasurer, the equivalent members of the opposition and local member expressing Council's deep concern that only 58% of the State Government Waste Levy on Councils is now being returned to Councils to use in waste and sustainability programs, including initiatives aimed at reducing waste going to landfill.
2. The Mayor is also requested to raise this issue with NOROC for it to take similar action.

Councillor Comment

This levy was introduced in the early 90s to reduce the amount of waste going to landfill. However subsequent reviews have shown little impact on the amount of landfill. There is an increasing proportion going to the State Treasury. In 2008/9 72% of the levy collected by Councils was returned for landfill reduction programs. This financial year around 58% of the levy is going to such programs.

This "tax grab" by the state has a particularly adverse effect on rural and regional Councils which are often located far from recycling depots.

Staff Comment

Manager Commercial Services

The levy was introduced to non greater metropolitan Councils (i.e. north and south coast) in 2009/10 after being used in the Sydney area for many years. There is some evidence that diversion rates have increased during that period but as to whether it is due to the levy or not is open to debate. Waste to landfill has not changed significantly because of large increases in waste generation rates.

If nothing else the increased cost to dispose of waste to landfill, due largely to the levy, is driving an increase in interest into alternative waste treatment technologies. These will at some stage reduce waste going to landfill.

The DECCW claim that 70% is returned to communities and they keep 30% to run their organisation. Notably if this is the case it does not come back to Councils through waste grants for the purpose of waste and sustainability issues.

In 2009/10 Lismore paid \$255,000 in levy payments and received \$92,000 in rebates - 36%. The rebates were applied to purchase a polystyrene processing machine, an oil filter crusher and establish additional public place recycling points.

In 2010/11 Lismore will pay around \$500,000 in levy payments and receive back around \$160,000 in rebates - 32%. To achieve this rebate we will have to qualify by meeting certain targets dictated by the DECCW. One of these is the undertaking of a full waste audit as per DECCW guidelines. This will cost \$80 to \$90,000 thus using up half of the rebate to provide DECCW with waste stream data they are seeking. The remaining rebate is earmarked to contribute towards waste sorting equipment to directly reduce waste to landfill.

Notice of Motion

In 2011/12 the Lismore's rebate is believed to be reducing to \$80,000 under the guidelines and this will be the norm going forward. Lismore's levy contribution will increase to \$750,000; \$1 million; \$1.3 million etc until in 2016/17 if current landfill volumes are not reduced we will be paying \$2 million per year.

(ED10/12988/EF09/631)

Notice of Motion

Cr Simon Clough has given notice of intention to move:

That Council prepare a briefing on Peak Oil and its impact on Council and the wider community.

Councillor Comment

As a consequence of this workshop it is anticipated that Council will prepare a Peak Oil strategy to reduce the impact on Council and the wider community from the consequences of increasing oil scarcity.

Peak Oil describes the period of maximum global oil production. Beyond this oil production peak, the world experiences continuing declines in the quantity of oil produced each year and consequent increases in price.

The CSIRO predicts that petrol will be approximately \$8 a litre by 2018. The impacts of this price level on Council's operations will be profound. Waste management, fleet management, customer service, road and infrastructure management, communications and technology will all be adversely affected. Some of these impacts will be directly on the safety and wellbeing of our ratepayers.

There will also be significant impacts on the safety, health and wellbeing of our wider community. The economic impacts alone especially on disadvantaged people will be considerable. Many Local Government Authorities are already preparing to mitigate the impacts of peak oil, they include: Coffs Harbour City Council, Sunshine Coast Council, Maribyrnong City Council, Leichhardt and Marrickville Councils.

Staff Comment

Manager Integrated Planning

'Peak oil' is the term commonly used to describe the situation reached when global oil production plateaus and starts to decline relative to global demand for oil. This simple supply and demand concept belies the complex mix of environmental, social, political, economic and technological factors which conspire to create a complex debate characterised by widely diverging opinions. Clearly oil is a finite resource which has influenced contemporary human development across activities as diverse as urban settlement through to fashion. Decline in the availability of this resource may have an equally profound effect.

Council is in the business of planning for and managing the sustainable development of the Lismore community and its environments. It is therefore appropriate that Council has a briefing on this subject to better understand the response options available to Council. Integrated Planning can facilitate this briefing for Council in the later half of this year.

(ED10/12989:EF09/631)

Reports



Report

Subject	DA2010/176 - Use of premises as Convenience Store - 81 Woodlark Street, Lismore
TRIM Record No	BP10/166:DA10/176
Prepared by	Development Assessment Officer (Planning)
Reason	Development application determination
Community Strategic Plan Link	Provide Sustainable Land-use Planning

Overview of Report

A development application has been lodged with Council for the proposed use of existing premises at 81 Woodlark Street for use as a convenience store. The application originally proposed 24 hour trading, but has since been amended to alter trading hours to 5am to 12 midnight daily. The application has been called up to Council by two Councillors for determination in accordance with Council policy.

Background

The development site is at 81 Woodlark Street, Lismore, Lot 2 SP 20122. The site is an existing commercial building in the Lismore CBD. The development application was notified and advertised in accordance with Lismore Development Control Plan Part A Chapter 10 – Notification and Advertising of DAs.

The proposed hours of operation were originally submitted as 24 hour trading, however, following the receipt of a submissions and further discussion with Council staff the application was modified on 2 June 2010 to alter trading hours to 5am to 12 midnight daily.

On 29 May 2010 and 2 June 2010 requests by two Councillors were received in writing to the General Manager that the application is to be submitted to Council for consideration and determination, the matter is now reported to Council in accordance with Council policy.

Description of Proposal

The application proposes the land use of 81 Woodlark Street, Lismore as a “shop”. *Shop* means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a purpose elsewhere specifically defined in this Schedule.

The shop proposes to sell convenience goods as well as takeaway food in the form of pizzas made to order and other hot foods on display in a warming oven. The proposed trading hours are 5am to 12 midnight daily.



Map 1 - Locality Plan shows subject site and the town planning zones.

Relevant Statutory Controls

- Lismore LEP 2000:
 - Zoning – 3(a) Business
 - Item of Heritage – No
 - In vicinity of Heritage Item – Yes – Lismore Uniting church, corner Woodlark & Keen Streets
 - Conservation Area – No
- Draft Lismore LEP 2010 – Proposed zone B3 Commercial Core “Retail Premises” Permitted with consent
- S94 Contributions Plan – Nil
- Environmental Planning & Assessment Act 1979
- Local Development.

Relevant Policy Controls

- Lismore DCP
- Fire Safety of Buildings.

Description of Site/Locality

The shop forms part of an existing building in the Central Business District of Lismore and is surrounded by existing buildings with businesses comprising hotels, refreshment rooms, commercial premises and shops.

Relevant Development History

There are no recent development applications applying to the subject land.

Internal Referrals

Building

No objections have been raised to the proposed use and fit-out of the premises in relation to the provisions of the Building Code of Australia.

Environmental Health

There are no residential dwellings in close proximity to the development. A condition has been imposed to protect nearby businesses from unreasonable amenity impact. This development is located on land which is not identified on councils contaminated land database as contaminated. With due consideration to this information, the provisions of the contaminated land policy are not triggered and further investigation into land contamination is not required. Conditions which specify compliance with appropriate food legislation and also specific issues relating to the construction of the premises are recommended.

Water and Sewer

A Trade Waste Application has been dealt with separately and approved by Council. A note relating to discharging prohibited substances into Council's sewerage system is recommended.

Social Planner

The development poses no additional risks to the community.

External Referrals

NSW Police

NSW Police carried out an assessment in accordance with Crime Prevention through Environmental Design guidelines. NSW Police have recommended that operating hours be limited to 12 midnight. Other recommendations made by NSW Police relate to the following:

- ATM installation to comply with NSW Police Guidelines
- Safe storage areas for staff personal items on site
- Surveillance at the premises
- Access Control
- Territorial Reinforcement.

Notification/ Submissions

The application was lodged on 11 May 2010 and was placed on public exhibition from 20 May 2010 to 4 June 2010. Two submissions were received and are summarised below:

Name	Issues raised
Mr Bob McKenzie Snr	<ul style="list-style-type: none"> • No objection to the development or the fact they want to trade 24 hours • Council must have a consistent policy on trading hours • A business at 75 Keen was refused extended trading hours and eventually closed because of this restriction • A matter of great concern from the business sector

Name	Issues raised
Mr Robert Bou-Hamdan	<ul style="list-style-type: none"> • Objection to any trading after midnight • Council to enforce this following clear indication it is current LCC policy • Situation in the CBD between Police and traders • McDonald's / Hungry Jack's fiasco • Any "after midnight approval" will open Council up to a civil action from a previous business operator • Provide Mr Bou-Hamdan grounds for further action following harassment by Police trying to enforce a midnight closing time that does not apply to his business • Purpose of restriction is to reduce the number of people 'hanging around' late at night and in accordance with Lismore City Liquor Accord policy of 12.30am lockout

Consideration

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* are assessed under the following headings:

Lismore LEP 2000

Permissibility within the zone:

The proposed development is permissible as a shop with consent within the 3(a) Business zone under the provisions of the Lismore LEP 2000.

1. Development affecting places or sites of known or potential Aboriginal heritage significance or potential archaeological sites of relics of non-Aboriginal heritage significance (cl 16 & 17)

The proposed development is not considered to have effect on potential archaeology or relics due to the nature of works proposed.

2. Development on flood affected land (cl 22)

The premises are located in the designated Flood Fringe Area and CBD Flood Liable area in Lismore Development Control Plan Part A Chapter 8 – Flood Prone Lands. The existing building has a mezzanine storage area equivalent to not less than 25% of the floor area of the building above the adopted standard flood level of 12.4m (AHD). Appropriate conditions relating to flooding will be imposed on the consent.

3. Development for the purpose of advertisements (cl 24)

The proposed signage is considered to be appropriate and following consideration of the matters in clause 24(3) of the LEP, the proposed signage is recommended for approval.

4. Development along main roads (cl 25)

The proposed development is not considered likely to result in any adverse impact on the safety and efficiency of Woodlark Street.

Zone objectives and zoning control tables

Having regard to the provisions of Lismore LEP 2000, it is considered that:

- (a) The development is in accordance with and promotes the specific aims of this plan, the objectives of the zone and the objectives of the controls, and
- (b) The development, in particular, is in accordance with and promotes the character of the neighbourhood within which the development is carried out.

As such, consent to the development may be granted.

Draft LEP 2010

The proposed use of the premises is permissible and consistent with the provisions in the draft LEP 2010.

North Coast REP

The proposed shop is consistent and complies with the provisions of the North Coast REP.

Lismore Development Control Plan

The application has been assessed against the relevant controls in Lismore DCP as indicated in the following compliance table. Additional more detailed comments with regard to the major issues are provided after the table.

1. Lismore DCP Compliance Table

<u>LISMORE DEVELOPMENT CONTROL PLAN</u>		
	Complies	Comments
Chapter 7 – Off Street Parking		
7.7.3 Requirements within the Lismore CBD	Yes	There are no car parking requirements for the change of use in an existing building. There is a loading zone directly out the front of the subject premises.
Chapter 9 – Outdoor advertising structures		
9.4 Development Control Table	Yes	Proposed awning sign (below), window sign (ground floor only) and wall sign (not exceeding an area equivalent to 10% of the area of the wall) are permissible without development consent in the 3(a) Business zone
Chapter 13 – Crime prevention through environmental design		
13.3 Surveillance – Lighting	Yes	External lighting to the threshold of the entire shopfront and rear access doors to be to a minimum of 160 Lux
13.4 Access Control and Target Hardening	Yes	The auto access doors are an S.C.E.C. approved area operator with Failsafe Electronic Lock, pass through facilities for afterhours access (control switching fitted to the console for operator control) and Late night 'customer alert buzzer'. This door specification allows full control of the Access through the auto door by the service counter operator
13.5 Territorial Reinforcement	Yes	All staff areas of the stores are fitted with security doors, solid core to office and storeroom areas and aluminium framed toughened glass to the Service Counter areas. All secure area doors are fitted with digital security locks for restricted access. Rear access doors are fitted with solid core doors, anti tamper locking plates and peep holes and alarm breach sensors and buzzers
13.6 Defensive Space	Yes	Fit-out of premises to be undertaken

LISMORE DEVELOPMENT CONTROL PLAN**Chapter 13 – Crime prevention through environmental design**

CPTED Guidelines for Development Assessment – Commercial	Yes	Design and security measures: <ul style="list-style-type: none"> • maximize casual surveillance • entrance and exit points are clearly visible from the street • entrance and exit points are safe and amenable
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Chapter 13 – Crime Prevention through Environmental Design

In addition to adequately addressing each of the above issues the applicant has provided extensive information relating to Night Owl Security. The information includes details on CCTV internal and external; fixture and design features; staff training; security policies; panic switching and duress pendants; ATM.

The application meets the requirements of this Chapter and *Crime Prevention through Environmental Design guidelines* (CPTED). A CPTED assessment was also conducted by NSW Police.

Section 94 Contributions Plan

There are no contributions applicable to the proposal.

Applicable Regulations

Clause 93 Fire safety and other considerations and Clause 94 Consent authority may require upgrading of buildings were considered in the assessment of the proposal. It is considered that fire safety upgrading of the subject building is not required at this time.

Amenity

The proposed shop is considered not to result in any adverse amenity impacts to any adjoining premises.

Roads Act Approvals

No approvals under Roads Act apply to the proposed shop.

Local Government Act Approvals

No approvals under the Local Government Act apply to the proposed shop.

All Likely Impacts of the Development

All likely impacts of the proposed development have been considered within the context of this report.

Environmental Appraisal

	CONSIDERED
1. Statutory Controls	YES
2. Policy Controls	YES
3. Design in relation to existing building and natural environment	YES
4. Landscaping/Open Space Provision	YES
5. Traffic generation and Carparking provision	YES
6. Loading and Servicing facilities	YES
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES

8.	Site Management Issues	YES
9.	ESD Principles & Climate Change	YES
10	All relevant S79C considerations of Environmental Planning and Assessment Act 1979	YES

Sustainability Assessment

Economic

The proposed use of these premises will create employment opportunities and will contribute positively to the local economy.

Social

The proposed use will increase access to goods and services beyond the hours of other larger shops and will contribute positively in this regard. Potential for anti social behaviour in this locality will be managed by active and passive measures consistent with existing practices in the Lismore CBD.

Environmental

There will be no adverse impacts on environmental sustainability arising from the proposed use of the existing premises.

Comments

Finance

There are no financial implications to Council other than the ongoing application of fees and charges associated with the use of the premises.

Other staff comments

Nil.

Public consultation

A total of two submissions were received, one specifically objecting to the development. The issues raised in submissions are addressed as follows:

- (a) *No objection to the development or the fact they want to trade 24 hours, however, Council must have a consistent policy on trading hours and a matter of great concern from the business sector.*
Comment: The proposal has altered its trading hours prior to determination to 5am to 12 midnight. Consistency of policy is a separate matter for discussion by Council.
- (b) *A business at 75 Keen Street was refused extended trading hours and eventually closed because of this restriction*
Comment: Differing land uses are dealt with dependent on the use and the merits of each individual application. Council is unable to comment whether the business at 75 Keen Street closed due to the limit on trading hours or other economic reasons.
- (c) *Objects to any trading after midnight and expects this to be enforced by Council, following a clear indication it is current LCC policy*
Comment: Council does not have a policy relating to trading hours in the CBD. Trading after midnight is considered with *Crime Prevention through Environmental Design guidelines* and in consultation with NSW Police. Each individual application is assessed on its merits in the interests of public safety.

- (d) *Situation in the CBD between Police and traders*
Comment: The situation in the CBD with business owner/s and Police is not relevant to the application being determined and should be resolved through a different forum
- (e) *McDonalds / Hungry Jack's fiasco*
Comment: McDonalds have approval for twenty four hour trading for a twelve month trial period to serve customers at their drive through facility only. Extensive conditions on development consent were imposed relating specifically to noise, crime prevention and safety of staff and patrons. Hungry Jack's has a consent dating back to 1992 and this is an enforcement matter that is currently being followed up by Council staff.
- (f) *Any "after midnight approval" will open Council up to a civil action from a previous business operator*
Comment: Any civil action relating to trading hours is a separate issue to approval of a Night Owl Convenience Store and each application is assessed on its own merits against the relevant planning controls that apply.
- (g) *Approval of this application will provide grounds for further action by Mr Bou-Hamdani, following harassment by Police trying to enforce a midnight closing time that does not apply to his business*
Comment: Any action or dispute between Mr Bou-Hamdani and NSW Police is a separate issue to be dealt with between the two parties.
- (h) *The purpose of the midnight restriction is to reduce the number of people 'hanging around' late at night and in accordance with Lismore City Liquor Accord policy of 12.30am lockout*
Comment: No information has been requested relating to Lismore City Liquor Accord as it has no relevance to the application for a convenience shop at 81 Woodlark Street.

Many of the issues raised above could be addressed in part by the adoption of DCP provisions that provide guidance to intending applicants on preferred hours of operation, and making it clear that applications outside of those hours require justification on certain merit criteria, and advice that may not be considerably favourably by Council.

Conclusion

The application for a Night Owl Convenience Store at 81 Woodlark Street, Lismore is considered to be in the public interest and should be granted development consent subject to the imposition of appropriate conditions on consent.

Attachment/s

1. Proposed plans for development.

Recommendation

That Council, as the consent authority, grant consent to Development Application No. 2009/450 subject to the following conditions:

STANDARD

- 1 In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plan(s) No. 1882 (Sheets 1-11) prepared by Food Strategy and/or supporting documents submitted with the application. A

copy/copies of the approved plan is/are attached to this consent.

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

HOURS OF OPERATION

2 Operating hours shall be between 5 am to 12 midnight, all days.

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

BUILDING

3 Provide an on-site sign, in prominent visible position during construction, 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.*

4 Before work is commenced Council must be informed in writing of the name and accreditation number of the Principal Certifying Authority who has been appointed to do the work.

Reason: *Required by Section 113 of the Local Government Act.*

5 Glazing to doors and windows must comply with AS 1288-2006 "Glass in Buildings". For external glazing the design wind speed must be provided to the glazier.

Reason: *To ensure compliance with glazing and wind loading standards.*

6 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.*

7 All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10, Building Code of Australia.

Reason: *Required by Clause C1.10 of the Building Code of Australia.*

8 The space beneath non-fire isolated stairways when enclosed must have walls and ceilings of a minimum fire resistance level of 60/60/60 and have a self-closing access door having a fire resistance level of not less than -/60/30.

Reason: *Required by Clause D2.8 of the Building Code of Australia.*

9 The mechanical ventilation system must comply with AS1668.2-2002 "Mechanical Ventilation for Acceptable Indoor Air Quality". Full details from the mechanical services engineer must be submitted to the Principal Certifying Authority for approval together with a certificate stating that the whole system complies with the relevant standards, and the provision of the required air changes.

Reason: *Required by Clause F4.5 of the Building Code of Australia.*

10 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.*

AMENITY

11 The construction activity shall not unreasonable impact upon the neighbouring residences by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

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

ASBESTOS REMOVAL

- 12 The existing building may have materials which contain asbestos. Any material that is scheduled for removal or disturbance that may contain asbestos must be demolished, and be disposed of, strictly in accordance with NSW Workcover Guidelines and contemporary environmental practice. Copies of Workcover Guidelines can be obtained by contacting the Workcover Assistance Service on 131050 or visit www.workcover.nsw.gov.au and download a copy of the publication.

Reason: *To ensure the safe and proper management of asbestos products.*

FOOD PREMISES

- 13 The premises fit out and operations shall comply with AS 4674 – 2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003, the Australia and New Zealand Food Standards Code and associated legislation.

Reason: *To comply with the relevant legislative requirements and to ensure public health and safety.*

- 14 The wall shall be smooth, impervious and free of gaps, cracks and crevices and be capable of being easily cleaned.

Reason: *To meet the requirements of AS 4674 – 2004 Design, Construction and Fit-out of Food Premises.*

- 15 Coving (25mm radius) shall be installed to a minimum wall height of 75mm (within the food preparation/counter area) at the intersections of floors with walls/plinths and shall be integral to the surface finish of both the floor and wall in such a manner as to form a continuous uninterrupted surface. A solid preformed coving fillet shall be used to support sheeting or similar material.

Reason: *To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises.*

- 16 Splash backs behind fixed bench tops, sinks and hand basins shall be a minimum height of 400mm above the top of bench, sink or hand basin and from the centre of the bench, sink or hand basin to a distance of 150mm beyond each side of the wash basin.

Reason: *To ensure that suitable impervious materials is provided for the splash back and is of effective size.*

- 17 Equipment benches/refrigerators etc shall be installed so that either a complete seal is made between the sides of adjoining equipment, floor coving, and the wall to eliminate any open joint, space, crevice or cavity. Alternatively the equipment shall be installed with adequate clearance away from neighbouring equipment, floors and walls or shall be on wheels/castors to be easily moved to allow for cleaning.

Reason: *To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.*

- 18 All equipment, benches, refrigerators and freezers must be on wheels or stands at least 150mm off the floor.

Reason: *To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.*

- 19 Shelving shall be installed with a 25mm clearance from the wall or alternatively be sealed to the wall.

Reason: *To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.*

20 All service pipes shall be installed a minimum 25mm clearance from walls.

Reason: *To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.*

21 A cleaners sink, appropriate floor waste, or easy access to a similar facility connected to drainage that is not intended to prepare food, wash any equipment or for hand washing shall be provided for the disposal of wastewater (mop water).

Reason: *To comply with the requirements of AS 4674 – 2004 Design, Construction and Fit-out of Food Premises.*

22 **Prior to operation** and at the completion of works an inspection by the Public Health Officer is required.

Reason: *To assess compliance with AS 4674 – 2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003, the Food Standards Code and associated legislation.*

23 **Prior to operation**, the food business must be registered with Lismore City Council.

Reason: *To comply with NSW statutory requirements.*

CRIME PREVENTION

24 Glass doors and all windows shall be free of any promotional material or hazard that may reduce the line of sight for service counter operators to view incoming customers and/or suspicious activity occurring outside the premises.

Reason: *To ensure compliance with Crime Prevention through Environmental Design principles (EPA Act Sec 79C)*

25 Automatic closing switches for front doors should be accessible to service counter operators in the case of an emergency.

Reason: *To ensure compliance with Crime Prevention through Environmental Design principles (EPA Act Sec 79C)*

26 Internal CCTV shall be implemented in accordance with Night Owl Submission: Site Security and Safety. Internal CCTV shall also be positioned at eye level to the ATM facing any users.

Reason: *To ensure compliance with Crime Prevention through Environmental Design principles (EPA Act Sec 79C)*

27 The ATM should be securely fixed to a specifically designed anchoring system or concrete base. Details of the anchoring system are to be approved **prior to the issue of an Occupation Certificate**.

Reason: *To ensure compliance with Crime Prevention through Environmental Design principles (EPA Act Sec 79C)*

28 Access control shall be used on all access doors to non public areas. Designated employee areas shall be clearly marked on all doors.

Reason: *To ensure compliance with Crime Prevention through Environmental Design principles (EPA Act Sec 79C)*

- 29 Duress alarms shall be placed conveniently near service counter operator areas and money counting rooms and checked for operational competence on a regular basis. Staff education on use of the alarms is to be carried out at induction of all employees.

Reason: *To ensure compliance with Crime Prevention through Environmental Design principles (EPA Act Sec 79C)*

FLOODING

- 30 Secure storage facilities shall be provided above the adopted standard flood level of 12.4 m (AHD) shall be equivalent to not less than 25% of the floor area of the shop that is subject to flooding. Such space shall accommodate goods or fittings that are not flood compatible. The nominated space 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 Principal 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))*

- 31 All materials used in the building, fixtures and power outlets below the adopted standard flood level of 12.4 m (AHD), shall be flood compatible.

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

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

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

SIGNAGE

- 33 No approval for signage is granted under this consent. The provision of an awning sign (below with a minimum clearance of 2.4m above footpath level, window sign (ground floor only) and wall sign (not exceeding an area equivalent to 10% of the area of the wall) may be undertaken in accordance with Council's Outdoor Advertising Structures DCP Chapter 9.

