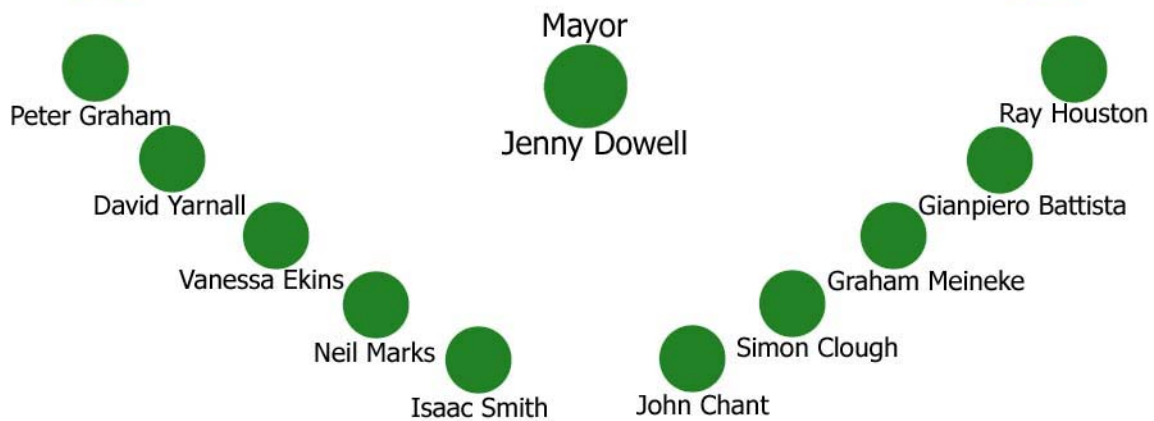


Notice of Council Meeting



Council

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, 43 OLIVER AVENUE GOONELLABAH on Tuesday, 14 September 2010 at 6.00pm.

Members of Council are requested to attend.

Brent McAlister
Acting General Manager

7 September 2010



Agenda

1. Opening of Meeting and Prayer (Mayor)	
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Strategic Plan Summary

Lismore City Council Community Strategic Plan 2008 - 2018



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

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

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

Mayoral Minutes



Mayoral Minute

Subject NSW Local Government Modernisation

TRIM Record No BP10/415:EF10/4

That Council provides the attached submission to the Local Government and Shires Associations in response to the *Modernising Local Government – Local Government for the 21st Century* discussion paper.

Background

The NSW Local Government and Shires Associations (LGSA) have produced a discussion paper on *Modernising LG- Local Government for the 21st Century*, http://www.lgsa.org.au/resources/documents/mlg_discussion_paper_140510.pdf

The Discussion Paper covers topics such as:

- Legislative reforms;
- Alternative forms of elected Councils/ Mayors;
- Improving diversity of Councillors;
- Long term plans for sustainability across triple bottom line;
- Financial viability;
- Functions of Local Government - public regard, recent trends, Local Government role; and
- Size of Councils etc.

The LGSA has produced a discussion paper on matters relating to the future of Local Government and asked for feedback by 30 September 2010. In November 2010, the LGSA will hold hearings throughout NSW, including Coffs Harbour on 23 November. NOROC's Executive officer Craig Kelly has developed a presentation on the partnerships and cooperation that exist between NOROC members. This presentation will be made to member Councils in the coming weeks. NOROC approached the LGSA and has been granted a Northern Rivers hearing on 24 November at a time and place yet to be determined. NOROC will make its presentation and provide input to the 'Modernisation' debate. To ensure our views are considered by the LGSA, this Council should also lodge a submission.

Councillors may recall that the Division of Local Government (DLG) held a forum of Mayors and General Managers on 4 May 2010 at which Ross Woodward raised ideas on the future of Local Government in NSW and announced that there would be another two-day gathering in August to further the discussions (this is not to be confused with the LGSA One Association forum). The DLG advised on 31 August 2010 that DLG meetings and suggested regional forums on 'Modernisation' will not take place. Instead, the LGSA forums will feed information to the DLG who will gather Mayors and GMs together to discuss progress in early 2011.

Attachment/s

1. Submission to LGSA Modernising Local Government Discussion Paper

DRAFT LISMORE CITY COUNCIL SUBMISSION LGSA Modernising Local Government Discussion Paper

Lismore City Council (LCC) is pleased to have the opportunity to consider and provide a submission to the LGSA *Modernising Local Government* discussion paper.