Reason: *To clarify the terms of this consent and provide certainty in relation to signage.*

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Mitochondra Q. 4083				
C/- THE HILL				
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Evaggora Q. 4051				
ABN 56 916 015 663				

NIGHTOWL, LISMORE, NSW CLIENT REF ID: 001 SERIAL: 001	DATE: 15-04-10 TIME: 11:11 USER: R/JC IP: 192.168.1.1	ALL DIMENSIONS & SITE SPECIFIC DETAILS TO BE CONFIRMED ON SITE © 2010 FOOD STRATEGY ARCHITECTURAL DESIGN PTY LTD
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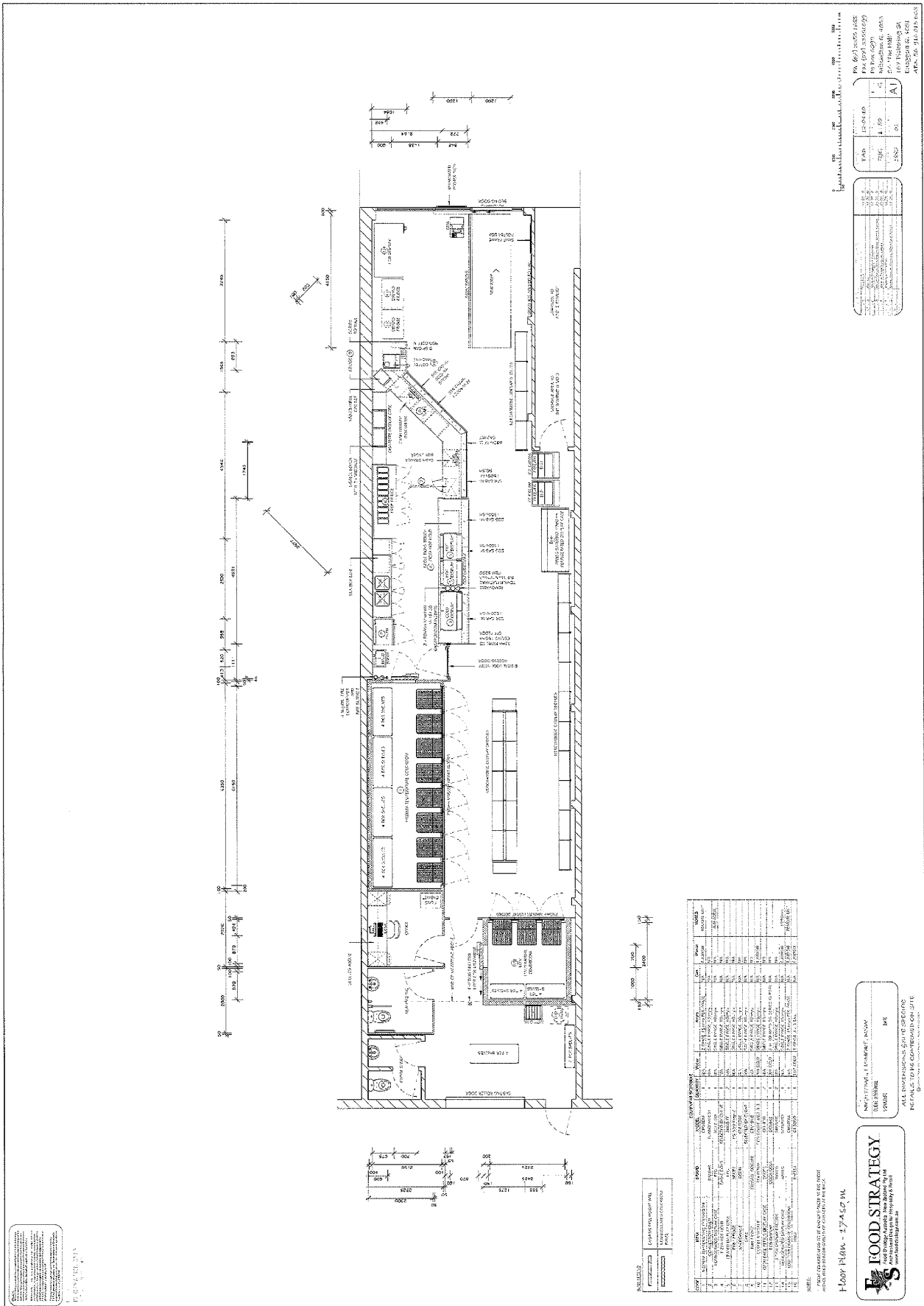
Whole Store Perspectives

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Report

Subject	Regional and Local Community Infrastructure Program
TRIM Record No	BP10/168:EF09/712
Prepared by	Manager - Assets
Reason	To advise Council of a new round of funding under the Regional and Local Community Infrastructure Program and nominate projects for consideration.
Community Strategic Plan Link	Enhance Lismore as a Regional Centre

Overview of Report

This report outlines a further round of funding from the Federal Government under the Regional and Local Community Infrastructure Program. A number of projects are identified in priority order to be nominated for funding under the program.

Background

The Federal Government has implemented the Regional and Local Community Infrastructure Program (RLCIP) as part of its economic stimulus package. A further round of funding was announced on 18 June 2010. This round of funding is non-competitive with each council in Australia to receive a guaranteed amount of \$450,000 based on a set formula.

Applications for funding open on 5 July 2010 and close on 30 July 2010. All projects must be completed by 31 December 2011. The funding guidelines require that projects which are already in a Council's budget for 2010/2011 cannot be funded and roadworks projects are not eligible for funding. Projects must physically commence within six months of signing a funding agreement and be completed by 31 December 2011.

Given these constraints staff have examined the Delivery Plan, projects considered but not included in the Delivery Plan and other projects which were considered but not funded in the 2010/11 budget process to establish a list of potential projects for consideration. The list of potential projects is included as an attachment to this report.

As part of the 2010/11 budget process, Council identified several projects which were unfunded but will be considered as the first options should additional funds become available during the year. These included the removal of asbestos from the ceiling space at the Lismore City Hall. The Manager-Finance has recently been advised that Council is to receive additional funding as part of its annual financial assistance grants and is preparing a separate report to Council on this matter. This work is proposed to be funded from that source and therefore was not considered for inclusion in this program.

Other projects which are identified in Council's Delivery Plan but were not included in the shortlist are the provision of the lift in the old Council Chambers for the Richmond River Historical Society, and the Riverbank Project.

The lift project is costed at \$534,000 and Council would need to provide additional funds for the project to proceed. The project is listed in the Delivery Plan and funded for the 2012/13 financial year.

Council is not currently in a position to provide the additional funding and as such the project has not been considered for inclusion in this program.

The Riverbank Project is also listed in the Delivery Plan but is dependent on the provision of additional funding through grant programs. Whilst the project would seem suited to this funding program, there has not been any detailed development of further stages of the project. This work would need to be undertaken including detailed design and consultation with stakeholders. The timelines for the project may not allow this to be completed. Further, project management costs cannot be funded from the grant program and Council would need to provide these costs from its recurrent budget. Given the work required to prepare designs, undertake consultation and gain the necessary approvals e.g. DA for the work, this cost would be significant and Council does not have funding available to meet these costs at this time.

Recommended Projects

1. The refurbishment of the dance studio at the Lismore City Hall was considered as part of the 2010/11 budget process but not funded. It includes the removal of the vermiculite ceiling which contains asbestos (this is a separate matter to removal of the asbestos in the main ceiling space of the building), replacement of the dance floor and air conditioning systems and repainting of the space. Some ancillary works would also be undertaken to allow use of the space for small performances. This would include the provision of a temporary protective floor covering (carpet to be placed where chairs are sited), for the dance floor to be rolled out and used when performances were programmed, curtains for the small stage and possibly a small sound system. NORPA has indicated that it may be in a position to contribute a small amount of funding to the project via other grant programs available to them. At the time of writing this report NORPA was investigating these opportunities.
2. The refurbishment of facilities and amenities at Oakes Oval would enhance the Gordon Pavilion as a usable space for sporting groups, the general public, private functions etc. The facilities are currently very old and in need of an update to meet current regulations. In particular the project to undertake works at the Gordon Pavilion may be assessed as not meeting the program guidelines. The guidelines specifically prohibit the building of toilet blocks, however this is only part of the refurbishment of the amenities which contribute to the overall Oakes Oval facility and may be acceptable.
3. The project to provide an access ramp at the rear of the Lismore downtown library would allow easier access to the building for those less mobile people that park in the carpark at the rear of the building. Currently, those people requiring the use of a ramp must park at the rear of the building and then come around to the front of the building to gain access.

Back Up Projects

The attached list includes several projects which are essentially back-up projects. The funding guidelines require Council to nominate projects in a priority order. If the government assesses a project as not meeting the funding guidelines, others are then considered.

1. The further development of Nesbitt Park is self explanatory and would implement the next stage in accordance with the master plan developed by Council. Completion of the jogging track, car park and some ancillary park furniture and signage is proposed as the next stage.
2. Stage two of the lighting of the western carpark (using solar lighting) at Nimbin is included in the Delivery Plan for 2012/13. Some additional lighting is proposed in Sibley Street and Cullen Street to improve the general level of street lighting and pedestrian safety at the main pedestrian crossing in the village.

3. The rehabilitation of Peace Park after removal of the existing metal skate structure is a project that Council may need to fund once the Nimbin Community Centre removes the structure. The project includes allowance for removal of concrete footings in the ground, reshaping of the ground, laying of turf, some landscaping and installation of park furniture e.g. seats, picnic tables. In order for this project to proceed, Council would require a firm commitment from NCCI to have the steel structure removed by the end of 2010. This would allow construction to commence and meet the funding guidelines that require construction to commence within six months of signing the funding agreement.

Sustainability Assessment

Economic

One of the key objectives of the RLCIP is to ensure employment opportunities for people involved in the construction industry. Regardless of which projects Council nominates for inclusion in the program, this objective will be met.

In regard to individual projects, the dance studio refurbishment project at the City Hall would make the space more attractive for users and would potentially increase rental income. In particular the works to make the space usable for small scale performances would increase the usage of this space. The area is currently not used for such performances as it does not have the necessary facilities to cater for them.

The refurbishment of the amenities and kitchen in the Gordon Pavilion at Oakes Oval would make the venue more attractive for use as a function centre, potentially leading to increased income from rental of the facility.

Social

The RLCIP has positive social impacts through the creation and retention of jobs. Refurbishment of the dance studio at the City Hall would have a social benefit by improving the amenity for users of the facility. NORPA advises that the creation of a space where small scale performances could be undertaken would meet a need for this type of facility in Lismore and provide opportunities which are currently not available to some performing artists. Removal of the asbestos from the ceiling has a positive social impact in that any concerns about potential exposure are removed. Replacement of the air conditioning unit in the studio (it has completely failed), will ensure the comfort of users during the summer months.

The Oakes Oval project would not have any negative social impacts and would improve the amenity and experience for users of the facility.

Improving access to the library would have positive social impacts through making access easier for people with disabilities, the elderly and less mobile in the community.

Environmental

Removal of the asbestos from the ceiling in the dance studio at the City Hall is a positive environmental outcome. Coupled with the removal of the asbestos from the main ceiling space in the building, this would virtually eliminate asbestos from the building.

The Oakes Oval and Library projects are not considered to have any negative environmental impacts.

Comments

Finance

Council will receive \$450,000 in Regional and Local Community Infrastructure Program - Round 3 (RLCIP) funding for projects that meet the funding guidelines. While the grant funding is most welcomed, the unexpected announcement and grant conditions will result in the need for Council to consider projects beyond what is included in the 2010-2014 Delivery Plan and 2010/11 Operational Plan.

In regards to the nominated projects, only Nesbitt Park – Stage II and Nimbin Solar Lighting (part) are included in the Delivery Plan and future indicative Operational Plan years. As they have a recommended priority of 4 and 5, it is unlikely that they will be funded in this RLCIP round, however, as there is concern about the eligibility of the Oakes Oval project, this may change when the projects are considered and approved by the Department of Infrastructure, Transport, Regional Development and Local Government.

Other staff comments

Manager - Arts, Tourism and Leisure

The nominated projects as listed in priority order are fully supported. Lismore City Hall is a well-used community facility that is in great need of upgrading and refurbishment. The Dance Studio will be able to expand its current use to a more multi-purpose performance space, and thus provide greater community benefit. Oakes Oval is Lismore's premier sporting venue and the facilities are well used by numerous patrons on a weekly basis throughout the year. Upstairs in the Gordon Pavilion the facilities are in need of refurbishment, which when completed, will encourage greater use of the facility for a wide range of sporting, cultural and other activities.

The Lismore City Library is the most visited cultural facility in the Lismore local government area, which currently has disabled access from Magellan Street only. The provision of a ramp at the rear of the building will provide accessible entry to the entire community in addition to improving the appearance and function of the library's entrance.

Public consultation

Not applicable

Conclusion

The RLCIP has a specific set of guidelines that must be met for projects to be considered for funding. Those projects identified in the attachment to the report are considered to be the best fit to these guidelines. Council must nominate a series of projects for consideration and the federal government will assess them against the funding criteria.

It is recommended that the projects identified in priority order in the attachment to the report be nominated by Council for consideration under the RLCIP.

Attachment/s

1. Regional and Local Community Infrastructure Program - Round Three - List of Projects for Consideration

Recommendation

That Council endorse the projects for round three of the Regional and Community Infrastructure Program as outlined in the priority order attached to this report.

Regional and Local Community Infrastructure Program (RLCIP) – Round Three

Projects for Consideration

Priority	Project	Description	Cost	Delivery Plan/Budget	Comments
1	City Hall Dance Studio Refurbishment	Refurbish the Dance Studio including removal of asbestos ceiling, installation of new ceiling, new dance floor, repaint, replace air conditioning.	\$200,000	No	Unfunded project considered in the 2010/11 Budget process. Project would also allow use of the space for small scale performances. Likely that NORPA would contribute a small amount of funding as well.
2	Oakes Oval Gordon Pavilion Amenities Refurbishment	Demolish or partly demolish the existing downstairs toilet block and reconstruct, refurbish the upstairs toilets and kitchen	\$200,000	No	Current downstairs facility experiences regular issues with blockages etc. and is in poor condition. Refurbishment of the upstairs toilets and kitchen would enhance the venue and improve its suitability for functions
3	Library Access Ramp	Provision of an accessible ramp to access the library	\$ 50,000	No	Accessible ramp to the rear entrance.
Total Cost			\$450,000		

Suggested back up projects:

Priority	Project	Description	Cost	Delivery Plan/Budget	Comments
4	Nesbitt Park – Stage Two	Construct carpark, install walking track, signage and additional seating etc.	\$200,000	Yes	Was considered in the Delivery Plan but other projects ranked higher - is subject to the receipt of grant funding. Works proposed could be adjusted to suit funding available.
5	Nimbin Solar Lighting of the Western Carpark and upgrades to the main street	Stage 2 of solar lighting to the western carpark, street lighting of the pedestrian crossing in the main street to meet Australian standards and selective improvements to street lighting in Sibley Street and Cullen Street	\$130,000	2012/13	Lighting of the western carpark stage 2 is included in the Delivery Plan for 2012/13 – other projects are not. Lighting of the pedestrian crossing and street was not considered in the Delivery Plan. <ul style="list-style-type: none"> ▪ Carpark lighting \$100,000 ▪ Pedestrian crossing \$ 13,000 ▪ General street lighting \$ 17,000

6	Peace Park - Nimbin Steel Skate Park Site Rehabilitation	Rehabilitation of the site after NCCI remove the steel skate structure	\$ 80,000	No	Undoubtedly Council will be asked to do this work when the old structure is removed. Would require a firm commitment from NCCI to remove the steel structure by December 2010 such that the construction work could commence in accordance with the terms of the grant funding.
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Report

Subject	Draft Development Control Plan - Water Sensitive Design
TRIM Record No	BP10/149:DA10/176
Prepared by	Strategic Planner
Reason	To advise Council of the preparation of the draft Water Sensitive Design Development Control Plan
Community Strategic Plan Link	Provide Sustainable Land-use Planning

Overview of Report

The aim of this report is to advise of the preparation of Amendment No.9 to Lismore Development Control Plan —Water Sensitive Design. This amendment will introduce a new chapter in the DCP that will set out the requirements for the application of water sensitive design measures for new developments and subdivisions. It is recommended that Council exhibit the draft Water Sensitive Design DCP for a period of 28 days.

Background

At the Council meeting held 14 October 2008 it was resolved that a Water Sensitive Design (WSD) Development Control Plan (DCP) be prepared.

A new chapter of the Development Control Plan has been prepared that introduces the requirement for water sensitive design (WSD) measures to be incorporated into the design of new developments and subdivisions. The DCP sets out objectives for development and WSD performance criteria aimed to reduce potable water consumption, improve water quality and reduce stormwater flows. The focus of the DCP is stormwater management and water supply.

The DCP aims to provide consistent requirements for the application of WSD measures to all new developments and subdivisions. The DCP clearly identifies Council's requirements for WSD and sets the framework for the design and assessment of WSD measures. A copy of the draft WSD DCP is attached to this report.

Recommended DCP Structure

The DCP sets out the WSD performance criteria to be achieved in the design of new developments and subdivisions. The performance criteria consist of potable water consumption, stormwater quality and stormwater quantity targets.

The DCP proposes a performance based approach rather than prescriptive measures to achieve WSD outcomes in new developments and subdivisions. There are a range of measures that may be implemented to achieve the WSD criteria. The performance based approach provides consistent criteria to be achieved; however, the performance based approach provides flexibility in the measures used to achieve the WSD outcomes.

The DCP is structured into two categories, developments and subdivisions. An overview of developments and subdivisions is provided in the following sections of this report.

Developments

The DCP applies to new developments and alterations or additions to existing developments that result in a total impervious area greater than 300m². The DCP applies to all developments, including residential, commercial, industrial, tourist, recreational and car park developments. The DCP does not apply to single dwelling-houses, dual occupancies or developments with an impervious area less than 300m².

The DCP classifies developments as either minor developments or major developments based on the total site area and impervious area of the development.

Minor Developments

Minor developments have a site area less than 2500m² and an impervious area greater than 300m². Minor developments have the option of implementing 'deemed to comply' solutions to demonstrate that the WSD performance criteria have been achieved. The 'deemed to comply' solutions provide WSD measures for applicants to select in order to satisfy the WSD performance criteria. The 'deemed to comply' solutions are supported by technical design guidelines that provide information on the design, construction and maintenance of 'deemed to comply' WSD measures.

Minor developments also have the option to prepare a Water Management Plan if the 'deemed to comply' solutions are not suitable for a particular development. The Water Management Plan must demonstrate how the development satisfies the objectives and WSD performance criteria.

Major Developments

Major developments have a site area greater than 2500m² and an impervious area greater than 300m². Major developments are required to prepare a Water Management Plan that demonstrates how the development satisfies the WSD performance criteria and meets the objectives of the DCP.

Subdivisions

The DCP sets out the requirement for WSD to be incorporated into the design of subdivisions. Subdivisions are required to meet the WSD performance criteria and satisfy the objectives of the DCP. Subdivisions are also required to be designed in accordance with the Northern Rivers Local Government Development and Design Manual. The DCP does not apply to residential subdivisions on existing allotments with a total area less than 2500m², subdivisions where no additional lots are created, strata subdivision and subdivision where no road works or drainage works are required.

The DCP requires residential subdivision to incorporate WSD measures based on an average expected impervious area of 300m² per residential allotment. This is an average impervious figure for residential development adopted from existing stormwater design standards and will provide WSD measures at subdivision stage for a typical mixture of dwelling-houses and dual occupancies. This will result in the WSD performance criteria being satisfied for future dwelling-houses or dual occupancies on individual lots.

Due to the variable nature of commercial and industrial development it is problematic to assume an average developed area for each lot at the subdivision stage. It is therefore proposed that for commercial and industrial subdivisions WSD measures will be provided for roads at the subdivision stage; however, it will be optional as to whether WSD measures for subsequent commercial or industrial development are provided at the subdivision stage or at the time of development of the individual lots. If WSD measures are incorporated at the subdivision stage these WSD measures would be credited towards satisfying the performance criteria for the subsequent commercial or industrial development on the individual lots. If WSD measures are not incorporated at the subdivision stage it will be a requirement for each individual lot to fully satisfy the WSD requirements of the DCP when the lot is developed.

Technical Guidelines for minor development

Technical guidelines have been prepared to provide guidance on the design, construction, establishment and maintenance of the WSD measures listed as 'deemed to comply' solutions in the DCP. The WSD measures covered in the guidelines are bioretention systems, constructed stormwater wetlands and stormwater detention systems.

The 'deemed to comply' solutions are only applicable to minor developments. The information provided in the guidelines is specifically tailored towards relatively small-scale WSD measures. The guidelines should not be used to design larger WSD measures for major developments. Major developments must prepare a WMP that demonstrates how the development satisfies the requirements of the DCP. A copy of the 'Water sensitive design guidelines for minor development' is attached to this report.

Water Management Plan

A Water Management Plan (WMP) must be prepared for major developments and subdivisions to show how the WSD objectives and performance criteria will be satisfied. An outline of the information required in the WMP is provided in Section 22.7 of the DCP. The WMP must demonstrate that the design of the development or subdivision can achieve the performance criteria targets for potable water consumption, storm water quality and storm water quantity.

State Environmental Planning Policy – Building Sustainability Index: BASIX

State Environmental Planning Policy -Building Sustainability Index: BASIX was introduced in 2004 and sets energy and water reduction targets for residential development in NSW. BASIX requires all new residential development, and alterations and additions to residential development with a value of more than \$50,000, to reduce potable water demand by 40%. The installation of rainwater tanks is not mandatory under BASIX; however, installing a rainwater tank is generally the preferred option to achieve the potable water reduction targets for new residential development.

The DCP must be consistent with the BASIX potable water reduction targets and cannot prescribe water reduction targets that exceed the requirements of BASIX for residential development. The DCP requires residential developments to provide a BASIX certificate to satisfy the WSD performance criteria for potable water consumption.

BASIX does not apply to non-residential buildings; therefore, the DCP requires non-residential developments to achieve a 40% reduction in potable water consumption. For minor developments rainwater tanks are provided as a 'deemed to comply' solution; however, the DCP does not make the installation of rainwater tanks obligatory and provides the option of implementing alternative measures to meet the water consumption performance criteria. Typically commercial and industrial premises have varied water needs and rainwater tanks may not be the most effective method to reduce water consumption. However, it is anticipated that the installation of rainwater tanks will be the preferred option to achieve the 40% reduction in potable water consumption.

Sustainability Assessment

Economic

The DCP will introduce a consistent framework for the integration of WSD into new developments and subdivisions. The DCP will provide certainty for applicants in relation to Council's requirements for stormwater management. This will provide opportunities for applicants to determine the economic feasibility of development in the preliminary design phase. The DCP is considered to contribute to the economic sustainability of developments and subdivisions.

Social

The DCP reflects current community expectations in relation to stormwater management. The DCP will not have any negative social impact.

Environmental

Traditional practice for stormwater management involved piped discharge of stormwater away from the site; however, WSD aims to encourage on-site detention, treatment and collection of water to reduce the impact of stormwater on receiving waterways. The DCP will contribute to environmental sustainability by introducing criteria to reduce water consumption, improve water quality and to ensure development does not result in increased stormwater flows.

Comments

Finance

Not required.

Other staff comments

Council's Development Engineer and Compliance Coordinator have had considerable input into the preparation of the draft DCP.

Manager Integrated Planning

As the requirements of the DCP will be implemented via Development Application's, training with relevant staff will be undertaken. The content and implications of the DCP will also be introduced to the local development community via Councils Developer Forums.

Public consultation

It is a statutory requirement that a draft DCP be publicly exhibited for a minimum period of twenty eight (28) days. It is recommended that Chapter 22 – Water Sensitive Design be exhibited for 28 days.

Conclusion

The DCP will formalise requirements for WSD and set the framework for the design and assessment of WSD measures in new developments and subdivisions. The DCP sets clear targets to reduce potable water consumption, improve water quality and ensure that the development does not result in increased stormwater flows. It is recommended that Council exhibit the draft WSD DCP for a period of 28 days.

Attachment/s

1. Draft Development Control Plan Part A - Chapter 22 Water Sensitive Design 2 (Over 7 pages)
2. Water Sensitive Design Technical Guidelines for minor development (Over 7 pages)

Recommendation

That Council exhibit Amendment No.9 to Lismore Development Control Plan Part A: Chapter 22 - Water Sensitive Design for a period of twenty eight (28) days.

Report

Subject	Joint Regional Planning Panel - Proposed Delegations
TRIM Record No	BP10/140:EF09/825
Prepared by	Manager - Development & Compliance
Reason	Ministerial Correspondence
Community Strategic Plan Link	Efficient Use of Council Resources

Overview of Report

Council has received correspondence from the Minister for Planning regarding a completed review of Joint Regional Planning Panel operations, and proposing delegation of certain matters back to Council staff for determination. The conditions of the proposed delegations would mean that Councillors would not be able call those matters up to a Council meeting for determination. Council has requested an extension of time to enable this report to be prepared for Council's consideration.

Background

Council received correspondence from the Minister for Planning on 18 May 2010 advising of the completion of an interim review of the operation of Joint Regional Planning Panels (JRPP) since their commencement in July 2009. The review was undertaken to improve efficiencies in Development Application (DA) determination times. A copy of the letter is attached to this report.

The review has recommended that certain types of applications be returned back to Council for determination and the Minister for Planning is seeking Council's support for this to occur, subject to certain conditions being met.

The letter advises that amendments are proposed to legislation that will enable Council to determine modification applications of minimal environmental impact to applications originally determined by the JRPP.

In addition, the letter seeks support from Council to implement delegations of authority that would enable the Chair of the JRPP to delegate JRPP applications back to Council for determination in the following circumstances:

- straight forward DAs where no objections have been received and the recommendation is for approval;
- designated development with a value <\$5 million, regardless of objections being received, and the recommendation is for approval; and
- applications in areas or precincts where detailed planning has occurred, regardless of objections being received, and the recommendation is for approval.

The proviso to the above matters being referred back to Council for determination is that Council must have delegated authority to an appropriate officer of the Council. (i.e. Councillors will not be to call these DAs up to a meeting of Council for determination.)

The Minister's proposal would require Council to vary its policy for "Determination of development applications under delegated authority" adopted on 13 April 2010, to exclude the matters referred to in the Minister's proposal.

Lismore City Council has not received any development applications in the last 12 months that have required referral to the JRPP. The minister's letter proposes a 12 month trial period for the proposed delegations, and rather than alter Council policy and procedure at this time, it is considered that Council may wish to delay further consideration of this matter until the trial period has been conducted to see what transpires over the next 12 months in relation to JRPP operation.

Sustainability Assessment

Economic

The proposed delegations do not result in any change to the current economic sustainability of the planning approvals system in NSW. Whilst there are likely to be some efficiencies to be obtained from the proposal, Council has not had the experience of dealing with the JRPP to determine the extent or nature of any economic efficiencies.

Social

The proposed delegations seek to maintain the NSW Government policy for depoliticising the planning system. This is a political position and is not for the author to express a view on the social sustainability of NSW Government policy and practice.

Environmental

Environmental outcomes will remain as they are with the current planning system. Whilst the proposal may remove some need for travel, it may result in further work or travel to justify certain decisions, and the implications of the proposed delegations are considered better resolved by Councils with greater experience with JRPP operation. Council should reserve its right to review the proposed delegations at a later time.

Comments

Finance

There are no additional financial implications arising from the proposed recommendation of this report.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

Council has had limited experience in dealing with JRPP matters. The operation of JRPP has been problematic, particularly in coastal Councils where greater restrictions apply to developments that are captured by additional planning legislation. It is recommended that Council take no further action on this matter and await the results of the 12 month trial period with other Councils to determine the benefits or negatives that may be associated with the JRPP delegations proposed.

Attachment/s

1. Further initiative NSW Govt Joint Regional Planning Panels

Recommendation

That Council advises the Minister for Planning that it does not intend to confer delegations for Joint Regional Planning Panel matters to an appropriate level of officer within Council due to limited exposure to the operation of the Joint Regional Planning Panel, and that Lismore City Council would appreciate the opportunity to review this position at the completion of the 12 month trial period referred to in the letter received on 18 May 2010.



Hon Tony Kelly MLC
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council

18 MAY 2010
10/07603

Clr Jenny Dowell
Lismore City Council
PO Box 23A
Lismore NSW 2480

Dear Clr Dowell

I am pleased to advise that the Joint Regional Planning Panels (Regional Panels), established on 1 July 2009, are now a successful part of the New South Wales planning system. The Government is committed to working collaboratively with Council, industry and the community to build a better planning system for New South Wales.

I am writing to ask your Council to join in a further initiative that will see a range of applications currently dealt with by the Regional Panels, determined by council officers under delegation.

The Department of Planning recently completed an Interim Review of Operation for the Regional Panels, which can be found on the Regional Panels website at www.irpp.nsw.gov.au. As part of the review, the Department is considering opportunities to improve determination times of certain types of applications which currently require determination by a Regional Panel, without compromising the need for an assessment processes based entirely on merit.

Return of Modification Applications to Council

I am pleased to advise that amendments are currently underway for State Environmental Planning Policy (Major Development) 2005, to return to Councils the consent authority role for section 96(1A) modification applications under the EP&A Act, where the relevant development consent has been determined by a Regional Panel. The Department will advise you when this amendment takes place.

Proposed Delegations

I am also proposing that the Regional Panel Chairs delegate Regional Panel applications in three circumstances where your Council has agreed that these applications will be determined by appropriate senior staff and not by the full Council or Council committee, consistent with the theme of depoliticising the planning system.

Level 34, Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
T (02) 9228 3999 F (02) 9228 3988

Room 809 Parliament House
Macquarie Street, Sydney NSW 2000
T (02) 9230 2528 F (02) 9230 2530

- **Straightforward Applications**

The proposed delegation will allow Council to determine regionally significant applications where there have been no objections received, and the assessment report recommends approval (either with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

- **Designated Development**

The proposed delegation will allow Council to determine designated development with a Capital investment Value of \$5 million or less, which is currently determined by a Regional Panel. The delegation would apply regardless of whether there have been objections received, provided the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

- **Areas and precincts**

The proposed delegation will allow Council to determine regionally significant applications located in particular areas and precincts where detailed planning has occurred, regardless of whether there have been objections received, provided the proposed development is strictly in accordance with identified key planning controls, and where the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

The Department requests Council to identify and provide details on areas within Council's local government area, such as Business Parks, which have detailed planning controls that clearly outline what development is appropriate. Where such controls are in place, the Department will consider delegating regionally significant applications to Council to determine. Council should include details of past and possible future applications in these precincts or areas to illustrate the utility of this delegation.

All regionally significant applications must be registered with the Panel Secretariat within seven days of lodgement at Council. The Panel Secretariat would still need to be informed of notification dates and of any submissions received. The Panel Secretariat would continue to coordinate Panel briefing meetings in some instances.

Delegation to Officer Level

In order to effectively utilise the proposed delegations, consistent with the common goals of depoliticising the planning system and improving determination timeframes, the delegations will only apply to councils which have themselves delegated the authority to make decisions for these classes of applications to an appropriate officer of the Council.

Determination

The delegated Council officers will be able to refuse an application even though the assessment report recommends approval, however a refusal in such circumstances is unlikely and would need to be supported by sound planning reasons. The delegations will apply to Development Applications and section 96(2) modification applications under the Environmental Planning and Assessment Act 1979 (EP&A Act).

Trial Period

It is envisaged that the proposed delegations will be in operation for a 12 month trial period, after which they will be reviewed to determine what further opportunities and measures may be justified and put into place.

Implementation

A written commitment to confer the delegations to an appropriate level of officer, and information on applicable precincts and areas as outlined above, is requested by the Department within 21 days of the date of this letter.

The Chair of Council's Regional Panel will then write to Council with further details on the delegations, such as commencement date.

The Department is seeking to work with Council throughout the finalisation and preparation of these delegations. I look forward to a continued strong working relationship between your Council the Regional Panel, and the Department.

You may call Mr Shayne Watson, Director Assessment Systems and Strategies, directly on (02) 9228 6302 or by e-mail shayne.watson@planning.nsw.gov.au should you require any further information.

Thank you for your co-operation on this important initiative.

Yours sincerely,



Tony Kelly MLC
Minister for Planning

Report

Subject	Rural Fire Service Zoning Proposal
TRIM Record No	BP10/141:EF09/1795
Prepared by	Manager - Assets
Reason	To advise Council of a proposal by the NSW Rural Fire Service to implement a zone arrangement in the Northern Rivers.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Council has received a proposal from the Rural Fire Service (RFS) to implement a zone arrangement to streamline its administration in the Northern Rivers area. This would effectively mean that the currently separately administered areas of Lismore, Richmond Valley and Kyogle would be combined under a single administration structure within the RFS.

The report outlines the proposal and examines the changes that would be required to facilitate the proposal. In essence the proposal would achieve significant efficiencies for the RFS and would have some benefits for Council.

Background

The Rural Fire Service (RFS) provides fire fighting and other emergency response capabilities to the Lismore community. It provides similar services to all rural and regional communities throughout NSW. The service provision model is outlined in a written district service level agreement (SLA) between the RFS and Council. The district is based on the Lismore local government area boundaries. The RFS has a similar agreement with each council across NSW. Council's current district SLA is due to expire on 30 June 2010.

Council supports the service model by making a financial contribution to the annual activities of the RFS in accordance with a formula set by the state government. Council also provides office accommodation for RFS staff and has also made substantial contributions towards the provision of accommodation, plant and equipment for individual brigades within the Lismore area.

All of the individual district agreements (based on local government area boundaries) within the region are administered through the Northern Rivers Region of the RFS. Essentially RFS staff replicate their duties across each of the individual districts.

The Manager Northern Rivers has written to Council with a proposal to implement a zone arrangement. This would involve a single RFS zone to replace the current districts of Lismore, Richmond Valley and Kyogle. A single SLA would be prepared to cover the entire zone and a committee consisting of relevant RFS staff and representatives from each council would be established to monitor implementation of the SLA. Council already has such a committee established to monitor the Lismore District SLA. Councillors Yarnall and Graham are the nominated Councillors that sit on that committee.

Similarly, there would be a financial model developed so that the RFS has one set of accounts for the zone. This would be administered from one council with the other two councils potentially making a small cash contribution to that council for administering the funds. The Manager Northern Rivers attended a Council workshop on Tuesday, 15 June 2010 to further explain the proposal.

In preliminary discussions to date the RFS has indicated that it would also discuss rationalising other activities such as vehicle maintenance to a single council. In this regard it has been indicated that Lismore City Council currently provides excellent service to the RFS in maintaining vehicles for the brigades in the Lismore district.

It is important to note that the proposal is effectively a streamlining of the administration arrangements for the RFS and will have no effect on the individual volunteer brigades within the respective council areas. The RFS has advised that the proposal has been raised and discussed with all of the volunteer brigades in the Lismore district and is supported.

The proposal is considered to have merit and would bring the administration of the RFS activities into line with other statutory RFS processes within the region. In particular the regional Bushfire Management Committee already includes membership from all three councils and the Bushfire Risk Management Plan is prepared on a regional basis.

As part of the Delivery Plan and budget, Council is contributing financially to the construction of a new regional RFS headquarters in Casino with regional staff relocating from Lismore and other facilities in other districts to the new central facility. This project will proceed regardless of whether the zoning proposal is supported by the member councils or not.

One matter that has been raised by a small number of volunteer members is the volunteer labour that has been donated towards development of various RFS facilities over the years. On occasion, Council has provided the materials to construct new facilities and infrastructure for the RFS with the labour component of the work being provided by RFS volunteers. This is particularly the case for parts of the current facility at Wyrallah Road. There appears to be a view among a small minority of volunteers that Council will gain the benefit of this volunteer labour through the decision of the RFS to vacate these premises and return them to Council for its own use. There is some suggestion that Council should make a cash contribution for this work.

Council continues to support the RFS through its annual contribution towards the budget, ongoing provision of accommodation for the various brigades throughout the Lismore LGA and a cash contribution of \$130,000 over the next three years towards the construction of the new regional facility. Council has also in the past met cost overruns on vehicle maintenance, provided donations to individual brigades and assisted with sundry expenses by agreement.

Whilst understanding the desire of volunteers to have their contribution recognised, it is considered that Council has always; and continues to be very supportive of the RFS. The partnership has developed over time on the basis of the goodwill and trust of both organisations and there is no reason why this would not continue into the future.

Sustainability Assessment

Economic

The proposal will have economic benefits for the Rural Fire Service in that it will remove the duplication of administrative functions across the three local government areas. There will also be some reduction in administrative workloads for Lismore City Council. The potential for Council to secure maintenance of additional RFS fleet would have a positive impact for Council's Workshop operations. It is not known whether such an arrangement would be at the expense of Workshop operations at the other councils.

Social

The proposal is considered to have minimal social impacts. There will be no affect on the operations and activities of volunteers in the RFS. The RFS has undertaken its own consultation process with its volunteers and the proposal has been supported.

Environmental

The reduced administrative workloads for both the RFS and individual councils is considered to have a positive environmental effect with a reduced need for staff travel and paperwork.

Comments

Finance

The introduction of zoning will have minimal financial impact on Council. Logically, with the RFS Headquarters being built in Casino, Richmond Valley Council is most likely to be the administering council. As such, Council will be required to pay an administration fee. The amount of the administration fee is yet to be determined, but it is anticipated to be minimal.

Other staff comments

Manager - Commercial Services

It is envisaged that the additional workload from maintaining the full RFS fleet, if that was to occur, could be accommodated within the current Workshop activities. Such activity would positively impact the financial performance of the workshop.

Public consultation

Council has not undertaken any public consultation regarding this matter. The RFS has advised that it has undertaken consultation with all of the volunteer brigades in the Lismore District which are supportive of the proposal.

Conclusion

The suggested zoning arrangement is considered to have merit and is supported. The proposal will have significant benefits for the RFS in terms of streamlining its administration and some benefits for Council in the form of reduced administrative workloads and the potential for increased income for the Workshop through servicing of more RFS vehicles. There are some issues that would need to be negotiated with the RFS and the other districts and these should be handled by the General Manager under delegation.

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. The proposal from the Rural Fire Service for a zoning arrangement to be implemented in the Northern Rivers including Lismore City, Richmond Valley and Kyogle Shire Councils be endorsed.
2. The General Manager be delegated authority to finalise negotiations with the Rural Fire Service, Richmond Valley Council and Kyogle Shire Council for the implementation of a zoning agreement across the region.

Report

Subject	2010/11 Operational Plan - Additional Project Funding
TRIM Record No	BP10/178:EF09/2202
Prepared by	Manager - Finance
Reason	Additional funding has been advised for which Council may allocate to nominated projects
Community Strategic Plan Link	Efficient Use of Council Resources

Overview of Report

The NSW Local Government Grants Commission has advised Council of its indicative 2010/11 Financial Assistance Grants. As the indicative grants are significantly more than the adopted 2010/11 Budget, and Council has resolved to consider the inclusion of a number of projects in the 2010/11 Operational Plan should funds become available, the preparation of a report now for Council determination was considered appropriate rather than leaving to November 2010.

Background

When Council adopted the 2010-2014 Delivery Plan and 2010/11 Operational Plan, it resolved in part that the following projects (in no priority order) be considered for inclusion in the 2010/11 Operational Plan should funding become available:

- \$40,000 for City Hall asbestos removal;
- \$40,000 for Development Application Online Project;
- \$40,000 for sports ground funding;
- \$10,000 for estuary management fund; and
- \$20,000 for Tourism Plan (brochure).

The NSW Local Government Grants Commission has advised that Council's 2010/11 Financial Assistance Grants will total \$6,331,337. This is approximately \$120,200 more than anticipated. In addition, there will be favourable adjustment to the 2009/10 Financial Assistance Grants of approximately \$70,600. This will be applied to improving the overall General Fund result for 2009/10 and will be recognised in the report to Council in October 2010.

The Financial Assistance Grants consist of a general purpose and local roads components. While the grants are untied, meaning they can be spent on any council function or activity, Council's policy has been to allocate the local roads component to only roads (maintenance and construction).

In regards to the \$120,200 for the 2010/11 Budget, \$51,200 is for general purposes and \$69,000 for local roads. On the basis that Council maintains its existing policy to allocate the local roads component to roads, \$51,200 is available to allocate to the above projects.

After reviewing the project list, it is recommended that the City Hall asbestos removal project to minimise future OH&S risks be included in the 2010/11 Budget. The residual amount is to be considered for allocation when the September 2010 Budget Review report is submitted to Council November 2010.

Sustainability Assessment

Economic

Council is to receive more untied grants funding than planned for in 2010/11. This will allow for projects not able to be funded as part of the 2010/11 Operational Plan to be reconsidered.

Social

Council is meeting its commitment to the community in accordance with its resolutions. The recommended approach will reduce the OH&S community risk.

Environmental

The removal of asbestos will minimise the environmental risk at the Lismore City Hall.

Comments

Manager Works

With respect to the additional Financial Assistance Grant sum of \$69,000 for local roads, the recommendation put forward by the Finance Manager is fully supported.

Manager Assets

The City Hall asbestos removal project is a priority and can be included in the 2010/11 Budget for \$48,000 and is supported.

Public consultation

The 2010-2014 Delivery Plan and 2010/11 Operational Plan were adopted after public exhibition for 28 days and consideration by Council of all submissions at its 9 June 2010 Extraordinary meeting.

Conclusion

An additional \$120,200 is to be received in 2010/11 for the Financial Assistance Grants with \$51,200 for general purposes and \$69,000 for local roads. When adopting the 2010/11 Operational Plan, Council resolved that should additional funding be received, five projects were to be reconsidered for inclusion in the 2010/11 Budget. Rather than wait to report this to the November 2010 meeting, it is considered appropriate to bring this forward to address one of the projects immediately.

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. The 2010/11 Budget be amended to include an extra \$120,200 in Financial Assistance Grants
2. The City Hall asbestos removal project be included in the 2010/11 Budget for \$48,000.
3. The 2010/11 Roads Construction/Reconstruction budget be increased by \$69,000.

Report

Subject	Bushfire Buffer Zone on Council Land - 23 and 31 Millar Street
TRIM Record No	BP10/185:EF09/837
Prepared by	Manager - Assets
Reason	To advise Council of issues with meeting bushfire planning requirements for an existing undeveloped property located on the urban fringe adjacent to Council owned land.
Community Strategic Plan Link	Sustainable Economic Growth and Development

Overview of Report

This report outlines issues regarding bushfire protection requirements for the development of existing parcels of land at 23 and 31 Millar Street, Lismore Heights on the urban fringe. The properties are adjacent to Council owned land and cannot be developed without relying on part of that adjoining land as the asset protection zone to meet bushfire planning requirements.

The property owner of 23 Millar Street has requested that Council agree to the use of an area of Council owned land to meet the statutory requirements for provision of an asset protection zone. A second vacant property in the street is also similarly affected and has submitted a development application, although the owners have not to date formally requested Council support for their proposal.

The report recommends that based on the special circumstances Council agree in principle to the use of Council owned land for the purpose of providing an asset protection zone to the two properties in Millar Street, Lismore Heights, to allow full consideration of the development applications.

Background

Council owns a significant amount of land on the urban fringe which borders existing residential properties. In many cases this land is heavily vegetated and therefore triggers the relevant legislation in regard to planning for bushfire protection when development applications are received involving existing vacant blocks of land on that fringe.

This has created situations where development of existing vacant land cannot proceed in a manner that would otherwise be permitted under the LEP and DCP provisions because the relevant asset protection zones (APZs) from the bushland on the adjoining Council property cannot be provided within the property boundary. In some instances property owners are able to meet the requirements through an increased level of construction on the property (e.g. using non combustible materials and employing protection measures such as fire shutters etc.), or by reconfiguring their development or a combination of both. In some circumstances this is not possible. Further, a higher level of construction will significantly increase the cost of a development.

Council has recently received a request for an asset protection zone to be provided on Council land to facilitate development of the property at 23 Millar Street, Lismore Heights. The property at 31 Millar Street is similarly affected, and both of these properties have lodged development applications with Council for dual occupancy development.

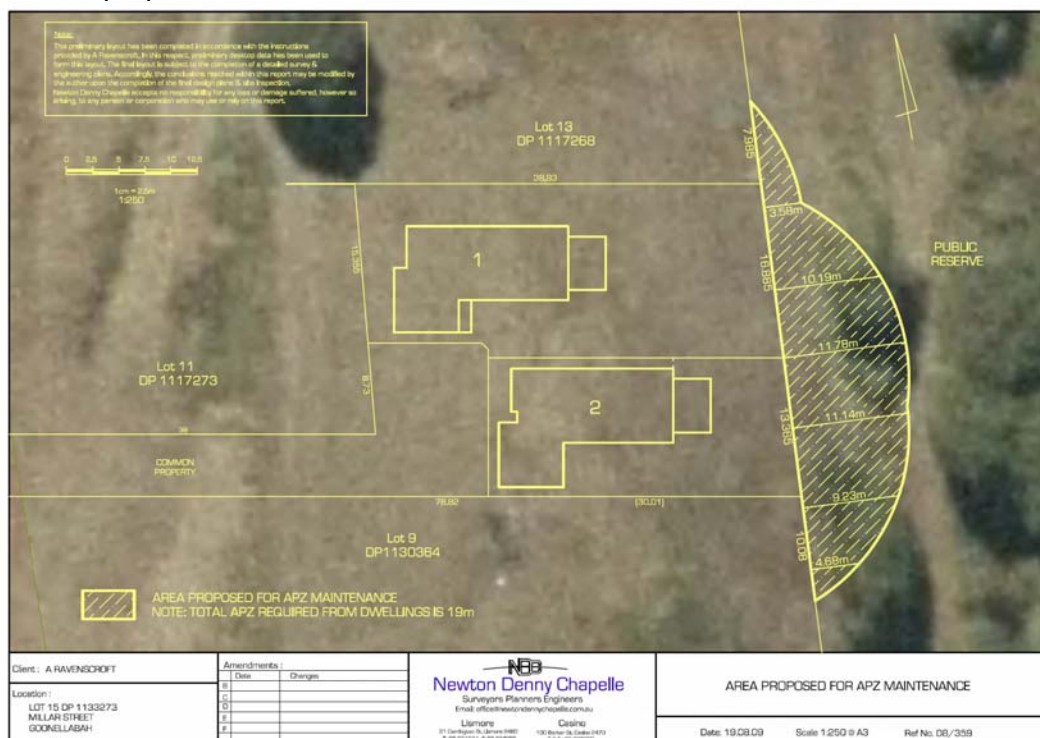
Staff have reviewed the request and the broader question of whether this should be permitted at all, and there is considered to be some merit in agreeing to these requests in certain circumstances. It is not suggested that Council should agree to all such requests and a number of key issues need to be considered in assessing such requests. These include:

- Requests to be considered on a case by case basis.
- Did the block of land exist in its current configuration prior to the legislation regarding bushfire protection coming into force? No consideration will be given for new subdivisions or “Greenfield” sites.
- Can the APZ be provided within the site through reconfiguration etc?
- Is the proposal to use Council land for the APZ designed to facilitate a higher use of the land than could otherwise be achieved?
- Do all other aspects of the development application meet the relevant LEP and DCP requirements?
- Can the area of adjoining Council land to form part of the APZ be readily managed to meet the requirements of the bushfire planning legislation e.g. by slashing, bushland regeneration or maintenance practices etc? Requests for wholesale clearing of vegetation will not be supported.
- Will agreeing to the request be likely to lead to similar requests from nearby properties, whether already developed or not, and are these requests likely to be approved?
- Does Council already maintain all or part of the area in question?
- Will the cost of any work required be met by the property owner?
- The creation of a legal instrument that outlines any agreement with Council and respective responsibilities.
- What is the classification and zoning of the Council owned land and is a legal instrument possible e.g. not possible on Community Land, or to permit slashing or clearing of areas zoned for environmental protection.

In regard to the specific cases of 23 and 31 Millar Street, the relevant staff are supportive of the request. A plan of the areas concerned is included below.



Area of proposed APZ for 23 Millar Street shown below.



Sustainability Assessment

Economic

The new legislation regarding bushfire protection has resulted in some parcels of land on the urban fringe being affected detrimentally in that they can no longer be developed to the potential that would otherwise have been possible prior to the legislation coming into effect. This results in a negative economic effect for the owners of those parcels of land and reduces the value and potential of their investment.

If Council were to agree to the concept that Council owned land could be used as part of an APZ in certain circumstances, positive economic benefits would be created in the form of supporting development of those parcels of land.

Social

Changes in legislation have created a situation where land owners have been prevented from developing blocks of land that they owned prior to the new legislation, to their full potential. The proposal to allow Council owned land to form part of an APZ in certain circumstances will restore that capability and is considered to be a positive social impact.

The proposal is not considered to have any negative social impacts.

Environmental

The proposal has the potential to affect bushland on the urban fringe. The criteria outlined in the report which will be used to assess any application include consideration of the zoning, classification and practical considerations e.g. maintenance required, vegetation types, etc. for the Council land in question. Applications will only be supported where it can be demonstrated that there are no detrimental effects on the environment.

In the case of Millar Street, the adjoining land in question is already partially maintained by Council. A sewer line runs through the area and a section of it is slashed regularly to maintain access. The remainder of the area has some vegetation on it and would be maintained and regenerated by the resident.

The terms of any required easement and agreement with the land owners can be formulated to ensure the protection or enhancement of environmental characteristics of the land concerned.

Comments

Finance

If an asset protection zone (APZ) is created, the cost to do so and maintenance must be met by the land owner receiving the benefit. While cost recovery is logical, some recompense for the intrinsic value of the land asset in the form of a once only charging should also be considered as the easement created adds value to the adjoining privately owned property.

Other staff comments

Property Officer

The classification of the Council owned reserve to be burdened by an easement, adjacent to 23 and 31 Millar Street, is operational land. The reserve was previously reclassified to operational land by LEP Amendment No. 12. (Easements are able to be created over operational land.)

The current zoning of the Council owned reserve is 1(a) - General Rural Zone. The draft LEP rezones this land to E3 - Environmental Management. Appropriate maintenance of the area of the easement will not be in conflict with the proposed new zoning.

Future use of the reserve is not expected to be affected by establishing the APZ. Also to be noted is that Council's sewer line is located partially within the proposed APZ.

All costs in relation to the creation of an easement are to be borne by the land owners of Millar Street, who will benefit from the easement.