As we work to determine what Local Government will look like in 20 years, it is important that Councils consider the functions of Local Government (LG) in the future and then determine what structure best delivers those functions and best meets the needs of our communities.

This submission addresses various issues raised by the Discussion Paper.

1. **Goal** – a goal relating to democratic elections, long-term planning, financial viability and a mutually agreed set of functions is supported. Table 1 reflects the diversity of functions currently undertaken by Councils in NSW and also highlights the lack of commonality in delivering some of these functions. Also highlighted is the fact that Councils have accepted or will continue to accept functions that may well be more appropriately performed by other levels of government or the community or private sectors. If these functions are delivered by LG, adequate funding is required.
2. **Democracy** - Lismore City Council operates in a more similar way to a Corporate Board structure than to the Parliamentary/Executive structure. LCC is an undivided Council (no wards) of 46,000 residents with a directly elected Mayor serving a four year term. At LCC, as in regional and rural Councils in general, elected members are well known and highly visible. Consequently, Councillors are frequently approached by the community who are seeking responses to operational concerns. Councillors forward these concerns through Council management to staff for attention. This system works well.
 - LCC supports the option of a Corporate Board structure with the number of Councillors to be determined and with the Mayor performing the role as a non-Executive chair.
 - LCC does not support the case for an Executive Mayor. While such a role with the political powers and responsibility over appointments, budgets, day-to-day operations and policy may be appropriate for large city councils, it is not appropriate for LCC.
 - LCC supports State Government funded systematic programs to increase the numbers of women Councillors. NSW is lagging behind the national percentage of women Councillors and requires a financial commitment to mentoring and other incentives to attract more women candidates.
 - LCC supports a similar suite of programs to attract more Indigenous Councillors.
 - The role of LG also needs to be clarified under the Australian and NSW constitutions to determine the circumstances in which LG democracy can be overridden by other spheres of government.

3. **Long-term Planning** - As a Group 1 Council, LCC has developed a 10 year Community Strategic Plan, a 4 year Deliver Plan and a 1 year Operational Plan. As highlighted in the *Discussion Paper*, there is an increasing gap between the expectations of the community and the financial capacity of Council to deliver on those expectations. LCC budgeted for community engagement for the development of those Plans but, with an increasingly engaged community and a Council that is desirous of improved community involvement, financial support for future phases of integrated planning and reporting is fully endorsed.
4. **Financial Sustainability** - It is vital that rate pegging is removed. The democratic process of electing local Councillors is the community's check-and-balance of the process. If voters do not like Council decisions, they deliver their verdict at the ballot box.
 - Following inclusion of LG in the Australian Constitution, there is a need for LG to secure a share of the taxation revenue.
 - An alternative funding system for the provision of emergency services should be investigated and secured.
 - Councils should receive a share of fuel taxes, heavy vehicle charges and vehicle registration fees to secure adequate funding for roads.
5. **Functions** - A mutually agreed set of functions for LG should be developed. Councils through NSW perform a wide range of functions many of which are not commonly delivered by other Councils.
 - Whether some functions are appropriately located with LG and are the financial responsibility of LG or other government, community or private sectors should be debated.
 - Local Government's role in Fire Protection, Emergency Services, Noxious weeds, and Early Childhood Centres should be considered.
 - There may be some debate about LG's role in land-use planning. LCC focuses on strategic land-use planning rather than Development Applications (DA) but our community expects to have a say in local planning approval decisions and for their elected members to closely examine some DAs to ensure better outcomes. The imposition of State mechanisms on local planning decisions is regarded as a return to centralised planning powers that fail to recognise community interest or the need to more tailored responses.
 - Water - Councils are awaiting the NSW Government response to the Local Water Utilities reform with growing impatience. The three Northern Rivers County Councils are currently examining a business case for a merging of functions. The Local Water Utilities reform report is a crucial part of their future considerations.
 - Similarly, possible alternative funding for regional airports, rural roads, bus shelters, caravan parks and public health matters should be debated and clarified