All costs in relation to maintenance of the APZ shall be borne by the benefiting land owners. Creation of an easement, which will appear on the certificate of title, will also pass the responsibility to maintain the APZ to any future land owner/s. Wording of an easement shall ensure that Council will not be responsible for maintenance of this area. The responsibilities of the benefiting land owner/s shall be detailed within an instrument creating the easement.

Parks Coordinator

The maintenance of fire protection zones on Council land for private development must be carefully considered on a case by case basis. These areas will generally be remediated to an extent that maintenance will be effective and efficient and may include minor earthworks and removal of development debris such as rock. Support is given on the understanding that the full cost of maintenance is at the applicant's expense.

Strategic Planning Coordinator

The relevant legislation has been in place for a number of years. However, since the new guidelines for Planning for Bushfire Protection were issued in 2006, the RFS has been less supportive of Asset Protection Zones being provided on adjoining land without written approval of that land owner when the development application is submitted. The proposal in this report to consider requests for Asset Protection Zones on Council land on a case by case basis is supported, along with the typical issues Council will consider when determining such requests.

Manager - Development and Compliance

In addition to the request from 23 Millar Street for the provision of an easement to provide an APZ for the dual occupancy development, Council also has a development application with the same issues at 31 Millar Street. These two development applications are both for dual occupancy developments, and have been with Council for a considerable period without resolution of the bushfire safety issues. The bushfire risk issues would be simpler to resolve if the development applications were only for single dwellings.

In order to progress these two development applications at 23 and 31 Millar Street to determination, it would be beneficial to address both properties in any Council resolution. Once Council has resolved its position on the provision of easements, the applicants will be required to prepare a Bushfire Risk Assessment Report to enable referral to the NSW Rural Fire Service (RFS) for its comment.

There is a risk to the applicant in proceeding further with these applications and incurring further costs, as there is no guarantee that the RFS will grant concurrence to the proposed easement solution suggested by the applicants. In principle support from Council for the provision of APZ easements in support of development of these sites will enable the applicants to make a decision on whether to pursue their development proposals, and enable assessment of these applications to progress.

Upon receipt of the Bushfire Risk Assessment Report and comments from the RFS, Council Assessment staff will finalise their assessment and determine whether the applications should be refused or approved.

Public consultation

No public consultation has been undertaken. However, it is considered appropriate that should Council agree to the request, adjoining land owners be advised of Council's decision and the responsibilities of the land owners to maintain the areas in question.

Conclusion

The development of existing land on the urban fringe can be affected in some instances by the vegetation on adjoining Council land. This occurs because certain requirements regarding APZs can be triggered under the planning legislation. These legislative requirements were introduced some years ago, however, there are some individual parcels of land that existed at that time and have not been developed due to these new planning requirements. In some circumstances this can severely restrict the development opportunities on that land and is quite unfortunate for those land owners. In the circumstances of 23 and 31 Millar Street, the applicants should be informed of Council's position to enable them to decide whether to proceed with their dual occupancy developments, or consider alternative options for the development of their land (eg. single dwellings where the need for easements would not arise).

One way that these parcels of land can be developed to their potential is for the required APZ to extend onto Council land. Whilst there may be an argument for Council to prepare a policy to guide residents and staff regarding these situations, it is not considered necessary given the relatively small number of affected parcels of land and that the circumstances of each case are likely to vary greatly from site to site. It is considered appropriate for Council to consider any such requests on a case by case basis and that they be reported to Council for consideration on each occasion.

Relevant Council staff have examined the proposals for 23 and 31 Millar Street and are of the view that they should be supported in principle to enable the applicants to consider their position and likely costs in proceeding with their dual occupancy development applications.

If the applicants choose to prepare Bushfire Risk Assessment Reports and seek RFS concurrence, and that concurrence is granted, then Council would need to formalise the extent and arrangements for any easements to be provided prior to determination of the development applications and the terms and costs of any easements that may be required. In the event that easements larger than those proposed in the documentation provided to Council to date are required, Council would need to reconsider its position before finalising any easements.

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. The owners and applicants for development applications for dual occupancy developments at 23 and 31 Millar Street be advised that Council supports the principle of providing an easement on adjoining Council land for the purpose of complying bushfire risk requirements, to enable the applicant to prepare documentation in support of the their development application.
2. The owners and applicants for development applications for dual occupancy developments at 23 and 31 Millar Street also be advised that Council reserves the right to further consider any finalised proposal for an easement following notification of the full requirements of the NSW Rural Fire Service.
3. The adjoining owners be informed of Council's in principle agreement.

Report

Subject	Tender No. T2010-13 - Replacement of Prime Mover
TRIM Record No	BP10/132:T10/13
Prepared by	Fleet Operations Coordinator
Reason	To seek a Council resolution to accept a tender for a suitable prime mover.
Community Strategic Plan Link	Efficient Use of Council Resources

Overview of Report

Council's 2010/11 Operational Plan includes a budget allowance for replacement of Plant No. 188, a Mack CHR788RS Prime Mover truck. A specification was prepared in consultation with relevant staff and a request for tender advertised. Tenders were received. This report with attachments presents the interpretation by staff of the information received, assessment of the machines offered and the results of comparison of the machines using Council's procurement procedures. This report includes a recommendation by staff of the truck considered most appropriate for Council's operations.

Background

Council owns and operates a fleet of construction and quarrying machinery which cannot be driven on the roads and which needs to be transported from job site to job site. This equipment is transported on an articulated combination vehicle which is specially designed to carry indivisible loads (such as our machinery), and consists of a prime mover and a low-loader trailer. Council owns Plant No. 188 a Mack CHR788RS Prime Mover for this specific purpose. It was purchased in 1993 and shows 13,569 hours and 324,000 kilometres. It tows the low-loader carrying heavy machinery around our Council area, which includes up and down the hills, in and out of quarry pits and along our narrow, tree-lined, rural roads and is often on unsealed surfaces; it also tows a water truck semi trailer and in this operation also, manoeuvrability is critical. Due to the high hourly usage but low kilometres travelled by this truck, its maintenance and replacement is timed according to the hours of operation, not kilometres travelled. The truck will typically be used all day without covering more than a few hundred kilometres. It has been a relatively trouble free and reliable truck and replacement has been delayed but a number of maintenance issues arising over the past two years - differentials worn, PTO slower, fibreglass of cabin fatigued, have replaced a fatigued engine mount - indicate that now is the time to replace it.

A specification for replacement was prepared and an invitation for tenders advertised. Sixteen (16) tenders were received, of which one was an offer of \$21,287.00 to purchase the trade, one failed to meet our specification and one was a duplicate. Refer to Attachment "A" to the report.

There are two basic styles of truck – they are commonly described as 'cabover' and 'bonneted' (or 'conventional') and these are readily seen around our roads. A cabover truck is as it sounds; the cab of the truck is over the front wheels and the front of the cab is an almost flat vertical surface with the engine below and behind the operator. A bonneted truck has the cab above and behind the engine; the engine is out front under the 'nose' of the truck. Generally the wheelbase of a cabover truck is shorter than that of an equivalent bonneted truck.

The laws and regulations governing the carriage of heavy loads on public roads are specific and demanding. They regulate the weights and capacities of the prime mover and low-loader and prescribe in detail the allowed wheel base, length, weight, axle numbers and axle spacing. The combinations of these factors with the Tare (the weight empty with no load) and Gross Vehicular Mass (GVM) (the maximum allowed weight when loaded) of the prime mover affect the load capacity of the truck-trailer combination. The low-loader semi-trailer was replaced two and a half years ago; compatibility with this trailer is important.

A 'desktop' assessment of the tenders for compliance with our specification and compatibility with our low-loader off-road application and the regulations, was undertaken and the higher scoring trucks identified.

A summary table is included at the end of the tender evaluation section.

Tender Evaluation

Total Price

The prices for the 14 different trucks tendered range from \$202,691.80 to \$272,325.90 GST included. One offer was made for outright purchase of the existing truck but was below auction evaluation. Several offers were made to trade the existing truck against a purchase, but the best of these was equal to the lower range of auction evaluation.

Capability

The 'desktop' assessment of the tenders (as noted previously in this report) indicated five (5) trucks were potentially suitable for Council's application.

A cabover truck is more likely to sink at the front in soft conditions whereas a bonneted truck is more likely to push through. The narrower width and lower overall height of the cabin of a bonneted truck also makes it far more suitable for use around our narrow, tree-lined, rural roads where often traffic is required to move to the side to pass and a wider taller (cabover) truck is susceptible to expensive damage from tree limbs.

Demonstration and assessment of the five (5) higher scoring trucks confirmed that a bonneted truck is required for Council's application, and confirmed the highest scoring Kenworth T402 as the most suitable.

O H & S Quality and Safety

The main criteria for this section are:

- the terms of the warranty included in the tendered price
- the built-in safety features such as SRS airbags and anti-lock braking system, and
- assessment by operators of vision, suspension, cab layout and ergonomics.

Environment and Community

Road transport engine emissions are regulated in Australia under the Australian Design Rules. Each of the trucks tendered meet current regulations.

Local Content

Assessment and scoring in this section are based on:

- where sold
- where serviced

The trucks tendered by Lismore businesses scored highest, followed by the Kyogle based business.

Summary of highest scores

Refer Attachment "A" for the full 16 submissions.

		Murwillumbah Truck Centre		Volvo Commercial Vehicles Australia		Brown and Hurley		Southside Agencies		Southside Agencies	
		Mercedes Benz		Mack		Kenworth		UD Trucks		Western Star	
		Actros 2648		Granite		T402		GW470 Air		4800 FS/2	
		Tender 1		Tender 7		Tender 11		Tender 13		Tender 14	
Criteria	Weighting from Tender Docs	Raw Score	Wt	Raw Score	Wt	Raw Score	Wt	Raw Score	Wt	Raw Score	Wt
Total Price	35%	7.1	2.49	7.0	2.44	6.8	2.37	7.0	2.47	6.9	2.43
Capability	35%	6.9	2.41	7.3	2.57	7.4	2.61	5.8	2.02	4.8	1.67
OH&SRisk	10%	7.6	0.76	6.3	0.63	7.0	0.70	5.2	0.52	6.3	0.63
Environment	10%	6.0	0.60	6.0	0.60	6.0	0.60	8.0	0.80	6.0	0.60
Local Content	10%	2.0	0.20	6.0	0.60	9.0	0.90	10.0	1.00	10.0	1.00
	100%		6.46		6.84		7.17		6.81		6.33
			64.58		68.35		71.74		68.09		63.29

Summary

The Kenworth T402 tendered by Brown and Hurley of Kyogle is the highest scoring truck overall and is the preferred option, with a number of advantages, namely:

- It is a bonneted truck.
- It has the smallest turning circle of all the trucks tendered.
- It is locally sold and supported.
- It has sufficiently high GVM and low Tare to allow good payload.

Trade-in Evaluation

The best offer received for Plant No. 188, Council's existing prime mover, was \$35,000.00 but only as a trade. As an outright purchase the best offer is \$21,287.00. An evaluation for auction suggests that \$35,000.00 to \$40,000.00 is realistic. Therefore Plant No. 188 will be sold by auction after delivery of the replacement truck.

Sustainability Assessment

Economic

Maintain plant efficiency by the replacement of old equipment with new.

Social

This purchase has no social impact

Environmental

The new truck meets the latest emissions standards.

Comments

Finance

The 2010/11 Operational Plan provides a net \$146,700 in the 2010/11 Budget for the replacement of this plant item. Based on the report, the net changeover is anticipated to be approximately \$178,000. There are sufficient funds within the Plant Reserve to meet the full replacement costs.

Other staff comments

Manager - Works

As mentioned in the body of this report, an essential component for this plant item is its ability to manoeuvre around Council's narrow rural roads, where overhanging limbs and soft edges are regularly encountered. Reliability of the subject plant item is also essential in ensuring the efficiency of Council's operations is not jeopardised due to unplanned down time. Accordingly, the recommendation to purchase a Kenworth Truck from The Brown and Hurley Group Pty Ltd, is strongly supported by the Works Section, as it is best suited to Council's operations.

Public consultation

Not required.

Conclusion

Fourteen (14) different trucks were offered by tender to replace Council's current prime mover. Following Council's tender assessment processes including input from operator, mechanic, other relevant staff and industry experts, and based on the advertised selection criteria, the preferred option is to purchase a Kenworth T402 prime mover, including the option of weight gauges on the rear axles.

Attachment/s

1. Summary Table Tender No. T2010-13 - Replacement of Prime Mover

Recommendation

That Council:

1. Accept the offer tendered by The Brown and Hurley Group Pty Ltd of Kyogle for a Kenworth T402 tandem drive prime mover with GVM of 70,000kg and including Stauff axle weight gauges at a total cost of \$213,136.00 plus GST.
2. Sell via auction Plant No. 188 – Mack CHR788RS prime mover.

		Murwillumbah Truck Centre		Wagga Trucks		Murwillumbah Truck Centre		Murwillumbah Truck Centre		Murwillumbah Truck Centre		Northern Rivers Isuzu		Volvo Commercial Vehicles Australia		Volvo Commercial Vehicles Australia		Volvo Commercial Vehicles Australia		Volvo Commercial Vehicles Australia		Brown and Hurley		Southside Agencies		Southside Agencies		Southside Agencies		K&J Trucks Coffs Harbour Pty Ltd		K&J Trucks Coffs Harbour Pty Ltd				
		Mercedes Benz		No supply / offer to purchase only		Freightliner		Mercedes Benz		Freightliner		Isuzu		Mack		Mack		Volvo		Volvo		Kenworth		M.A.N.		UD Trucks		Western Star		Scania		Scania				
		Actros 2648		No supply / offer to purchase only		Columbia CL112		Actros 2644		Columbia CST120		Gigamax EXY 510		Granite		Granite		FM480		FM480		T402		TGX 26.480 6x4		GW470 Air		4800 FS/2		R500 LA6x4MNA		G440 LA6x4MNA				
		Tender 1		Tender 2		Tender 3		Tender 4		Tender 5		Tender 6		Tender 7		Tender 8		Tender 9		Tender 10		Tender 11		Tender 12		Tender 13		Tender 14		Tender 15		Tender 16				
Criteria	Weighting from Tender Docs	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	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; against average)	35%	7.1	2.49	0.0	0.00	7.0	2.45	7.2	2.52	6.7	2.34	6.8	2.40	7.0	2.44	6.9	2.40	6.6	2.30	6.6	2.30	6.8	2.37	6.8	2.37	7.0	2.47	6.9	2.43	6.2	2.18	6.4	2.24	7.2	
2	Capability and Experience (out of 10)	35%	6.9	2.41	0.0	0.00	6.0	2.10	5.1	1.79	6.2	2.18	5.0	1.75	7.3	2.57	5.6	1.94	5.7	1.98	5.7	1.98	7.4	2.61	4.8	1.67	5.8	2.02	4.8	1.67	5.4	1.91	4.7	1.63	7.4	
3	Quality and Safety (out of 10)	10%	7.6	0.76	0.0	0.00	6.0	0.60	7.7	0.77	6.0	0.60	7.0	0.70	6.3	0.63	6.7	0.67	7.0	0.70	7.0	0.70	7.0	0.70	6.3	0.63	5.2	0.52	6.3	0.63	5.7	0.57	5.7	0.57	7.7	
4	Environment and Community (out of 10)	10%	6.0	0.60	0.0	0.00	6.0	0.60	6.0	0.60	6.0	0.60	6.0	0.60	6.0	0.60	6.0	0.60	6.0	0.60	6.0	0.60	6.0	0.60	6.0	0.60	8.0	0.80	6.0	0.60	8.0	0.80	8.0	0.80	8.0	
5	Local Content Minimum 10% (Out of 10)	10%	2.0	0.20	0.0	0.00	2.0	0.20	2.0	0.20	2.0	0.20	10.0	1.00	6.0	0.60	6.0	0.60	5.0	0.50	5.0	0.50	9.0	0.90	10.0	1.00	10.0	1.00	10.0	1.00	6.0	0.60	6.0	0.60	10.0	
		100%	6.46	0.00	5.95	5.88	5.92	6.45	6.84	6.21	6.09	6.09	7.17	6.27	6.81	6.33	6.06	5.84	7.2																	
	Overall score out of 100		64.58	0.00	59.50	58.76	59.20	64.46	68.35	62.13	60.87	60.87	71.74	62.74	68.09	63.29	60.56	58.37	71.7																	
			Cabover, not bonnet	No supply. Offer to purchase - is lower than auction evaluation	Turning circle too big.	Doesn't meet GCM requirement of spec. Cabover	Excessive power rating -> uses more fuel than necessary	Excessive power rating -> uses more fuel than necessary. Cabover.	Fit for purpose.	Excessive power rating -> uses more fuel than necessary. Higher cost. Higher Tare compared with other Mack-Tender 7	High Tare detracts from payload. High price. Cabover.	High Tare detracts from payload. High price. Cabover.	Fit for purpose	High Tare detracts from payload. Cabover.	Poor seat, and seat-belt not integrated. Cabover. Spec items not priced in.	Turning circle too big. Payload limited by low GVM.	High Tare detracts from payload. Cabover. Expensive. Excessive power rating -> uses more fuel than necessary.	High Tare detracts from payload. Cabover. Expensive.																		

Report

Subject	Tender No. 2010-26 - Lease of Cafe at Lismore Regional Art Gallery
TRIM Record No	BP10/183:T10/26
Prepared by	Contracts Administration Officer
Reason	Council to endorse a new lease after October 2010
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

This report outlines the tender process conducted in May 2010 for the lease of the café facility attached to the Lismore Regional Art Gallery building in Spinks Park. It also details the assessment process of two submissions received in response to the tender. Finally the report recommends that Council accept no tenders and allow the General Manager to enter into discussions with the preferred tenderer, the current lessee of Left Bank Café, and negotiate a more equitable lease for five years with an option of a further five years.

Declaration

Councillor Gianpiero Battista is one of the parties to a tender submission.

Background

Lismore City Council has leased out the café facility attached to the Lismore Regional Art Gallery building to the current operators since 1998. This lease expires on 7 October 2010.

The Lismore Regional Art Gallery complex is partly located on Crown Land and partly located on freehold operational land owned by Council. This complicates the lease of the café and requires two leases, one from the Council and one from the Crown. As the preparation and finalisation of the new leases and the tender process is a protracted procedure, Council staffs have undertaken this process earlier, rather than later, prior to the expiry date of the current lease.

Lease Structure

Within the tender document Council proposed two (2) leases will be issued. One lease to be granted by the Council in respect of that part of the café located upon Lot 4 of Section 46 in DP 758615, which is owned by the Council, and one lease to be granted by the Lismore Spinks Park Reserve Trust in respect of that part of the café located upon Lot 576 in DP 729276, the registered proprietor of which is the State of New South Wales. The lease in respect of Lot 576 in DP 729276 will be subject to the Minister's consent and the approval of the relevant government department.

The leases, utilising Law Society Lease templates are also subject to the *Retail Leases Act 1994*. DRAFT versions of the leases are included with the tender information, without the particulars completed, pending the outcome of the tendering process. Further special conditions can also be included in the leases. The Lease will have a "market rent review" if the option to renew is exercised. For every other year, rent will be reviewed in accordance with movements of the CPI for Sydney.

Tender Process

At the beginning of May 2010 Lismore City Council invited submissions via tender from suitably qualified and experienced businesses or individuals to lease and operate the café facility adjoining the Lismore Regional Art Gallery located in Spinks Park. The tender document stated the lease is for the purpose of providing café and other agreed services, and would be for a period of five (5) years, with an option to renew for a further five (5) years.

Council staff, when developing the tender document, included several requirements on the tenderer to provide information about their financial proposal, style of café, longevity of their business, marketing and local content etc. This would assist Council to mitigate the risk of selecting a tenant that may only be in place for a short time and therefore Council would have to undertake a similar process again in a relatively short time span.

Council's Assets Section's philosophy behind the tender process and subsequent lease is to find a long term, reliable tenant, with the proven ability to provide a service, aligned with the overall master plan of the Spinks Park precinct. Also, tenders must demonstrate an ability to conform to Council's requirements and be aligned with Council's business model and corporate identity.

The tender also outlined that the submission should contain details of how the business would promote the use of local foods and produce, and how the tenderer would develop relationships with local suppliers in an effort to support local business and reduce food kilometres, transport and packaging.

Process Audit

The tender procedure and the assessment process has been audited for probity by the Regional Projects Coordinator, North Coast Regional Office - Lismore, Department of Public Works and Services.

Submissions

At the close of tender, 2.00pm on 13 May 2010, two (2) submissions were received. The first from Gianpiero and Rebekka Battista, trading as Left Bank Café (the current lessee), the second from Robert and Debbie Cregan currently operating a catering business in Lismore.

Tenderer	Submission	Price Offered for Lease Per Annum
Tender 1	Left Bank Café - Gianpiero and Rebekka Battista	\$19,500.00 inclusive GST per annum
Tender 2	Robert and Debbie Cregan	\$39,600.00 inclusive GST per annum

Tender Assessment

An assessment panel was assembled to consider the responses received and allocate scores based on the assessment criteria as advised in the tender documents. The assessment panel consisted of:

- Contracts Administration Officer
- Business Facilitator.

The panel worked through each tender one at a time and made its assessment against the nominated selection criteria. The panel discussed each assessment and reached a consensus view about the raw scores to be allocated.

Tenders were given a raw score out of 10 for each of the assessment criteria. The assessment criteria and their respective weightings were:

- Total Cost - Value for Money – 30%
- Capability and Experience – 40%
- OH&S, Risk Management and Quality – 5%
- Environment and Community – 5%
- Local Content – 20%

Summary of the Assessment

Tender 1 – Battista, Gianpiero and Rebekka T/A The Left Bank Café

Total Cost - Lease offer

The offer of \$19,500.00 (incl GST) is below the current lease amount of \$24,000.00. The submission has a commitment of personal investment for facility renovations with details provided in the form of architect's drawings; however no financial information is given for the renovation. The offer is low when compared to, two market rental valuations by local property agencies, one very recently, who estimated the lease amount for the property, on average would be closer to \$28,000.00 per annum.

Capability and Experience

The submission is well presented. All aspects of the selection criteria are addressed, with strong demonstration of capability and experience in operating cafés and restaurants in the past. The submission has examples of menus, marketing plans and details of proposed renovations.

OH&S, Risk Management and Quality

The submission presents a basic knowledge of OH&S, however no examples of OH&S documentation are provided.

Environment and Community

The submission demonstrated a basic environmental awareness. There is a very strong demonstration of community involvement by both parties involved in the submission.

Local Content

The submission has a very good demonstration of local content, including support for local suppliers; also an understanding of food miles, and support of the Lismore business community.

Tender 2 – Cregan, Robert and Debbie

Total Cost – Lease Offer

The offer of \$39,600.00 (incl GST) is above the current lease figure of \$24,000.00. The submission mentions a capital investment of \$15,000.00 in the submission to improve the café facility.

Capability and Experience

Limited experience in café and restaurant operation with no demonstrated strengths in marketing and operating a café or restaurant business.

OH&S, Risk Management and Quality

The submission presents a basic knowledge of OH&S, however no examples of OH&S documentation are provided.

Environment and Community

There is minimal demonstration of community involvement of the parties. The submission contains general statements rather than detailed information.

Local Content

Good local content demonstration with a list of local suppliers and support of the local business economy.

Summary of Scores

The raw scores from the assessment panel for each tender were placed into a spreadsheet and calculated to a weighted score for each of the criteria. The five selection criteria were tallied and converted to a score out of 100. The weightings used are as outlined in the tender document and described earlier in this report.

The attached spreadsheet provides the raw scores allocated by the panel and the subsequent weighted scores for the both tenders received. The total of these are reflected in the list below:

Company	Score
Left Bank Café - Gianpiero and Rebekka Battista	72.48
Robert and Debbie Cregan	59.33

Sustainability Assessment

Economic

The lease of the café is income producing, resulting in a positive economic outcome for Council.

Social

The granting of a lease to either of the Tenderers will have a positive social impact as they are local people and would presumably employ other local people in the business.

The granting of a lease to The Left Bank Café operators, Gianpiero and Rebekka Battista, will have a positive social impact through the various community based projects the Battistas support, organise and are involved with, through their restaurant business.

Environmental

The environmental impact of the café business is addressed within the submission by considering local content, food miles and the extensive use of local suppliers.

Comments

Finance

The 2010/11 Budget anticipates revenue of \$24,300 from the lease of the café at the Lismore Regional Art Gallery. Negotiations with the owners of The Left Bank Café to bring the lease amount up to the market rental valuations is supported. Any variance to the budget will be reported to Council as part of the quarterly budget reviews.

Public consultation

Not applicable.

Conclusion

The submission from Left Bank Café by Gianpiero and Rebekka Battista, achieved the highest score in the assessment process. The submission addressed all the selection criteria, is well structured and presented and conveyed an excellent understanding of restaurant and café operation. The submission also demonstrated the commercial acumen required to promote and maintain a long term restaurant business. The Left Bank Café submission mitigates risk for Council associated with a start-up or less matured business surviving the term of the agreement.

The Lease fee offered by the owners of Left Bank Café of \$19,500.00 (incl GST) is below their current lease amount of \$24,000.00, and below the asking fee of \$26,500.00. The offer is low when compared to, two market rental valuations by local property agencies, one very recently, who estimated the lease amount for the property, on average would be closer to \$28,000.00 per annum. A satisfactory outcome may be achieved through a negotiation process.

Attachment/s

1. Tender Panel Scores - Tender 2010-26 - Lease of Cafe at Lismore Regional Art Gallery

Recommendation

That:

1. In accordance with Clause 178(1)(b) of the *Local Government (General) Regulation*, Council decline to accept any tenders for T2010-26 - Lease of Café at Lismore Regional Art Gallery.
2. In accordance with Clause 178(3)(e) of the *Local Government (General) Regulation*, Council resolve to enter into negotiations with Gianpiero and Rebekka Battista, trading as Left Bank Café for the lease of the café at the Lismore Regional Art Gallery.
3. In accordance with Clause 178(4)(a) of the *Local Government (General) Regulation*, the reasons that Council declines to invite fresh tenders are that:
 - Council has already conducted a tender process and received an adequate response,
 - The respondents to that process are capable of delivering the services that Council requires,
 - Council's process clearly identified a preferred tenderer but there are some matters that need to be resolved and clarified prior to entering into a lease agreement,
 - Those matters are not of a nature that significantly alter the content or requirements of the tender.
4. The General Manager negotiate with the preferred tenderer, to achieve a more equitable lease agreement and report back to Council, on the outcome, prior to finalisation and signing.

Attachment

T2010-26 - Lease of Café at Lismore Regional Art Gallery

Tender Panel - Ross Davies and Mark Batten

Criteria	Weighting	Battista	Weighted & calculated	Cregan	Weighted & calculated
		Raw Score		Raw Score	
1 Total Price (out of 10)	30%	5.16	1.55	7.61	2.28
2 Capability and Experience (out of 10)	40%	8	3.20	4	1.60
3 Quality and Safety (out of 10)	5%	6	0.30	6	0.30
4 Environment and Community (out of 10)	5%	8	0.40	3	0.15
5 Local Content Minimum 10% (Out of 10)	20%	9	1.80	8	1.60
			7.25		5.93
Total 100% or 100			72.48		59.33

Report

Subject	Nimbin Community Consultative process
TRIM Record No	BP10/165:EF09/81
Prepared by	Community Services Coordinator
Reason	To provide Council with information on the development of consultative mechanisms between Council and the Nimbin community.
Community Strategic Plan Link	Social Inclusion and Participation

Overview of Report

This report outlines the process undertaken to date toward the establishment of a consultative structure to enable Nimbin community to provide advice to Council.

Background

In March 2009 Nimbin Chamber of Commerce and Nimbin Community Centre Inc hosted a forum on Nimbin Community engagement with Council. Twenty six recommendations were forwarded from this forum to Council for consideration.

In response to these recommendations, Council's Ordinary meeting of 11 May 2010 resolved that:

1. Council work with the Nimbin Chamber of Commerce, the 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.
2. Council's activities in the Nimbin area are communicated through local media including:
 - a. newsletter in the Nimbin Good Times; and
 - b. notice board and information distribution point.
3. Council's welcome and information for new residents include information specifically related to Nimbin.

Sustainability Assessment

The creation of a Nimbin Community Reference Group will create an opportunity for capacity building within the Nimbin community and will enable more effective engagement with Council; this will ultimately make the community more sustainable.

Economic

The creation of a Community Reference Group will build capacity within the Nimbin community to support sustainable economic outcomes.

Social

The Nimbin Community Reference Group will provide opportunities to enhance a sense of participation and engagement among Nimbin residents. A formal mechanism through which community members feel heard will reduce the sense of isolation which is frequently articulated by some sections of the Nimbin community.

Environmental

The Nimbin Community Reference Group will create a mechanism to address environmental issues through a whole of community response and more effective engagement with Council.

Finance

Not required.

Other staff comments

Community Services Coordinator

Council's Community Services Coordinator began informal communications with both the Nimbin Community Centre Inc. and the Nimbin Chamber of Commerce immediately after the May Council meeting. Office bearers from each of these organizations confirmed that a Nimbin Community Reference Group (NCRG), which was serviced by a Council Officer, would be the ideal consultative mechanism.

The following suggestions about the establishment of the NCRG were put forward for consideration:

- The NCRG include representatives from the community, the Nimbin Chamber of Commerce, the Nimbin Community Centre Inc., Nimbin Neighbourhood and Information Centre, other groups delivering services within the community, an Indigenous Elder and, potentially, youth representatives.
- This group would number between 8–10.
- The group would be formed through an election process which, in the first instance, would require an EOI from interested parties and, finally, a decision making process through Councillors.
- This group would meet on a tri-monthly basis, or more frequently on a needs/issue driven basis.

The scope of this Reference Group will include:

- Provide input into the delivery plan process.
- Identify potential funding and partnership opportunities.
- Assist in the prioritisation of projects related to the Nimbin community.
- Identify emerging community issues for Nimbin which are relevant to the strategic plan.
- Support Council's projects which are relevant to the Nimbin community.
- Advise on methods of consultation.
- Make submissions to the annual budget through the delivery plan.
- Any other matters as requested.

Timelines (2010):

June	Letters of advice and acknowledgement to Nimbin Chamber of Commerce and the Nimbin Community Centre Inc.
July	Report to Council.
August	Article in the Nimbin Good Times to advise of the development of the NCRG, its scope and processes for election.
September	Community information session and public advertisement. Call for EOI's.
October	Elections of NCRG representatives during October Council meeting. Initial NCRG meeting.

Manager Integrated Planning

Nationally and internationally 'Nimbin' is an iconic brand. This presents some very significant opportunities for Lismore City.

Nimbin presents a number of challenging issues for Council yet its community is one of the most engaged and 'politically' active in Lismore. The NCRG presents an opportunity for meaningful collaboration between Council and the Nimbin community which, if proactively managed, could have significant benefits for Lismore City.

The process outlined for appointing NCRG members is appropriate with Council preserving the ultimate discretion as to who it works with. The proposed functions of the NCRG are also appropriate.

Public consultation

Not required.

Conclusion

The intention of the NCRG consultative mechanism is to improve communications between Council and the Nimbin community. As the proposed consultation structure has been drawn from recommendations which the Nimbin community forum made to Council and has been informed by a consultative process from its inception, to date, the proposal has received strong Nimbin community support.

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. The recommended consultative structure, its scope and the process for selection of the Nimbin Community Reference Group membership be adopted by Council.
2. The recommended membership of the Nimbin Community Reference Group be reported back to Council for approval once expressions of interest are sought.

Report

Subject	Section 356 Miscellaneous Community Donations
TRIM Record No	BP10/169:EF10/135
Prepared by	Community Services Officer (Social Planner)
Reason	To administer Council's annual S356 Miscellaneous Community Donations
Community Strategic Plan Link	Social Inclusion and Participation

Overview of Report

Council has an annual funding process under Section 356 Miscellaneous Community Donations. This report is to provide the results of this process and seek Council endorsement.

Background

Council has allocated \$30,500 in its 2010/11 budget for Miscellaneous Section 356 Community Donations. In accordance with Council policy, applications were sought from community groups and a total of 26 organisations lodged eligible applications. In an offline poll, the following 15 projects were voted by Councillors as being preferred projects for funding.

Organisation	Amount	Votes
1. Care-ring Children's Centre	\$2,200	8
2. Lismore Girl Guides	\$2,200	8
3. Animal Rights and Rescue Group	\$2,200	7
4. Lismore Vision Impaired Support Group	\$630	7
5. Out of School Hours Goonellabah Inc	\$2,014	7
6. Northern Rivers Animal Services Inc	\$2,000	7
7. Northern Kids Care (On Track)	\$2,200	7
8. Dunoon Preshool Inc	\$2,111	6
9. Rotary Club of Lismore Inc	\$2,200	6
10. Lismore Women's Resource Centre	\$2,097	5
11. Youth Connections North Coast Inc	\$1,485	5
12. Northern Rivers Roller Derby Inc	\$1,175	5
13. The Sierra Leone Community in Lismore	\$2,200	5
14. Tropical Fruits Inc	\$2,200	4
15. Centre Against Child Sexual Assault	\$2,200	4
TOTAL	\$29,112	

This leaves a remainder of \$1,388. The following 6 organisations received the next highest number of Councillor votes (3 votes each):

Organisation	Project	Amount	Votes
1. Serpentine Community Gallery	Art tuition and exhibition for diverse community groups	\$2,200	3
2. Nimbin Aquarius Landcare Group	Community Garden Shop	\$2,200	3
3. Blue Knob Hall	outdoor seating and one accessible parking space	\$2,200	3
4. The Fatherhood Project	Expectant Fathers" course	\$2,200	3
5. Nimbin Aquarius Foundation	History of Nimbin CD, DVD, Postcards	\$2,200	3
6 Northern Rivers Social Development Council	Lismore Community Gardens pathways	\$2,160	3

The remaining \$1,388 is insufficient to fully fund any one of the above projects and to divide the remainder by the six projects would be inadequate.

The following options for expenditure of the remaining \$1,388 are to:

1. Fund each organisation \$231 each.
2. Fund one organisation \$1,388.
In deciding which organisation should receive this partial funding the question needs to be asked – which organisation could make the most out of this amount? This would not be a full allocation and therefore the organisation should still be eligible to apply for a S356 donation next year. Other considerations are:
 - Nimbin/Blue Knob has not received any funding out of the 2010/11 S356 round
 - The Fatherhood Project has recently received \$16,000 from the Commonwealth and \$3,000 from CDSE
 - Lismore City Council donated the land to the Lismore Community Garden
3. Retain \$1,388 as a contingency against any urgent donation request received during 2010/11.
4. Transfer the remaining \$1,388 to general revenue.

The decision should reflect the spirit of the Miscellaneous Community Donations Funding which is to provide funding to community based organisations to deliver programs/services that benefit the groups that make up our diverse community.

Sustainability Assessment

There are no ongoing sustainability concerns associated with this funding round.

Economic

Council allocates \$30,500 in the annual recurrent budget for this purpose.

Social

Positive and sustainable social outcomes result from this funding round.

Environmental

There are no ongoing environmental sustainability concerns associated with this funding round.

Comments

Finance

Council has allocated \$30,500 in the 2010/11 Budget for this purpose.

Other staff comments

Not required.

Public consultation

The funding round was advertised in The Northern Rivers Echo for two weeks in March 2010 and via email distribution groups and the Lismore Interagency.

Conclusion

It is recommended that \$29,112 of the 2010/11 S356 miscellaneous community donations allocation (\$30,500) will be expended by applying it to the 15 community groups who received the strongest support from Councillors. The unallocated funds can be retained as a contingency for any subsequent special request for assistance.

Attachment/s

There are no attachments for this report.

Recommendation

That Council:

1. Endorse the 2010/11 Section 356 Miscellaneous Community Donations to the 15 projects outlined in this report.
2. Retain \$1,388 as a contingency against any urgent donation request received during 2010/11.

Report

Subject	Annual Code of Conduct Report
TRIM Record No	BP10/167:EF09/640
Prepared by	Corporate Compliance Coordinator
Reason	A requirement of the Code of Conduct
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

The report provides information as requested by the Code of Conduct into complaints received by Council.

Background

Council at its meeting on 12 August 2008 adopted the Model Code of Conduct as provided by the Division of Local Government.

Clause 12.33 of the Code requires that:

The General Manager must report annually to Council on Code of Conduct complaints. This report should include, as a minimum a summary of the:

1. *Number of complaints received;*
2. *Nature of the issues raised by complainants; and*
3. *Outcomes of complaints.*

Complaints lodged with Council alleging a breach of the Code of Conduct can be dealt with in a variety of ways and these are outlined in Section 12 of the Code.

The General Manager is responsible for making determining enquiries into complaints regarding staff. In respect to Councillors, the General Manager is responsible for initial enquiries, with the Mayor performing a similar role in respect to the General Manager.

After initial investigation, the Code provides that the Mayor/General Manager can:

- Take no further action;
- Resolve the complaint;
- Refer it to an external body; or
- Refer it to the Conduct Review/Committee Reviewer.

Summary of Complaints

Since 1 July 2009, six complaints have been considered under the terms of the Code. Of these:

- One was in respect to a Councillor's conflict of interest in relation to the Margaret Olley Arts Centre.
- Two were in respect to the misuse of Council resources by staff.
- One was in respect to staff conflict of interest in a development assessment.
- One was in respect to staff recruitment.
- One was in respect to customer/staff interaction.

Outcome

- The Councillor conflict was resolved by mediation.
- Three staff matters were determined by the General Manager.
- Two staff matters are the subject of continuing investigation.

Sustainability Assessment

Economic

There is no impact upon the recurrent budget or Delivery Plan.

Social

The impact of the report is expected to be minimal.

Environmental

No impact upon the sustainability of the environment.

Comments

Finance

Not required.

Public consultation

Not required by the Code.

Attachment/s

There are no attachments for this report.

Recommendation

That the report be received and noted.

Report

Subject	Infrastructure Assets Policy Advisory Group Membership
TRIM Record No	BP10/110:EF09/1802
Prepared by	Manager - Assets
Reason	Council to endorse a replacement Infrastructure Assets PAG member.
Community Strategic Plan Link	Engage with the Community

Overview of Report

This report provides details of the nomination/s for Infrastructure Assets PAG membership for the current Council term.

Background

Following the resignation of an Infrastructure Assets PAG member, nominations have been called to fill the vacant position.

If a PAG member resigns Council selects a community member to fill the position until the end of the current Council term. Advertisements for nomination for PAG membership were placed in the 'Northern Rivers Echo' and Council's web site with nominations received up until 4.00pm on 14 May 2010.

Nominations for Membership

One nomination for the position was received from Mr Stan Heywood. The completed nomination form is attached to this report.

Sustainability Assessment

Economic

There are no economic impacts arising from the recommendations in this report.

Social

All of Council's PAGs include community members from a broad range of backgrounds. A diverse range of views is important to assist with informed debate and transparency in decision making.

Environmental

There are no environmental impacts arising from the recommendations in this report.

Comments

Finance

Not required.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

The vacancy on the Infrastructure Assets PAG has occurred because of the resignation of an existing community member. A process has been conducted to seek nominations from community members with one nomination received. Mr Stan Heywood was previously a member of Council's Roads PAG and is recommended as an appointment to fill the vacancy.

Attachment/s

1. Nomination from Stan Heywood - Infrastructure Assets Policy Advisory Group

Recommendation

That Council appoint Mr Stan Heywood to fill the vacant position on the Infrastructure Assets Policy Advisory Group for the term of this Council.



Infrastructure Assets Policy Advisory Group

NOMINATION FORM

Thank you for your interest in Lismore City Council's Policy Advisory Groups. One position is currently vacant on the IAPAG. Council will choose a PAG member that provides the IAPAG with a broad range of skills and experience.

Name *Stan Heywood*

Telephone No. Home *66 38 21 24* Mobile

Email

Address *53 Fox Road*

Rosebank 2480

What contribution could you make to the Infrastructure Assets PAG?

Knowledge of local roads

Do you represent a particular community group or perspective? (Please provide details)

NO

What skills and knowledge can you bring to the Infrastructure Assets PAG?

Being a long term resident and seeing the problems which

have arisen

Please use additional sheets if necessary.



Send your Application to: The General Manager
Lismore City Council

Post to: PO Box 23A
Lismore 2480

Or

Email to: council@lismore.nsw.gov.au

Or

Fax to: 02 66 250 400

Nominations will be received up until Friday May 14, 2010 at 4pm

*If you require help completing this form or have any further questions please contact
Sue Wade on 1300 87 83 87.*

Report

Subject	Investments - June 2010
TRIM Record No	BP10/147:EF09/2209
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Investments as at 30 June 2010 are estimated to be \$41,019,919 subject to final market valuations typically provided after month end.

The interest rate reported for June 2010 is estimated to be 5.05% which is above the Bank Bill Swap Rate for the period of 4.88%. 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 May 2010</i> | <i>\$30,669,948</i> |
| • <i>Estimated Investments – at Market Value – 30 June 2010</i> | <i>\$41,019,919</i> |

The current rate of return on investments for June 2010 is estimated to be 5.05% which is above the Bank Bill Swap Rate for the period of 4.88%. 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, Corsair (Torquay) and five other Lehman Brothers related investments that are terminating. Torquay did pay a small coupon during June which was accrued income received prior to the default of AMBAC Assurance, however, CPG Research and Advisory have advised that they do not expect there to be any further coupons paid. 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 was not recognized as a return on investments 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 Richmond Tweed Regional Library. Richmond Tweed Regional Library's investments have now been incorporated into the attachments and shown as part of the total investments held by Lismore City Council. For the month ended 30 June, 2010 the estimated total value of investments held by Richmond Tweed Regional Library is \$1,090,000. The current rate of return on the library's investments for June 2010 is estimated to be 4.83%.

Sustainability Assessment

Economic

Council's main objective in investing funds is to preserve the capital, ie, prevent any loss to the amount invested, while gaining the most advantageous rate of return with minimum risk.

Social

There is no social impact in relation to the Investments held by Council.

Environmental

There is no environmental impact in relation to the Investments held by Council.

Comments

Finance

Council's investments have increased by approximately \$10 million since the May 2010 report. The increase relates to new loans (\$6.8m), Financial Assistance Grants advance payment (\$1.6m), RTA Works (\$1.5m), Goonellabah Town Centre sale (\$4m) and fourth rates instalment.

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 30 June 2010 investments total \$41,019,919 and the annualised rate of return was 5.05%.

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.

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.

Attachment/s

1. Capital Value Movements including name of institution, lodgement date and maturity date
2. Estimated Interest showing interest rate and estimated interest earned for the period
3. Total Investment Portfolio held by month with last year comparison - graphical
4. Investment by Type - graphical
5. Weighted Average Interest Rate with bank swap rate and last year comparison - graphical
6. Investment by Institution as percentage of total portfolio - graphical

Recommendation

That the report be received and noted.

Capital Value Movements
Summary of Investments held as at
30 June, 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 Core & Maintenance Fund	Managed Fund	A	High	15/10/2008	N/A	24/08/2010	\$ 1,863,300	\$ 2,016,175
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	25/08/2010	\$ 5,500,500	\$ 5,500,500
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/9/2006	N/A	25/08/2010	\$ 252,382	\$ 252,382
ANZ High Yield Cash Account	Cash Management Account	AA	High	N/A	N/A	24/08/2010	\$ 1,760,269	\$ 1,822,500
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	7/6/2010	6/9/2010	7/6/2010	\$ 2,000,000	\$ 2,000,000
Newcastle Permanent	Term Deposit	A2	High	2/6/2010	2/7/2010	2/6/2010	\$ 1,000,000	\$ 1,000,000
Dafence Forco Credit Union	Term Deposit	Not Rated (Note 7)	High	2/6/2010	2/7/2010	2/6/2010	\$ 1,000,000	\$ 1,000,000
Folico & Nurses Credit Society Ltd	Term Deposit	Not Rated (Note 7)	High	2/6/2010	2/7/2010	2/6/2010	\$ 1,000,000	\$ 1,000,000
New England Credit Union	Term Deposit	Not Rated (Note 7)	High	2/6/2010	2/7/2010	2/6/2010	\$ 1,000,000	\$ 1,000,000
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	12/5/2010	14/7/2010	12/05/2010	\$ 2,000,000	\$ 2,000,000
National Australia Bank	Term Deposit	A1+	High	2/6/2010	2/6/2010	2/6/2010	\$ 2,000,000	\$ 2,000,000
Bank of Western Australia	Term Deposit	A1+	High	2/6/2010	3/6/2010	2/6/2010	\$ 2,000,000	\$ 2,000,000
Suncorp Bank	Term Deposit	A-1	High	20/5/2010	18/8/2010	20/05/2010	\$ 2,000,000	\$ 2,000,000
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	High	20/5/2010	18/8/2010	20/05/2010	\$ 2,000,000	\$ 2,000,000
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	High	20/5/2010	23/8/2010	20/05/2010	\$ 2,000,000	\$ 2,000,000
IMB Banking & Financial Services	Term Deposit	A2	High	18/5/2010	20/8/2010	18/05/2010	\$ 2,000,000	\$ 2,000,000
Bank of Queensland	Term Deposit	A2	High	2/6/2010	2/12/2010	2/6/2010	\$ 2,000,000	\$ 2,000,000
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
Sumnerland Credit Union	Term Deposit	Not Rated (Note 7)	High	17/1/2010	17/1/2011	17/1/2010	\$ 1,000,000	\$ 1,000,000
Bishopsgate (Wentworth)	Floating Rate CDO	AA	High	1/9/2008	30/6/2010	30/6/2008	\$ 435,100	\$ 435,100
Herald Limited (Quartz)	Floating Rate CDO	B+	Low	1/9/2008	20/12/2010	31/03/2010	\$ 13,572	\$ 13,572
Cypress (Lawson)	Floating Rate CDO	BBB+	Low	1/9/2008	30/12/2010	30/08/2008	\$ 379,500	\$ 379,500
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated (Note 7)	High	1/9/2008	18/10/2011	30/06/2009	\$ 247,500	\$ 247,500
BELO (Kajoorlio)	Commodity Backed Security	AA+	High	1/9/2008	27/2/2012	30/08/2009	\$ 580,440	\$ 580,440
Magnolia (Finders)	Floating Rate CDO	BB+	Low	1/9/2008	20/3/2012	30/08/2008	\$ 210,000	\$ 210,000
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2008	22/6/2012	30/06/2009	\$ 126,200	\$ 126,200
Beryl (Esperance 2)	Floating Rate CDO	BB+	Low	1/9/2008	20/3/2013	30/08/2008	\$ -	\$ -
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2008	20/6/2013	30/08/2009	\$ 59,400	\$ -
Zircon (Merimbula)	Floating Rate Note	C	Low	1/9/2008	20/3/2013	30/06/2009	\$ -	\$ -
Corsair (Kakadu)	Floating Rate CDO	CCC	Low	1/9/2008	20/3/2014	30/08/2008	\$ 124,550	\$ 124,550
Langroach - Series 25	Equity Linked Investment	AA-	High	2/4/2007	4/4/2014	30/09/2009	\$ 662,500	\$ 666,140
Hellum (Scarborough)	Floating Rate CDO	CCC-	Low	1/9/2008	23/6/2014	30/06/2009	\$ 2,200	\$ 2,200
Beryl (Global Bank Note)	Floating Rate Note	C	Low	1/9/2008	20/9/2014	30/08/2008	\$ -	\$ -
Zircon (Coolanguballa)	Floating Rate CDO	C	Low	1/9/2008	20/9/2014	30/08/2008	\$ -	\$ -
Aphox (Glenelg)	Floating Rate CDO	CCC+	Low	1/9/2008	22/12/2014	30/06/2009	\$ 60,900	\$ 60,900
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2008	14/12/2015	31/05/2010	\$ 440,100	\$ 490,320
Elfers Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2008	19/3/2016	31/05/2010	\$ 864,000	\$ 1,001,740
Zircon (Miami)	Floating Rate CDO	C	Low	1/9/2008	20/3/2017	30/06/2009	\$ -	\$ -
Local Government Financial Services - RTRL	Term Deposit	A1	High	1/4/2010	30/6/2010	1/4/2010	\$ 350,000	\$ 350,000
Local Government Financial Services - RTRL	Term Deposit	A1	High	1/4/2010	28/8/2010	1/4/2010	\$ 90,000	\$ 90,000
Commonwealth Bank of Australia - RTRL	Term Deposit	A1+	High	30/11/2009	29/11/2012	30/11/2009	\$ 400,000	\$ 400,000
Local Government Financial Services - RTRL	Term Deposit	A1	High	22/12/2009	16/12/2010	22/12/2009	\$ 250,000	\$ 250,000
Investment on Hand							\$ 40,672,513	\$ 41,019,919

Investments Redeemed during period (Note 6)								
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	9/4/2010	7/6/2010	6/10/2010	\$ 2,000,000	\$ 2,000,000
Newcastle Permanent	Term Deposit	A2	High	19/4/2010	18/8/2010	18/04/2010	\$ 1,000,000	\$ 1,000,000
Merrill Q A/A FRN / CBA	Floating Rate Note	A+	High	22/3/2009	8/6/2010	31/05/2010	\$ 949,250	\$ 999,240
Local Government Financial Services - RTRL	Term Deposit	A1	High	1/4/2010	27/5/2010	1/4/2010	\$ 450,000	\$ 450,000

\$ 45,071,763 \$ 45,469,159

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 Capital Guaranteed note if held to maturity.
 Note 2: This Balance sheet Valuation is the Market Value as at 30/6/09 plus additions less redemptions during the year.
 Note 3: Latest estimates based on information provided by investment managers and prior period performance.
 Note 4: Market Value is the Capital Value of the investment and any accrual of income.
 Note 5: 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 6: These Counterparties & Products are authorised under the Minister Order and require no minimum Credit Rating.
 Note 7:

"Indicative" Source of Funds

Externally Restricted	32,483,674
Internally Restricted	8,536,245
	<u>\$ 41,019,919</u>

Estimated Interest
Summary of Investments held as at
30 June, 2010

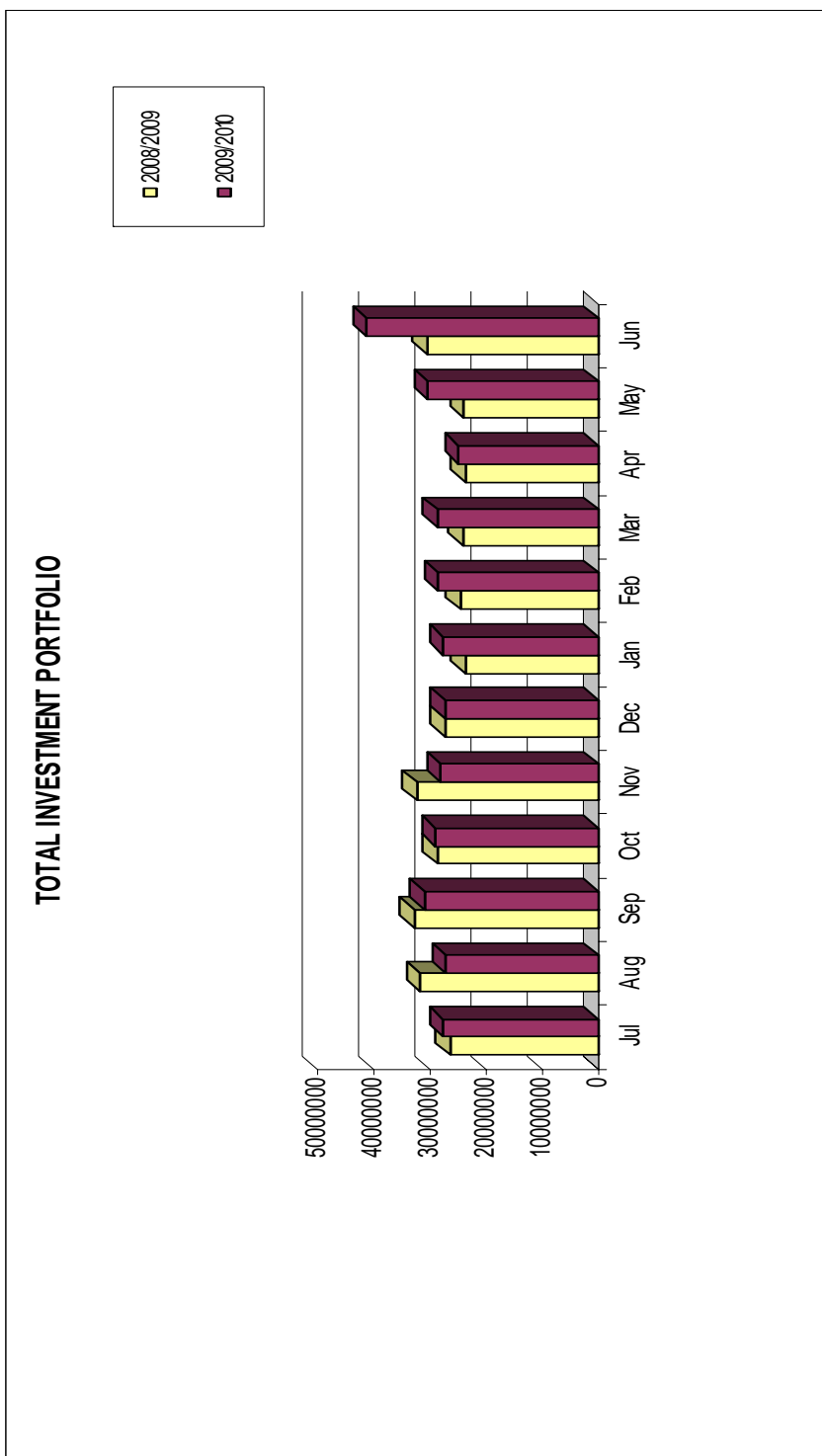
Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Current market Value (Note 5)	Estimated Interest for Period	Weighted Interest for Period
Cash Based Returns						
Blackrock Core & Maintenance Fund	Managed Fund	A	0.00%	\$ 2,016,175	\$ -	0.00%
CBA - Business On Line Banking A/c	Cash Management Account	Cash	4.10%	\$ 5,500,500	\$ 18,536	0.53%
Macquarie Cash Management Trust	Cash Management Account	Not Rated	2.81%	\$ 252,382	\$ 583	0.02%
ANZ High Yield Cash Account	Cash Management Account	AA	5.00%	\$ 1,822,500	\$ 7,480	0.23%
Credit Union Australia (CUA)	Term Deposit	Not Rated	6.06%	\$ 2,000,000	\$ 7,637	0.22%
Newcastle Permanent	Term Deposit	A2	5.51%	\$ 1,000,000	\$ 4,227	0.12%
Defence Force Credit Union	Term Deposit	Not Rated	5.60%	\$ 1,000,000	\$ 4,296	0.12%
Police & Nurses Credit Society Inc	Term Deposit	Not Rated	5.60%	\$ 1,000,000	\$ 4,296	0.12%
New England Credit Union	Term Deposit	Not Rated	5.85%	\$ 1,000,000	\$ 4,488	0.13%
Southern Cross Credit Union	Term Deposit	Not Rated	5.93%	\$ 2,000,000	\$ 9,748	0.28%
National Australia Bank	Term Deposit	A1+	5.53%	\$ 2,000,000	\$ 8,484	0.24%
Bank of Western Australia	Term Deposit	A1+	5.65%	\$ 2,000,000	\$ 8,668	0.25%
Suncorp Bank	Term Deposit	A-1	5.91%	\$ 2,000,000	\$ 9,715	0.28%
Community CPS Australia	Term Deposit	Not Rated	6.15%	\$ 2,000,000	\$ 10,110	0.29%
Savings & Loans Credit Union	Term Deposit	Not Rated	6.00%	\$ 2,000,000	\$ 9,863	0.28%
IMB Banking & Financial Services	Term Deposit	A2	5.88%	\$ 2,000,000	\$ 9,666	0.28%
Bank of Queensland	Term Deposit	A2	6.15%	\$ 2,000,000	\$ 9,436	0.00%
Westpac Banking Corporation	Term Deposit	AA	6.60%	\$ 2,000,000	\$ 11,178	0.32%
Newcastle Permanent	Term Deposit	A2	7.00%	\$ 1,000,000	\$ 5,753	0.16%
Summerland Credit Union	Term Deposit	Not Rated	6.50%	\$ 1,000,000	\$ 5,342	0.15%
Bishopsgate (Wentworth)	Floating Rate CDO	AA	4.53%	\$ 435,100	\$ 1,880	0.05%
Herald Limited (Quartz)	Floating Rate CDO	B+	6.40%	\$ 13,572	\$ 158	0.00%
Cypress (Lawson)	Floating Rate CDO	BBB+	4.53%	\$ 379,500	\$ 1,860	0.04%
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated	6.71%	\$ 247,600	\$ 1,379	0.04%
BELO (Kalgoorlie)	Commodity Backed Security	AA+	6.15%	\$ 580,440	\$ 3,540	0.09%
Magnolia (Flinders)	Floating Rate CDO	BB+	6.40%	\$ 210,000	\$ 1,578	0.03%
Omega (Henley)	Floating Rate CDO	CCC	5.70%	\$ 126,200	\$ 1,874	0.02%
Beryl (Esperance 2)	Floating Rate CDO	BB+	0.00%	\$ -	\$ -	0.00%
Corsair (Torquay)	Floating Rate CDO	CCC-	0.00%	\$ -	\$ -	0.00%
Zircon (Merimbula)	Floating Rate Note	C	0.00%	\$ -	\$ -	0.00%
Corsair (Kakadu)	Floating Rate CDO	CCC	6.30%	\$ 124,660	\$ 2,589	0.02%
Longreach - Series 26	Equity Linked Note	AA-	0.00%	\$ 666,140	\$ -	0.00%
Helium (Scarborough)	Floating Rate CDO	CCC-	6.74%	\$ 2,200	\$ 1,109	0.00%
Beryl (Global Bank Note)	Floating Rate Note	C	0.00%	\$ -	\$ -	0.00%
Zircon (Coolangulla)	Floating Rate CDO	C	0.00%	\$ -	\$ -	0.00%
Aphex (Glennelg)	Floating Rate CDO	CCC+	6.60%	\$ 60,900	\$ 2,712	0.01%
Bendigo Bank PR Sub Debt	Subordinate Debt	Not Rated	5.40%	\$ 490,520	\$ 2,218	0.07%
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated	5.57%	\$ 1,001,740	\$ 4,578	0.14%
Zircon (Miami)	Floating Rate CDO	C	0.00%	\$ -	\$ -	0.00%
Local Government Financial Services - RTRL	Term Deposit	A1	5.50%	\$ 350,000	\$ 1,582	0.05%
Local Government Financial Services - RTRL	Term Deposit	A1	5.25%	\$ 90,000	\$ 462	0.01%
Commonwealth Bank of Australia - RTRL	Term Deposit	A1+	7.00%	\$ 400,000	\$ 2,301	0.07%
Local Government Financial Services - RTRL	Term Deposit	A1	6.75%	\$ 250,000	\$ 1,387	0.04%
Investment on Hand				\$ 41,019,919	\$ 180,703	4.68%

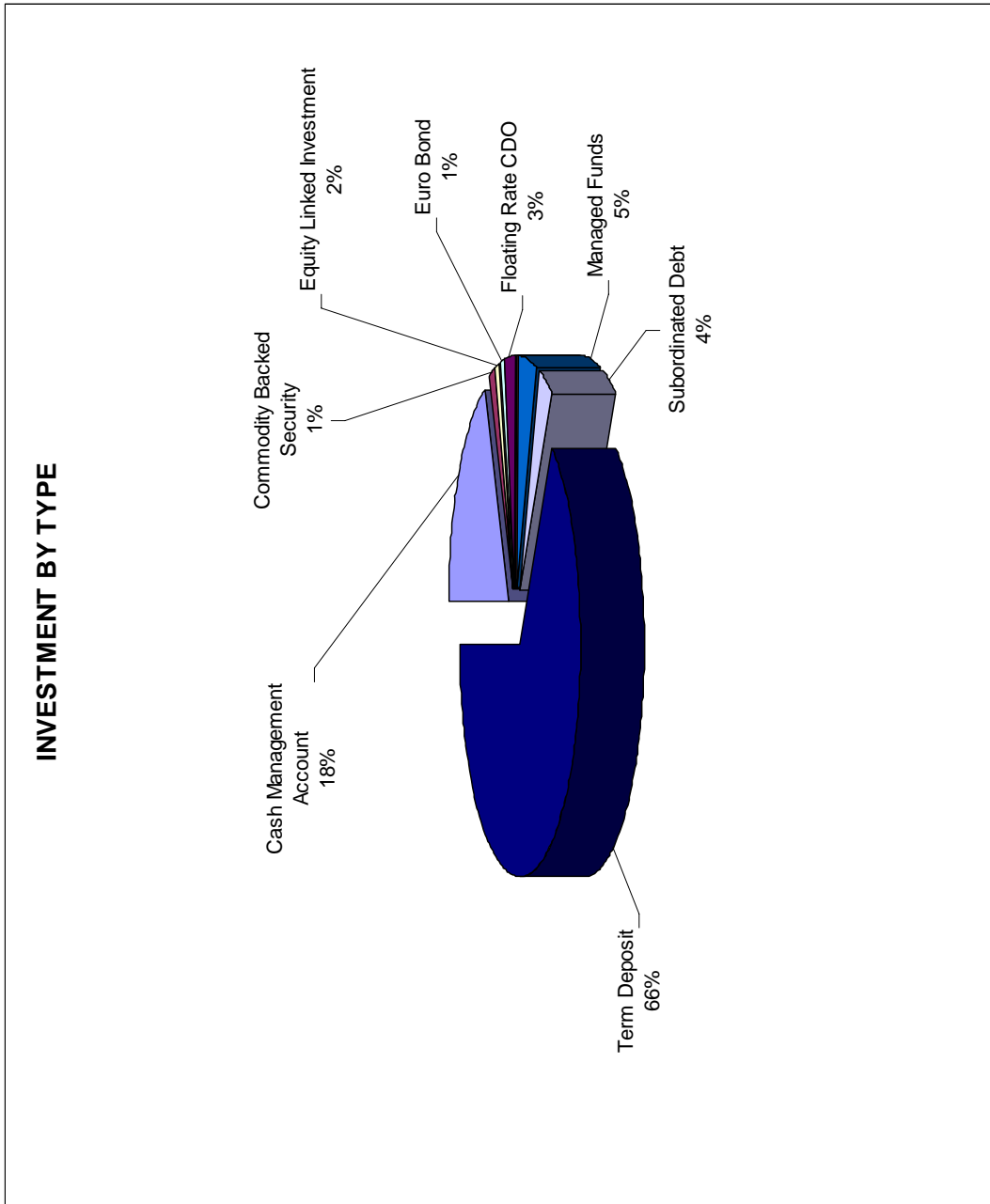
Investments Redeemed during period

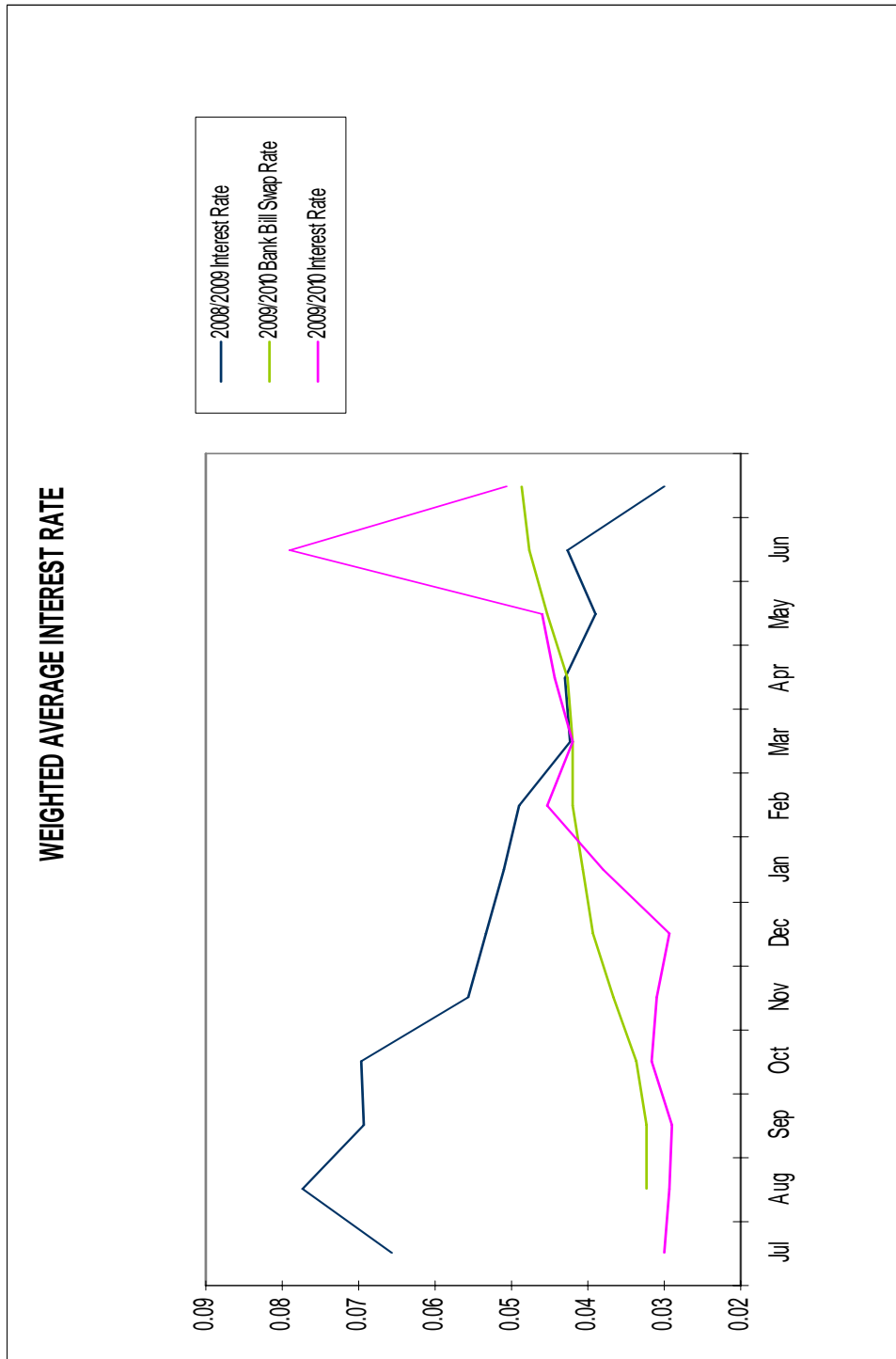
Credit Union Australia (CUA)	Term Deposit	A2	5.96%	\$ 2,000,000	\$ 7,511	0.23%
Newcastle Permanent	Term Deposit	Not Rated	5.74%	\$ 1,000,000	\$ 1,887	0.06%
Merrill Q/A/A FRN / CBA	Floating Rate Note	A+	4.88%	\$ 999,240	\$ 2,761	0.08%
Local Government Financial Services - RTRL	Term Deposit	A1	5.40%	\$ 450,000	\$ -	0.00%

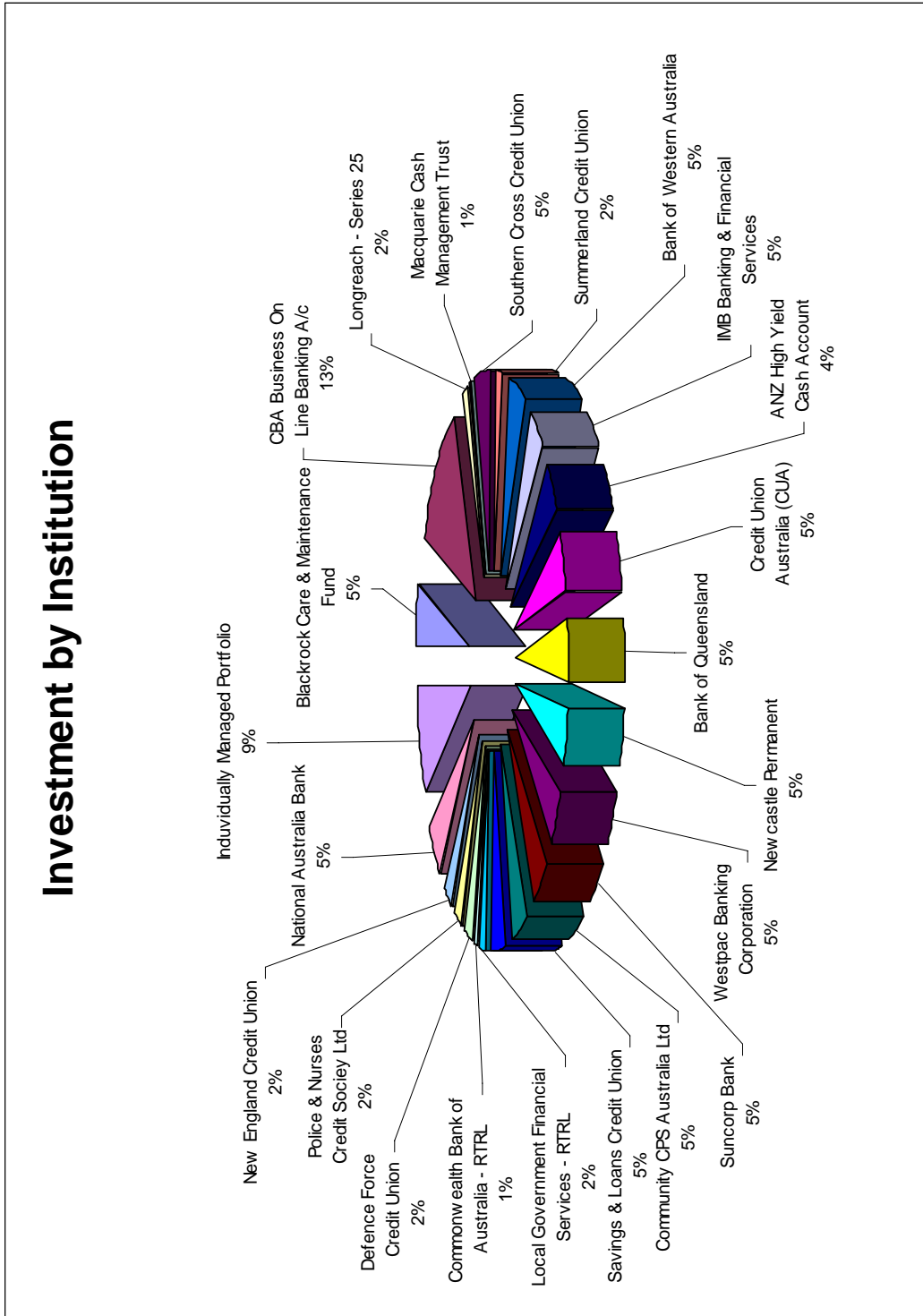
30/6/2010 5.05%
\$ 45,469,158 \$ 192,962

Note 1: Interest return is calculated on (actual interest + plus accrued interest + plus realised gains - losses on disposal - expenses) / principal value
 Note 2: Capital Guaranteed note if held to maturity
 Note 3: Blackrock interest rate is shown as zero as regular distributions are not being received. When a distribution is received the interest rate is adjusted for that month accordingly.
 Note 4: Estimated Interest for Period is calculated by multiplying the annualised rate by the purchase price and reflects both interest accrued and received.
 Note 5: No Coupon currency payable under terms of the investment.
 Note 6: Latest estimates based on information provided by investment managers and prior period performance.









Committee Recommendations



Committee Recommendation

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE HELD IN MAGELLAN ROOM, CBD CENTRE, 55 MAGELLAN STREET, LISMORE ON WEDNESDAY, 16 JUNE 2010 AT 10.00AM.

Present

Councillor Jenny Dowell (*Chairperson*), Frank Smallman (*RTA*) and Snr Const Rob Clarke (*Lismore Police*).

In Attendance

Garry Hemsworth (*Executive Director-Infrastructure Services*), Lisa Marshall (*Road Safety Officer*) and Bill MacDonald (*Traffic & Emergency Services Co-ordinator*). Matt Kelly (*Compliance Co-ordinator*) was present for "Review of Car Park Permit" and "DA09/175 – Proposed Nimbin Supermarket" items.

Apologies

TAC49/10 An apology for non-attendance on behalf of Thomas George MP (*Member for Lismore*) was received and accepted.

Confirmation of Minutes

TAC50/10 The Committee was advised that the minutes of the Traffic Advisory Committee held on 19 May 2010 were confirmed by Council on 8 June 2010.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Car Park Permits - Review of Corporate Procedure 3.3.4

In 2008 Council completed a review of Corporate Procedure 3.3.4 – Car Park Permit. The review process defined the objective of the local parking permit scheme as being to ensure the use of off-street car parking areas is done fairly, objectively and in accordance with an eligibility criteria that is restrictive in nature providing limited opportunity for permit access. The eligibility criteria in effect excludes community and social/sporting groups who were historically beneficiaries of the permit scheme. The review recognised the difficulty in managing a parking permit scheme where eligibility was based on an assessment of social need.

With the recent introduction of time limited paid parking in Uralba Street between Hunter and Dibbs Streets (Lismore Base Hospital), the matter of permit parking has been raised by patients requiring extended treatment periods and associated service providers now displaced by the actively regulated zone.

Committee Recommendation

This report is presented to the Traffic Advisory Committee for consideration of Corporate Procedure 3.3.4 – Car Park Permit as required by the Roads and Traffic Authority Permit Parking Manual June 2010, and further the consideration of the introduction of two (2) 15 minute time limited on-street car park spaces within the time limited paid parking zone Lismore Base Hospital.

Matt presented a brief overview of the report. It was pointed out that although the issue of permits for on street parking was not permitted, other alternatives such as a shuttle bus had already been introduced at the Hospital and there may be the opportunity for this to be expanded to include other groups who require more convenient accessibility to the various services such as the blood bank.

In relation to the need for additional on street short term parking spaces it was felt that users would be far better served if the existing short term parking bays and the accessible parking bay immediately in front of the main entrance to the Hospital on its land were more readily available.

This could be achieved by Council Rangers enforcing those regulations to ensure a greater turnover. To this end, negotiations with Hospital management should be undertaken to further explore this option. Community Transport has confirmed that this would better suit their needs as well.

TAC51/10 Recommended that –

- a) Corporate Procedure 3.3.4 – Car Park Permit is reaffirmed as an element of Council's overall parking strategy.
- b) The eligibility criteria nominated within Corporate Procedure 3.3.4 – Car Park Permit not be expanded to include other potential user groups and that the current applications be determined accordingly.
- c) That negotiations be carried out with the Lismore Base Hospital management with a view to Council Rangers monitoring and enforcing regulations pertaining to the two existing 15 minute and one accessible parking bays. (EF09/1618)

Lismore Shopping Square – Obscured Visibility Vehicles exiting Woolworths Service Station

The Operations Manager of the Square is requesting a solution to the problem of cars parking along Diadem Street adjacent to the service station as shown on the attached map, which obscure the visibility of oncoming traffic for motorists exiting the service station. There have been a number of accidents recently as a result.

It would appear that the area in question on the western side of Diadem Street between the two driveways to the Caltex Service Station is regularly used for parking. Whilst a small vehicle does not pose serious sight distance concerns, a larger four wheel drive parked in this area would significantly contribute to restricting safe exit sight distance. There is generally ample on street parking in close proximity to this area and therefore restricting parking would not have any significant impact.

TAC52/10 Recommended that a 'No Stopping' zone be introduced on the western side of Diadem Street between the two driveways to the Caltex Service Station adjacent to Lismore Square. (ED10/10735:R6019)

Committee Recommendation

DA 07/175 – Proposed Nimbin Supermarket

Council is currently considering an application for the construction of a commercial development off Sibley Street Nimbin which includes a Supermarket and a number of specialty shops.

As part of this development it is proposed that a roundabout be constructed on Sibley Street to service the new development. The roundabout will address increased traffic movements associated with the development as well as assist in reducing approach speeds to Nimbin Village. It is suggested that provided the relevant construction standards are met, the roundabout proposal be supported.

As a result of the Committee being able to view the plans tabled at the meeting a number of other suggestions were also put forward for consideration. These were:

- a) That the marked pedestrian crossing lines shown within the car park be removed.
- b) That the footpath from the new development be linked to the existing footpath network in Sibley Street.
- c) That public transport needs such as a bus zone and shelter, taxi rank and bike rack be considered.
- d) That a gap in parking be provided for pedestrian movements to and from car park numbers 134 to 163.

TAC53/10 Recommended that the construction of the roundabout associated with the proposed commercial development on Sibley Street Nimbin be supported, provided the relevant construction standards are met, and the suggestions:-

- a) That the marked pedestrian crossing lines shown within the car park be removed.
- b) That the footpath from the new development be linked to the existing footpath network in Sibley Street.
- c) That public transport needs such as a bus zone and shelter, taxi rank and bike rack be considered.
- d) That a gap in parking be provided for pedestrian movements to and from car park numbers 134 to 163.

are included for consideration in determining the development application.

(DA09/175)

Lismore Police – Intersection of Keen and Zadoc Streets

Raising concerns regarding the continuing number of accidents occurring at this intersection and requesting consideration of replacing the existing 'Give Way' signs with 'Stop' signs.

Some additional works involving the extension of the centre median in Keen Street and the relocation of existing signage to a more prominent position has failed to resolve current and ongoing accident history concerns. Sight distance on approaches to the intersection is restricted and it is suggested that the existing 'Give Way' signs be replaced with 'Stop' signs. The addition of a number of large developments towards the western end of Zadoc Street have resulted in significant increases in vehicle movements through this intersection.

It was suggested that further investigations be carried out into the suitability of this location for Blackspot funding.

TAC54/10 Recommended that the existing 'Give Way' signs in Keen Street at its intersection with Zadoc Street be replaced with 'Stop' signs and further that investigations be carried out into the likelihood of obtaining Blackspot funding. (R7313)

Committee Recommendation

Access Committee - Accessible Parking in Nimbin

Raising concerns on behalf of a Nimbin resident about the lack of accessible parking in Nimbin, particularly towards the northern end of Cullen Street in the vicinity of the Neighbourhood Centre.

There is only one accessible parking bay on the western side of Cullen Street in the centre of the CBD area. It was suggested that additional parking space could be introduced in the northern end of the Western Car Park adjacent to the Tourist Information Centre.

- TAC55/10** **Recommended** that two (2) accessible parking bays be installed at the northern end of the Western Car Park adjacent to the Nimbin Tourist Information Centre. (EF09/2168)

Carrington Street Temporary Road Closures

Request from the City Centre Manager for Carrington Street to be closed between Magellan Street and Eggins Lane in conjunction with the World Fair Trading Day.

This issue was discussed at a recent meeting of the Traffic Advisory Committee as a result of a request from the City Centre Manager for Carrington Street to be closed between Magellan Street and Eggins Lane in conjunction with the World Fair Trading Day.

A Traffic Management Plan was developed for this site and there were no issues raised as a consequence of the road being closed. It is proposed that this area be used for future events in the CBD that require such an area and that the existing TMP be used providing conditions do not change.

- TAC56/10** **Recommended** that approval be granted for the temporary closure of Carrington Street, between Magellan Street and Eggins Lane on an ongoing basis subject to no change in current conditions, that the closure be carried out in accordance with the approved TMP, that each closure be advertised and that they have the ongoing support of businesses in that area. (EF10/129)

Part 'B' – Determined by Committee

North Coast Petroleum Distribution – Request for B-double Route Permit

Applying for a 26 metre B-double route permit/upgrade to Ona Street off Casino Street and Kyogle Street off Union Street, South Lismore, due to requests from transport companies using the public weighbridge facilities at 19-21 Kyogle Street.

An on site meeting was held with the Manager of North Coast Petroleum, Mr Peter Ahern, to further discuss the application. Concerns were raised regarding the sub standard condition of the road and road shoulder in Kyogle Street due to its continued use by heavy vehicles currently accessing the weighbridge.

There was insufficient width of through road for heavy vehicles to turn into the facility without using the road shoulder. The shoulder was also required for storage for vehicles to park while waiting for the weighbridge to be clear. It is suggested that given current conditions the application should be denied.

- TAC57/10** **It was agreed** that the application for an extension of the B-Double route to include Kyogle Street and Ona Street be denied given the sub standard nature of current access. (CI10/12686:EF09/1968)

Committee Recommendation

Tregeagle Landcare Inc. - Jim Kinhead – Request for Reduced Speed Limit on Connor Road

Raising concerns regarding the erection of 'END 80 Zone' signs on Connor Road and requesting consideration of reducing the speed limit to 60km and a number of additional signposting measures.

Connor Road is bitumen sealed for its entire length of approximately 3.6 km to a dead end. There are 34 driveway accesses. A section of Rous Road has recently had the speed limit reduced to 80 kph resulting in 'END 80 Zone' and 'Reduce Speed Drive to Conditions' signs being placed on all side roads off Rous Road in the effected area. These are standard signs and considered appropriate given the rural nature of the adjacent environment. The road is not a through road and the majority of road users would be aware of existing conditions. 'Koala' warning signs already exist on Connor Road.

Overall the alignment and width of Connor Road is not conducive to encouraging excessive speeds and it is suggested that some periodic enforcement by Police may assist in reducing concerns. Additional warning signs for pedestrians should not be used in areas where pedestrian activity was periodic and were not considered warranted.

Snr Const Clarke advised that Police had been tasked to patrol Connor Road.

TAC58/10 **It was agreed** that the writer be advised that additional warning signage and reduced speed limit signs are not considered warranted and further, that Police had included the area in patrols which will assist in reducing concerns regarding any perceived speeding issues. (CI10/12686:EF09/1968)

Guide Dogs NSW - Pedestrian Access across Ballina Road

Forwarding a copy of a letter to Thomas George MP outlining access difficulties being experienced by residents with vision impairments when attempting to cross the Bruxner Highway.

The Committee was advised that this issue was again raised at a recent Access Committee meeting where it was pointed out that even the proposed additional refuge facility in front of the City Hall did not meet the needs of those with mobility problems.

An invitation to a representative of the RTA had been issued to a future meeting of the Access Committee to further discuss concerns, however in the short term a survey will be undertaken to determine vehicle numbers and potential pedestrian numbers given that many pedestrians will not attempt to cross the highway under current conditions. The RTA will then assess the potential and impacts for any improved facilities such as mid-block pedestrian activated lights or intersection controls that would include pedestrian phases.

TAC59/10 **It was agreed** that this matter be brought back to the Committee for further consideration of any proposed options. (CI10/14664:EF09/2168)

Committee Recommendation

Bruxner Highway - Parrots Nest Road Intersection

This issue had been raised as a result of representations from a resident of Parrots Nest Road to Thomas George MP.

It was noted that this intersection had been upgraded in recent years and as a result it now included a protected right turn bay.

There has been no accident history since the upgrades were carried out and further work is not considered warranted.

TAC60/10 **It was agreed** that the above be noted. (R4807)

Bruxner Highway - South Gundurimba

Recent fatality on the highway south of Coraki Road.

The circumstances surrounding the recent fatality on the highway south of Coraki Road were discussed. Mr Smallman advised that the Roads & Traffic Authority would be carrying out a full assessment of the road to determine whether it had any role in the accident.

TAC61/10 **It was agreed** that it be noted that the Roads & Traffic Authority would be carrying out a full assessment of the road to determine whether it had any role in the accident. (R4807)

Closure

This concluded the business and the meeting terminated at 11.00am.

Recommendation

That the minutes be received and adopted and the recommendations contained therein be adopted.

Documents for Signing and Sealing



Document for Signing and Sealing

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

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

Recommendation

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

CSGP Funding Agreement

Council has historically been in receipt of funding from the Dept of Human Services for additional hours in the Community Services team. The Service Specifications for this funding are around LCC providing community development initiatives and support to the community. It also includes Council participating in the organisation of community events, provision of assistance to community organisations in project development and grant writing workshops.

Discharge of Mortgage over Lot 3 DP1093668 – 43 Krauss Avenue, South Lismore (P29422)

Upon settlement of the sale of this property on 31 May 2006, a mortgage was registered on the Title Deed in favour of Council. All monies have now been paid in accordance with the conditions of sale.

The Mayor and General Manager be authorised to sign and affix the Council seal to the "Discharge of Mortgage" AC489699.

Subdivision and sale of land - part Lot 49 DP773669 – 23 Pindari Crescent, Goonellabah (P20476)

Lot 49 DP773669 (total area 2,201m²) is dissected by the road reserve of Pindari Crescent. Two separate portions exist - one being 1,968m² and the other 233m².

The lot was included in Lismore Local Environmental Plan 2000 (Amendment No.12) and was reclassified to operational land for the purpose of disposing of the smaller portion to an adjoining landowner. This portion of the lot has been maintained by that adjoining landowner for many years.

An advertisement was placed in *The Northern Rivers Echo* on 25 March 2010 advising of Council's intention to dispose of this portion of the lot. The adjoining landowners were advised in writing of the proposed sale. No submissions were received.

Prior to reclassification, the smaller portion of the lot (233m²) was offered to the adjoining landowner in Sarah Court for the sum of \$2,000.00 (excl GST). The applicant is required to pay all of Council's costs related to the subdivision and sale.

Subsequent to the subdivision of the lot, the remaining portion of the lot (1,968m²) will be reclassified back to community land.

The Mayor and General Manager be authorised to sign and affix the Council seal to land transfer, plan of survey and all necessary documentation to complete the subdivision and sale.



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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, 8 JUNE 2010 AT 6.00PM.

Present

Mayor, Councillor Dowell; Councillors Battista, Chant, Clough, Ekins, Graham, Marks, Meineke, Smith and Yarnall, together with the General Manager; Executive Director Infrastructure Services; Executive Director Sustainable Development; Manager Finance; Corporate Compliance Coordinator; Manager Assets; Community Services Coordinator; Community Services Officer (Youth Development) and the Executive Assistant Sustainable Development.

106/10 Apologies/ Leave of Absence

RESOLVED that an apology be received leave of absence be granted for Councillor Houston from 7 – 11 June 2010 and a leave of absence be granted for:

Councillor Yarnall from 3-18 July 2010;
Councillor Meineke from 24-28 June 2010 and
Councillor Chant from 10 June to 24 August 2010.

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(Councillors Chant/Clough)

The minutes of the Ordinary Meeting held on 11 May 2010 were confirmed.

(Councillors Clough/Marks)

Public Access Session

Connor Anderson – Report – Nimbin Skate Park

Connor, a local Nimbin Skater spoke in support of the construction of a concrete skate park in Peace Park. He outlined the benefits of the Peace Park site being superior to the alternate showground site. He urged Council to proceed with the project without delay.

Helen Nott – Reports – City Centre Manager Role and Proposed Lismore Promotion Program Business Plan 2010/11

Ms Notts a long term business operator in the Lismore CBD spoke of the benefits of a CBD business promotion plan and a City Centre Manager. She emphasised the need for the plan to operate in the longer term but cited benefits that were already accruing to the business community by planning undertaken to date.

Condolence

Eric Flynn, Town Clerk - Lismore Town Council, Waterford Ireland – Our Sister City – Passed Away, 23 May 2010

Eric Flynn started working for Waterford County Council in 1970 straight from school. When an area office was opened in Lismore in 1982 Eric jumped at the chance of working in his home town. As Town Clerk he was actively involved in all infrastructure developments

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He was a key in Lismore's first entry in the European Entente Florale in 1995 and Lismore's win in the National Tidy Town competition in 2004. He was central to the design and implementation of the Town Millennium Park and the modernisation of the Town street and landscape

He was very involved in community organisations notably the St. Vincent de Paul and Lismore Dramatic Society, a director of Lismore Business Park and had recently agreed to join the Immrama Travel Writing Festival Committee. He was a keen golfer but was most well known for his road running and love of athletics.

Eric was instrumental in the signing of the sister city agreement between his Lismore and ours in 2000. Indeed it was at the 6 June meeting of this Council in 2000 when that arrangement was endorsed and later that year a live video link was arranged for the concurrent signing

In 2006, Eric visited Lismore and took special interest in our St Carthages Cathedral.

The current Mayor Bernard Leddy says Eric was an excellent Town Clerk, always in good humour and always having the best interests of the town at heart.

He says, 'We are still in a state of shock and sadness at his sudden departure and he will be remembered by those who knew him as a person who got things done.' The Mayor added, 'Eric often spoke about the wonderful welcome which he got when he visited Lismore City and it was a source of disappointment to him that we weren't able to make more of our Sister City agreement. Perhaps Eric's death will encourage us all to look at that again in his memory.'

Eric was buried in his local St Carthages Cemetery in Lismore.

This Council's condolences are extended to Eric's wife Tina, his daughter and sons, to Mayor Bernard Leddy and Councillors and staff at Lismore Town Council, Waterford, Ireland.

Disclosure of Interest

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

Notice of Motion – Review of Light Vehicle Usage

Nature of Interest: The Mayoral car is supplied by Council and is part of the fleet that is the subject of this Notice of Motion. I derive a personal benefit through the use of this car for Council and personal use. I will leave the chamber and not participate in the debate or the vote.

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

Notice of Motion – Local ABC Radio

Nature of Interest: There is a perceived conflict of interest because I am employed a local commercial media outlet.

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

Report – Proposed Lismore Promotion Program Business Plan (2010/11)

Nature of Interest: I operate a commercial business in the CBD.

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

Report – Draft Outdoor Dining Policy – Lismore City Centre

Nature of Interest: I operate a commercial business in the CBD.

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

Report – Proposed Lismore Promotion Program Business Plan (2010/11)

Nature of Interest: My wife operates a commercial business in the CBD.

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

Report – Proposed Lismore Promotion Program Business Plan (2010/11)

Nature of Interest: I have a commercial interest in a business that operates in Dawson Street.

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Gundurimba – Aboriginal Communities Water and Sewerage Program

108/10

RESOLVED that:

1. Council, on behalf of the NSW Office of Water, provide project management services to improve the existing water and sewerage assets at the Gundurimba Aboriginal Community.
2. Council agree to enter into a service agreement to provide maintenance services to the Gundurimba community for a period of five (5) years; and
3. Any necessary documents be executed under the Common Seal of Council.

(Councillors Dowell/Graham)

(EF10/4:ED10/10783)

Notice of Motions

Infrastructure Zoning for Transport Corridors

109/10

RESOLVED that Council takes the following actions regarding the direction from the Department of Planning that the new Local Environment Plan (LEP) change the zoning on road and rail corridors from infrastructure to the same zoning as adjoining land by:

1. Writing to the Minister for Planning, the Minister for Transport and the equivalent shadow opposition ministers expressing its deep concern over the proposed changes, highlighting Council's concerns about the future sale of the rail corridor which is made easier by the zoning change and calling on the Minister for Planning to retain the infrastructure zoning for all transport corridors.
2. Writing to NOROC seeking support from the member Councils for the above action.

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3. Writing to the Local Government and Shire's Association seeking support for the retention of the infrastructure zoning in all the new LEPs across NSW.

(Councillors Clough/Smith)

(EF09/631:ED10/10239)

At this juncture Councillor Marks left the meeting.

ABC Local Radio

110/10 **RESOLVED** that Council and the Mayor write to the ABC Board and the Federal Minister for Communications to:

1. Express Council's deep concern regarding the potential loss of Lismore's Local ABC Radio's morning rural program.
2. Advise that the ABC plays a pivotal role in daily providing vital information to the rural community especially in times of emergency.
3. Stress that any decision to reduce services on the Northern Rivers would seriously affect the local community and the local economy.
4. Express its concern regarding the potential for decisions to be made in Sydney and Canberra without local consultation.

(Councillors Yarnall/Clough)

(EF09/631:ED10/10240)

At this juncture Councillor Marks returned to the meeting.

NSW Police Force Communication Tower

111/10 **RESOLVED** that Council:

1. Acknowledges the need for a communications tower for emergency services to remove communication 'black spots' in the north of the LGA.
2. Requests the Assistant Commissioner Bob Waites, Operational Communication and Information Command, NSW Police to meet with residents of Rose Road to fully explain the situation regarding the positioning of the communications tower and the processes involved.
3. Seek advice from Assistant Commissioner Waites as to why the alternative site for the Nimbin tower, namely at Lismore City Council's water supply dam has been abandoned.
4. Reiterate Lismore Council's expectation of an open and considered consultation phase with the affected communities.

(Councillors Yarnall/Clough)

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

(EF09/631:ED10/10242)

Climate Change Briefing

112/10 **RESOLVED** that Councillors be provided a briefing to update them on the climate change adaptation and mitigation activities of Council. The briefing is to include information on the impact of Council signing a statement calling on the state government not to build any new coal fired power stations. That "Sustain Northern Rivers" be asked to present its work through its regionally based collaborative approach to climate change, including its North Coast Commuter Survey project.

(Councillors Clough/Ekins)

Voting against: Councillors Meineke and Graham.

(EF09/631:ED10/10244)

At this juncture Councillor Dowell left the meeting and the Deputy Mayor, Councillor Smith took the Chair.

Review of Light Vehicle Usage

113/10 **RESOLVED** that:

1. To reduce the dollars spent in 2010/11 budget and subsequent budgets on the light vehicle fleet, the General Manager conduct a full review of the light vehicle fleet encompassing the number, purpose, type and range of vehicles council owns, fuel use and all other aspects of the management of the light vehicle fleet.
2. The General Manager report back to council by the end of the year on how savings of 20% can be achieved.

(Councillors Ekins/Clough)

Voting against: Councillors Meineke and Graham.

(EF09/631:ED10/10255)

At this juncture Councillor Dowell returned to the meeting and took the Chair.

Structural Reform – Three County Councils

114/10 **RESOLVED** that the General Manager arrange to:

1. Conduct a workshop/briefing, as soon as practicable, to discuss the proposed structural reform of the three County Councils, namely Rous Water, Richmond River and Far North Coast Weeds County Councils.
2. Ensure that the timing of the workshop/briefing meets the timeline for consultation on the proposed structural reform after the consultants report.

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3. Inform the General Manager - Rous Water of the above workshop and request a report be presented to the above workshop/briefing.
4. Present a report on the above workshop/briefing at an ordinary Council meeting.

(Councillors Yarnall/Ekins)

Voting against: Councillor Meineke.

(EF09/631:ED10/10250)

Infrastructure Services Review

115/10

RESOLVED that:

1. The two Councillors on the Infrastructure and Assets Policy Advisory Group be on the selection panel for the appointment of the external consultant who is to carry out the Infrastructure Services review.
2. The Infrastructure and Assets Policy Advisory Group undertake the role of steering committee for this project.
3. Council is to advertise a three week period for the public to make written input into the Infrastructure Services review.

(Councillors Clough/Yarnall)

Voting against: Councillors Meineke and Dowell.

(EF09/631:ED10/10258)

Altering Order of Business

116/10 **RESOLVED** that order of business be altered to debate the following matters raised during Public Access:

Nimbin Skate Park
City Centre Manager Role
Proposed Lismore Promotion Program Business Plan (2010/11)

(Councillors Chant/Graham)

Reports

Nimbin Skate Park

117/10

RESOLVED that:

1. The Peace Park site be endorsed as the site for the proposed Nimbin Skate Park.
2. Council staff progress the project immediately on the basis of Peace Park being the site for the project.

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3. The Richmond Local Area Command through Crime Prevention Officer, Snr Const Michael Hogan and Sgt Peter Bryant be requested to provide input to the design process to ensure compliance with CPTED principles.
4. The proposed consultation process for the project moving forward as outlined in the report be noted and endorsed.

(Councillors Clough/Yarnall)

(EF09/2267:ED10/9985)

City Centre Manager Role

118/10 **RESOLVED** that Council:

1. Support the City Centre Manager position as a permanent role and part of the SBRVL funding from 2010/11.
2. Confirm the City Centre Manager's reporting arrangements to the Lismore Business Promotion Panel and that the President of the Lismore Chamber of Commerce or another member of the Executive and the Centre Manager of the Lismore Shopping Square be preferred sector representatives on the Lismore Business Promotion Panel.
3. Consider as part of the 2010/11 final budget deliberations the LBPP recommendation that 50% of the City Centre Managers salary be funded by the SBRVL and 50% from general rates.

(Councillors Smith/Clough)

(EF09/1902:ED10/9884)

Proposed Lismore Promotion Program Business Plan (2010/11)

119/10 **RESOLVED** that Council adopt the 'Lismore Promotion Program Business Plan 2010/11' as outlined in the attached document including either budget (A) if the special rate variation is not approved or budget (B) if the special rate variation is approved.

(Councillors Smith/Clough)

(EF09/1902:ED10/8287)

Roads Asset Management Plan

A MOTION was MOVED that Council adopt the Roads Asset Management Plan as presented.

(Councillors Yarnall/Graham)

An AMENDMENT was MOVED that:

1. Council adopt the Roads Asset Management Plan as presented.

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2. Staff further develop the Plan to include performance measures for footpaths and cycleways and the priority works listing from Council's Cycleway Strategy.
3. These improvements be reported back to Council for adoption after consideration by the Infrastructure Assets PAG.

(Councillors Ekins/Clough)

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

Voting against: Councillors Battista, Meineke, Marks and Graham.

120/10 **RESOLVED** that:

1. Council adopt the Roads Asset Management Plan as presented.
2. Staff further develop the Plan to include performance measures for footpaths and cycleways and the priority works listing from Council's Cycleway Strategy.
3. These improvements be reported back to Council for adoption after consideration by the Infrastructure Assets PAG.

(Councillors Ekins/Clough)

(EF09/2075:ED10/10170)

Voting against: Councillor Battista.

At this juncture Councillor Battista left the meeting.

Draft Outdoor Dining Policy – Lismore City Centre

121/10 **RESOLVED** that:

1. The draft Outdoor Dining Policy – *Lismore City Centre* be endorsed and placed on public exhibition for 28 days subject to the following amendments:
 - The following sentence being added to Clause 3.5 - Any relocation of public seating is to be made as close as possible to the original location, with shaded areas being the preferred location. No reduction of public seating is to occur.
 - A replacement map being inserted at page 17 which shows two new areas to be retained as public space.
2. Council note the proposed changes to DCP Chapter 7 - Off-street Parking; and DCP Chapter 9 - Outdoor Advertising in relation to portable signage to ensure consistency with the Draft Outdoor Dining Policy.
3. Following receipt of submissions, the matter be reported back to Council for further consideration and adoption of the policy.

(Councillors Ekins/Clough)

(EF10/43:ED10/9798)

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At this juncture Councillor Battista returned to the meeting.

Community Engagement Policy

122/10 **RESOLVED** that the draft Community Engagement policy be adopted and Council note the Practical Guide to Community Engagement.

(Councillors Clough/Yarnall)

(EF09/1940:ED10/10023; ED10/3327; ED10/10246)

Annual Remuneration Fee for Mayors and Councillors

123/10 **RESOLVED** that Council determine that the fee payable for Councillors and the Mayor be the maximum allowance for 2010/11 being respectively \$15,970 and \$34,860.

(Councillors Smith/Clough)

Voting against: Councillors Battista, Chant and Dowell.

(EF09/643:ED10/9661)

At this juncture Councillor Clough left the meeting.

Tender No. T2010-37 Road Reconstruction – Whian Whian Road (Stage 1)

124/10 **RESOLVED** that:

1. The contract for the reconstruction of Whian Whian Road – Stage 1 be awarded to the NSW Roads & Traffic Authority with a scheduled rate of \$255,930.00 inclusive of GST, as based in its tender submission.
2. The Mayor and/or General Manager on behalf of Council be authorised to execute the contracts and attach the Common Seal of the Council.

(Councillors Graham/Smith)

(T10/37:ED10/10204)

At this juncture Councillor Clough returned to the meeting.

Tender No. 2010-38 Bridge Piling

125/10

RESOLVED that:

1. The contract for the supply and installation of pre-cast concrete and cast in-situ bridge piles for the two bridges outlined as part of the Regional Roads Timber Bridge Replacement Programme be awarded to Wagstaff Piling Pty Ltd with the total price of works being \$535,909.00 (inclusive of GST), based on the tender submission.
2. The Mayor and/or General Manager on behalf of Council be authorised to execute the contracts and attach the Common Seal of the Council.

(Councillors Graham/Marks)

(T10/38:ED10/10207)

Investments – May 2010

126/10

RESOLVED that the report be received and noted.

(Councillors Meineke/Marks)

(EF09/2209:ED10/10570)

Committee Recommendations

Traffic Advisory Committee – 19 May 2010

127/10

RESOLVED that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Clough/Marks)

(BP10/89:EF09/1963)

Documents for Signing and Sealing

128/10

RESOLVED that the following documents be executed under the Common Seal of Council:

Letter of Offer – NAB Business Markets – Flexible Rate Loan

Council resolved at its Extra Ordinary Meeting on 18 June 2009 to borrow up to \$8,694,000 for works detailed in the 2009/10 - 12 Management Plan. Council also resolved in May 2010 to borrow \$140,000 for Flood Mitigation in 2009/10.

The borrowing program has been revised based on requirements and quotes requested. The final amount borrowed is \$6,830,000 being for:

1. Trunk Drainage	\$ 100,000
2. Cycleways	\$ 100,000
3. Flood Mitigation	\$ 140,000
4. The Margaret Olley Art Centre	\$ 260,000
5. Woodlark Street	\$ 675,000
6. RTA Timber Bridge Replacement	\$1,155,000

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7. Mains Replacement - Wastewater	\$2,800,000
8. Mains Replacement - Water	\$1,600,000

Quotes were requested from Commonwealth Bank of Australia, Westpac Banking Corporation and National Australia Bank.

National Australia Bank's quote has been accepted with a 20 year fixed term of 7.70% p.a with semi annual repayments. This option was considered the most equitable in the current economic conditions. While there are immediate benefits of fixing for a short term (i.e. 2 or 5 years), the potential risk of interest rates rising for the remaining term (up to 20 years) outweighs the short term benefits. Consensus that the likelihood of current fixed rates increasing over time is high and this risk is to be avoided.

The borrowings were drawn down on 2 June 2010, but the National Australia Bank to comply with their changed governance requirements call for Council's seal on the documents. In order to meet this requirement a resolution by Council is necessary.

Licence – *Just Grounds* – 86 Magellan Street, Lismore (P6316)

A licence for outdoor dining over the footpath adjacent to the principal restaurant premises, being *Just Grounds* at 86 Magellan Street, Lismore. The licensed area of 11.18m² is for the permitted use as an outdoor dining area. The licence is issued in accordance with the Carriageway and Kerbside Land Use Policy 5.2.24. A short-term licence has been offered to 31 December 2010 due to the drafting of a new policy.

CROWN RESERVE TRUST MATTERS:

The following document be executed as Crown Reserve Trustee of Lismore Public Recreation Reserve Trust – Reserve No. R540063:

Licence to Lismore Model Aero Club Inc – 209 Military Road, East Lismore (P21354)

Licence for clubhouse and grounds over part of this Crown reserve for a period of five years from 1 July 2010 – Lot 558 DP 47824. The licence is to be forwarded to the Land and Property Management Authority for consent and execution.

The following document be executed as Crown Reserve Trustee of Lismore Albert Park Reserve Trust – Reserve No. R89503:

Licence to Lismore Racing Pigeon Club – 344A Keen Street, Lismore (P21819,P16984)

Licence for clubhouse over part of this Crown reserve for a period of ten years from 1 March 2007 – part of Lot 237 DP 755718. The licence is to be forwarded to the Land and Property Management Authority for consent and execution. On 11 December 2007 a signing and sealing was requested for a three year lease. However, following a submission on behalf of the Club, the Crown further advised that it will grant a ten year licence.

(Councillors Graham/Smith)

(EF10/4:ED10/10529)

Financial Assistance - Section 356

129/10 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

(Councillors Graham/Marks)

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

Budget: \$1,100 Spent to date: \$2,460.00

Tahlia Brice has been selected in the Australian Dal Ponte Vikings International Futsal Team to tour New Zealand during November and December 2010.

\$375.00

In accordance with policy.

**b) 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 \$31.82

Multitask \$228.34

Five Loaves \$194.83

Friends of the Koala \$29.08

LifeLine \$256.36

Westpac Life Saver Helicopter \$45.45

Total \$785.88

In accordance with policy.

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

Budget: \$2,700 Spent to date: \$1,945.40

Country Womens Association of NSW seeking assistance toward Education Grants to school children to assist with their continuing education expenses.

\$400.00

Closure

This concluded the business and the meeting terminated at 9.15pm.

CONFIRMED this Thirteenth day of July 2010 at which meeting the signature herein was subscribed.

MAYOR

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MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, 9 JUNE 2010 AT 6.00PM.

Present

Mayor, Councillor Dowell; Councillors Battista, Chant, Clough, Ekins, Graham (6.55pm), Marks, Meineke, Smith and Yarnall, together with the General Manager; Executive Director Infrastructure Services; Executive Director Sustainable Development; Manager Finance; Corporate Compliance Coordinator; Communications Coordinator; Principal Accountant and the Management Accountant.

129/10 Apologies/ Leave of Absence

An apology for non-attendance on behalf of Councillor Houston was received and accepted and a leave of absence granted by Council at its meeting held on 8 June 2010.

RESOLVED that a leave of absence be granted for Councillor Clough from 21-26 June 2010.

(Councillors Meineke/Chant)

Disclosure of Interest

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

Report – 2010 - 2014 Delivery Plan and 2010/11 Operational Plan

Nature of Interest: A Director of NORPA donated a reportable, in-kind contribution to my election campaign and as the submission is in respect to building maintenance rather than the operation of NORPA I do not consider this a significant conflict of interest. I will remain in the Chamber during the debate and vote on the matter.

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

Report – 2010 - 2014 Delivery Plan and 2010/11 Operational Plan

Nature of Interest: In respect to the submission by the Lismore Preschool Kindergarten, I am on the committee of the Community Gardens but I do not consider this a significant conflict of interest and will remain in the Chamber during the debate and vote on the matter.

Public Access

Prior to dealing with the circulated reports and associated information, a Public Access Session was held at which Council was addressed by the following:

Alex Hughes – Report – 2010 - 2014 Delivery Plan and 2010/11 Operational Plan – P.1

Ms Hughes on behalf of the Lismore Preschool Kindergarten sought financial assistance to remove the old sandpit and provide fencing for the northern boundary of the preschool.

Trish Gibson – Report – 2010 - 2014 Delivery Plan and 2010/11 Operational Plan – P.1

Ms Gibson raised issues with respect to the funding of the Richmond Tweed Regional Library, possible land asset sales and revenue generation opportunities.

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Delia O'Hara – Report – 2010 - 2014 Delivery Plan and 2010/11 Operational Plan – P.1

Ms O'Hara spoke to the value of the City Hall to the general community and the need to have the facility continually updated. She highlighted issues in respect to asbestos in the roof cavity and air conditioning of the dance studio.

Suspension of Standing Orders

130/10 **RESOLVED** that Standing Orders be suspended to allow informal discussion on 2010 - 2014 Delivery Plan and 2010/11 Operational Plan.

(Councillors Chant/Marks)

At this juncture 6.55pm Councillor Graham joined the meeting.

At this juncture 7.37pm Councillor Chant left the meeting.

At this juncture 9.05 pm Councillor Ekins left the meeting.

Resumption of Standing Orders

131/10 **RESOLVED** that Standing Orders be resumed.

(Councillors Smith/Graham)

Reports

2010 - 2014 Delivery Plan and 2010/11 Operational Plan

132/10 **RESOLVED** that:

- 1) Council acknowledge receipt and consideration of all public submissions.
- 2) Council adopt the 2010-2014 Delivery Plan and 2010/11 Operational Plan including the Special Rate Variation increase of 0.44% or \$100,000, subject to the Ministers approval, based on that advertised and recommended changes included in the report.
- 3) The following items be included in the 2010/11 Operational Plan:
 - \$165,000 for legal expenses;
 - \$6,200 for Mayor and Councillor fees;
 - \$12,000 for Tourism Strategic Plan Implementation (Touring Route Guide-Nimbin/Lismore/Byron map);
 - \$10,000 for flood levee repayment costs; and
 - \$20,300 for Road Safety Officer funding from the contractor's reserve.
- 4) The following items be deleted from the 2010/11 Operational Plan:
 - \$45,900 from Council funds and \$45,900 in matching grant for cycleways;
 - \$200,000 for sealing of gravel roads.

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- 5) If the Minister for Local Government does not approve the Special Rate Variation, \$40,000 towards the engagement of the City Centre Manager.
- 6) The General Manager prepares a report by 31 October 2010 recommending changes required to achieve a balanced 2010/11 Budget.
- 7) Council advise the Division of Local Government of its intention to borrow up to \$1,000,000 during 2010/11 as included in the 2010/11 Operational Plan for Wastewater Fund capital works.
- 8) The:
 - a) Development Application Online Project be included in the 2010-2014 Delivery Plan.
 - b) Following projects (in no priority order) be considered for inclusion in the 2010/11 Operational Plan should funding become available:
 - \$40,000 for City Hall asbestos removal;
 - \$40,000 for Development Application Online Project;
 - \$40,000 for sports ground funding;
 - \$10,000 for estuary management fund; and
 - \$20,000 for Tourism Plan (brochure).

(Councillors Smith/Marks)

Voting against: Councillor Yarnall.

(EF10/18, EF09/2202:ED10/10530)

2010/11 Rates and Annual Charges

133/10

RESOLVED that the following advertisement of the draft 2010/11 Operational Plan in accordance with Section 405 of the Local Government Act, 1993, and the consideration of submissions received:

RATES

- (1a) Should the Minister for Local Government approve the Special Rate Variation application, it is hereby resolved that a **Business Rate** to be known as the '**Business Inner CBD**' rate of **four point zero two one two (4.0212) cents in the dollar** per assessment, on the land value as at base date July 1, 2009 with a **base amount of three hundred and twenty dollars (\$320.00)** per assessment be now made for the rating year July 1, 2010 to June 30, 2011, on all rateable land within the centre of activity known as the Inner CBD shown as within the red boundary of the map, Schedule 'C,' and that meets the definition of Business as defined in Section 518 of the Local Government Act , 1993. The total income from base amounts equates to **four point six (4.6%) percent of the Business Inner CBD income.**
- (1b) Should the Minister for Local Government not approve the Special Rate Variation application, it is hereby resolved that a **Business Rate** to be known as the '**Business Inner CBD**' rate of **three point nine two seven two (3.9272) cents in the dollar** per assessment, on the land value as at base date July 1, 2009 with a **base amount of three hundred and twenty dollars (\$320.00)** per assessment be now made for the

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rating year July 1, 2010 to June 30, 2011, on all rateable land within the centre of activity known as the Inner CBD shown as within the red boundary of the map, Schedule 'C,' and that meets the definition of Business as defined in Section 518 of the Local Government Act , 1993. The total income from base amounts equates to **four point seven (4.7%) percent of the Business Inner CBD income.**

- (2a) Should the Minister for Local Government approve the Special Rate Variation application, it is hereby resolved that a **Business Rate** to be known as the '**Business Urban**' rate of **one point three two six nine (1.3269) cents in the dollar** per assessment, on the land value as at base date July 1, 2009 with a **base amount of three hundred and twenty dollars (\$320)** per assessment be now made for the rating year July 1, 2010 to June 30, 2011, on all rateable land within the centre of activity outside the Inner CBD shown as within the red boundary of the map, Schedule 'C', but within the urban area of Lismore as shown by the red boundary on the map, Schedule 'D' and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **nine point one (9.1%) percent of the Business Urban income.**
- (2b) Should the Minister for Local Government not approve the Special Rate Variation application, it is hereby resolved that a **Business Rate** to be known as the '**Business Urban**' rate of **one point two nine five nine (1.2959) cents in the dollar** per assessment, on the land value as at base date July 1, 2009 with a **base amount of three hundred and twenty dollars (\$320)** per assessment be now made for the rating year July 1, 2010 to June 30, 2011, on all rateable land within the centre of activity outside the Inner CBD shown as within the red boundary of the map, Schedule 'C', but within the urban area of Lismore as shown by the red boundary on the map, Schedule 'D' and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **nine point three (9.3%) percent of the Business Urban income.**
- (3) It is hereby resolved that a **Business Rate** to be known as the '**Business Other**' rate of **point seven seven eight six (0.7786) cents in the dollar** per assessment on the land value as at base date July 1, 2009 with a **base amount of three hundred and twenty dollars (\$320)** per assessment be now made for the rating year July 1, 2010 to June 30, 2011, on all rateable land in the City of Lismore but not within the areas defined within the maps, Schedules 'C' and 'D' attached and the Village of Nimbin, as defined by the map of Nimbin in Schedule 'A', and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **twenty two point four (22.4%) percent of the Business Other income.**
- (4) It is hereby resolved that a **Business Rate** to be known as the '**Nimbin Business**' rate of **one point zero five nine five (1.0595) cents in the dollar** per assessment on the land value as at base date July 1, 2009 with a **base amount of three hundred and twenty dollars (\$320)** per assessment that represents be now made for the rating year July 1, 2010 to June 30, 2011, on all rateable land within the Village of Nimbin, as defined by the map of Nimbin in Schedule 'A', that meets the definition of Business as defined in Section 518 of the Local Government Act , 1993 The total income from base amounts equates to **sixteen point eight (16.8%) percent of the Nimbin Business income.**
- (5) It is hereby resolved that a **Residential Rate** to be known as the '**Residential**' rate of **point five three zero eight (0.5308) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2009, with a base amount of **three hundred and twenty dollars (\$320)** per assessment, be now made for the rating year July 1, 2010 to

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June 30, 2011, on all rateable land within the centres of population defined and within the red lines shown on the maps in Schedule 'A' attached and meeting the definition of Residential as defined in Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **thirty three point two (33.2%) percent of the Residential income.**

- (6) It is hereby resolved that a **Residential Rate** to be known as the '**Residential Rural**' rate of **point four one three seven (0.4137) of a cent in the dollar** per assessment on the land value as at base date July 1, 2009, with a base amount of **three hundred and twenty dollars (\$320)** per assessment, be now made for the rating year July 1, 2010 to June 30, 2011, that meets the definition of Residential on all rateable land except for land within the centres of population defined by the maps in Schedule 'A' attached and meeting the definition of Residential as defined by Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **twenty six point eight (26.8%) percent of the Residential Rural income.**
- (7) It is hereby resolved that a **Farmland Rate** to be known as the '**Farmland**' rate of **point three eight five three (0.3853) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2009 with a **base amount of three hundred and twenty dollars (\$320)** per assessment be now made for the rating year July 1, 2010 to June 30, 2011, on all rateable land in the City of Lismore area that meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993. The total income from base amounts equates to **sixteen point eight (16.8%) percent of the Farmland income.**

WASTEWATER CHARGES

- (8) It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the provision of sewerage services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **six hundred and seven dollars (\$607.00)** per assessment. This charge applies to properties connected to the Lismore Sewer Scheme and is to be known as the '**Sewer**' charge for the period July 1, 2010 to June 30, 2011.
- (9) It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **four hundred and forty six dollars and thirty cents (\$446.30)** per assessment for all rateable land within the proposed North Woodburn sewer scheme area as defined by Schedule 'K', to be known as the '**Nth Woodburn Sewer**' charge for the period July 1, 2010 to June 30, 2011.
- (10) It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge, as per the attached Schedule 'F', where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of sewerage services to a parcel of land connected to the Lismore Sewer Scheme to be known as the '**Sewer Multiple**' charge for the period July 1, 2010 to June 30, 2011, excluding residential Strata Units.
- (11) It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule "G", where the charge is indicated by the number of equivalent tenants or part thereof allocated to an assessment in accordance

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with the methodology set out in Council's Wastewater Usage Charging Strategy to be known as the '**Non-Residential Sewer**' charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2010 to June 30, 2011.

- (12) It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **three hundred and sixty four dollars and twenty cents (\$364.20)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Scheme main and capable of discharging into that main but not connected thereto to be known as the '**Sewer Unconnected**' charge for the period July 1, 2010 to June 30, 2011.

WASTE MANAGEMENT CHARGES

- (13) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the '**Integrated Waste**' collection service for the period July 1, 2010 to June 30, 2011 and will be charged at **two hundred and twenty three dollars (\$223.00)** per annum. Additional services will be charged at **two hundred and twenty three dollars (\$223.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
- (14) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, on a fortnightly basis, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a monthly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the '**Integrated Waste - Urban Half**' collection service for the period July 1, 2010 to June 30, 2011 and will be charged at **one hundred and twenty three dollars (\$123.00)** per annum. Additional services will be charged **one hundred and twenty three dollars (\$123.00)** at per annum. Services commenced during the charging period will be charged for on a proportional basis.
- (15) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 240 litre approved mobile bin, the cost of the provision of this bin is the ratepayer's cost. This charge is to be known as the '**Integrated Waste - Waste Plus**' collection service for the period July 1, 2010 to June 30, 2011 and will be charged at **three hundred and sixty eight dollars (\$368.00)** per annum. Additional services will be charged at **three hundred and sixty eight dollars (\$368.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

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- (16) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin and the approved waste contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin. This charge is to be known as the **'Integrated Waste – Premium'** collection service for the period July 1, 2010 to June 30, 2011 and will be charged at **four hundred and twenty four dollars (\$424.00)** per annum. Additional services will be charged at **four hundred and twenty four dollars (\$424.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
- (17) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 80 litre approved mobile bin, the cost of the provision of this bin is at the ratepayer's cost This charge is to be known as the **'Integrated Waste – Discount'** collection service for the period July 1, 2010 to June 30, 2011 and will be charged at **one hundred and sixty seven dollars (\$167.00)** per annum. Additional services will be charged at **one hundred and sixty seven dollars (\$167.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
- (18) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, subject to the approval of the Manager of Northern Rivers Waste, fortnightly, of the approved waste contents a 240 litre approved mobile bin. This charge is to be known as the **'Special Needs'** collection service for the period July 1, 2010 to June 30, 2011 and will be charged at **two hundred and fifty six dollars (\$256.00)** per annum. Additional services will be charged at **two hundred and fifty six dollars (\$256.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
- (19) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Corporate Centre for the removal, weekly, of the approved waste contents a 240 litre approved mobile bin and on a fortnightly basis, the approved recycling contents of a 240 litre approved mobile bin. This charge is to be known as the **'Waste Collection Service - Rural'** collection service for the period July 1, 2010 to June 30, 2011 and will be charged at **two hundred and thirty seven dollars (\$237.00)** per annum. Additional services will be charged at **two hundred and thirty seven dollars (\$237.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
- (20) It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office for the removal, fortnightly, of the approved waste contents a 240 litre approved mobile bin and on a monthly basis the approved

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recyclable contents of a 240 litre approved mobile bin. This charge is to be known as the '**Waste Collection Service - Rural Half**' collection service for the period July 1, 2010 to June 30, 2011 and will be charged at **one hundred and thirty dollars (\$130.00)** per annum. Additional services will be charged at **one hundred and thirty dollars (\$130.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

- (21) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the approved waste contents of a approved 240 litre mobile waste bin and the approved contents of a 240 litre approved resource recovery bin on a weekly basis from that property, of **two hundred and forty dollars (\$240.00)** per annum, to be known as the '**Commercial/Industrial Integrated**' charge for the period July 1, 2010 to June 30, 2011. Additional services will be charged at **two hundred and forty dollars (\$240.00)** per annum. For services commenced during the year a proportional charge will be made.
- (22) It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Corporate Centre, not utilising the domestic waste management service provided by Council to be known as the '**Waste Availability**' charge, of **six dollars (\$6.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, that are levied the Transfer Station charge, for the period July 1, 2010 to June 30, 2011.
- (23) It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the '**Waste Minimisation**' charge, of **thirty dollars (\$30.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, that are levied the Transfer Station charge, for the period July 1, 2010 to June 30, 2011. Two resource recovery vouchers are included as part of the 'Waste Minimisation' Charge.
- (24) It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, for the provision of the Nimbin Transfer Station Facility, of **eighty five dollars (\$85.00)** per assessment and for properties with multiple units of residential occupancy a charge of **eighty five dollars (\$85.00)** per unit of residential occupancy located on each assessment, to be known as the '**Transfer Station**' charge for the period July 1, 2010 to June 30, 2011. Properties paying for a waste collection service are exempt from this charge. Two resource recovery vouchers are included for each 'Transfer Station' charge.

WATER CHARGES

- (25) In accordance with Section 502 of the Local Government Act, 1993 for water recorded by the water meter on a property, a charge of **two dollars and fifteen cents (\$2.15)** per kilolitre for the year July 1, 2010 to June 30, 2011 to be known as the '**Consumption**' charge is hereby made.

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- (26) It is hereby resolved that in accordance with Section 501, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the year July 1, 2010 to June 30, 2011 for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected, the sum of the cost of the fixed service charges, except for Perradenya (Recycled) services which are not charged an annual charge, and water connections used solely for fire fighting services, the cost of which shall be **one hundred and forty five dollars (\$145.00)** per fire fighting service, to be known as the '**Fixed Service Charge**' is hereby made in respect of:

Size of Service		Fixed Service Charge
20mm	\$	145.00
25mm	\$	226.60
32mm	\$	371.20
40mm	\$	580.00
50mm	\$	906.24
65mm	\$	1,531.56
80mm	\$	2,320.00
100mm	\$	3,625.00
150mm	\$	8,156.24

- (27) In accordance with Sections 501, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's water supply but capable of connection thereto and within 225 metres of a Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2010 to June 30, 2011, to be known as the '**Water Availability**' charge, of **one hundred and forty five dollars (\$145.00)** per assessment is hereby made.

STORMWATER MANAGEMENT SERVICES CHARGE

It should be noted that this charge applies to property located within the urban area of Lismore as defined by the maps shown in Schedules 'H' and 'I', the areas known as the Tucki Tucki Creek and Wilsons River catchments respectively and only on properties that are not vacant land, farmland or otherwise exempted from the charge under S 496A (2) of the Act.

- (28) It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as define, excluding residential strata units, within the Tucki Tucki Creek catchment area shown on Schedule 'H', of **twenty five dollars (\$25.00)** per assessment, to be known as the '**Stormwater Charge - Residential - Tucki**' for the period July 1, 2010 to June 30, 2011.
- (29) It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as define, excluding residential strata units, within the Wilsons River catchment area shown on Schedule 'I', of **twenty five dollars (\$25.00)** per assessment, to be known as the '**Stormwater Charge - Residential - Wilsons River**' for the period July 1, 2010 to June 30, 2011.

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- (30) It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Tucki Tucki Creek catchment area shown on the map in Schedule 'H', of **twelve dollars fifty cents (\$12.50)**, to be known as the '**Stormwater Charge - Res Strata -Tucki**' for the period July 1, 2010 to June 30, 2011.
- (31) It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Wilsons River catchment area shown on the map in Schedule 'I', of **twelve dollars fifty cents (\$12.50)**, to be known as the '**Stormwater Charge - Res Strata - Wilsons River**' for the period July 1, 2010 to June 30, 2011.
- (32) It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', of **twenty five dollars (\$25.00)** for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge - Business Tucki**' for the period July 1, 2010 to June 30, 2011.
- (33) It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', of **twenty five dollars (\$25.00)** for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge - Business - Wilsons River**' for the period July 1, 2010 to June 30, 2011.
- (34) It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge - Bus Strata - Tucki**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2010 to June 30, 2011.
- (35) It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and

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the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge - Bus Strata - Wilsons River**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2010 to June 30, 2011.

INTEREST CHARGES

(36)It is hereby resolved in accordance with Section 566 (3) of the Local Government Act, 1993, for the period July 1, 2010 to June 30 2011, the interest rate on outstanding rates and charges will be the maximum allowable set by the Minister of Local Government.

(Councillors Marks/Graham)

(EF09/2202:ED10/10482)

Closure

This concluded the business and the meeting terminated at 9.42pm.

CONFIRMED this Thirteenth day of July 2010 at which meeting the signature herein was subscribed.