6. **Constitutional Recognition and Intergovernmental Agreements** - LCC supports recognition of LG in the Australian Constitution and a formal whole-of-government Inter-Government Agreement between NSW State Government and Local Government. Other spheres of Government delivering services into local communities should engage with Local Governments on the delivery of those services.
7. **Cohesive Geographic Units**- LCC supports the LGSA's position that there should be no forced amalgamations. LCC has concerns about the loss of identity for small villages and communities in mega or regional Councils. There is also the issue of combining a marginally viable Council with a non-viable one. The result is not necessarily a stronger or more viable Council. In time, Councils in this region may consider larger Councils based on water catchment systems but at this stage, NOROC Councils are progressing resource sharing projects in areas as diverse as waste management, IT, sustainability and HR. A presentation on these partnerships will be made at an LGSA hearing in our region on 24 November 2010. Rather than consider what LG will look like, it would be preferable to determine the functions of LG first and then consider the best structure, shape and size to deliver those functions.
8. **Employer of Choice**- The establishment of the Australian Centre of Excellence for Local Government is to be commended however LG needs to work at a much more local level to address workforce challenges. Improvements to industrial and employment arrangements are best determined by the Division of Local Government and LGSA in conjunction with unions and employees.

The Councillors, Management and staff of LCC commend these ideas to the LGSA and look forward to further opportunities to discuss them. With a state-wide commitment, interested parties can shape NSW Local Government for the coming decades and ensure its sustainability and relevance.

1.1 TERM OF DEPUTY MAYOR

Section 231 (Local Government Act 1993)

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

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

Recommendation

That Council elect a Deputy Mayor and that the period of appointment for the Deputy Mayor be until September 2011.

1.2 METHOD OF ELECTION OF DEPUTY MAYOR

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

Returning Officer

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

Nomination

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

Election

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

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

Recommendation

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

1.3 ELECTION OF DEPUTY MAYOR

1.3.1 POLICY NO. 1.2.10

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

1.3.2 PRESENTATION BY CANDIDATE/S

1.3.3 ELECTION PROCEDURE UNDER THE INSTRUCTIONS OF THE RETURNING OFFICER

Notice of Motions



Notice of Motion

Cr Simon Clough has given notice of intention to move:

That the Council amend Item 4.2 (l) (Stationery Allowance) of Policy 1.2.23 Payment of Expenses and Provision of Facilities to Mayors and Councillors, to include postage that is incurred in writing to ratepayers on Council business.

Staff Comment

Corporate Compliance Coordinator

The current clause 4.2 (l) is as follows:

Stationery up to an annual value of \$200 from either Council or by way of reimbursement upon production of receipts.

The above clause has applied to what is generally defined as stationery, i.e. paper, pens, and envelopes but has not extended to postage stamps. The change will clarify the extent of the policy and as there is no change to the maximum limit of \$200, the financial impact will be limited. The change will be achieved by the following amendment:

*Stationery, **including postage**, up to an annual value of \$200 from either Council or by way of reimbursement upon production of receipts.*

This small clarification to the policy is not deemed significant and consequently does not require advertising for submissions in the normal manner.

Claims will need to be made on a reimbursement basis. Councillors will need to be conscious of their use of this allowance to ensure that postage is used in their role as Councillors and not for private gain e.g. re-election.

Reports



Report

Subject	DA2009/450 - 262 Rous Road, Goonellabah - proposed subdivision and acquisition process
TRIM Record No	BP10/404:DA09/450
Prepared by	Manager - Development & Compliance
Reason	Sustainable development
Community Strategic Plan Link	Sustainable Economic Growth and Development

Overview of Report

Council is in receipt of DA2009/450 proposing a three (3) lot subdivision of a property located at 262 Rous Road, Goonellabah. This property is a former closed road, and as a result has unusual dimensions, and it contains an existing dwelling. Part of the land was designated for acquisition under Council's s.94 Contributions Plan, and negotiations were commenced regarding possible acquisition of part of the subject land. The negotiations and the actions arising from them are complex in nature, but do not appear to have had proper regard to the Department of Local Government's guidelines for the Compulsory Acquisition of Land by Council's, and there may have been a misunderstanding of the relevant law applying to land acquisition by Council at the time the owner initiated acquisition process commenced.

A series of events and the environmental assessment of the proposed DA has identified a number of issues which lead to the conclusion that Council should abandon the current DA and acquisition process, review the status of the subject land, and start the acquisition process again to ensure transparency in the decision making process.

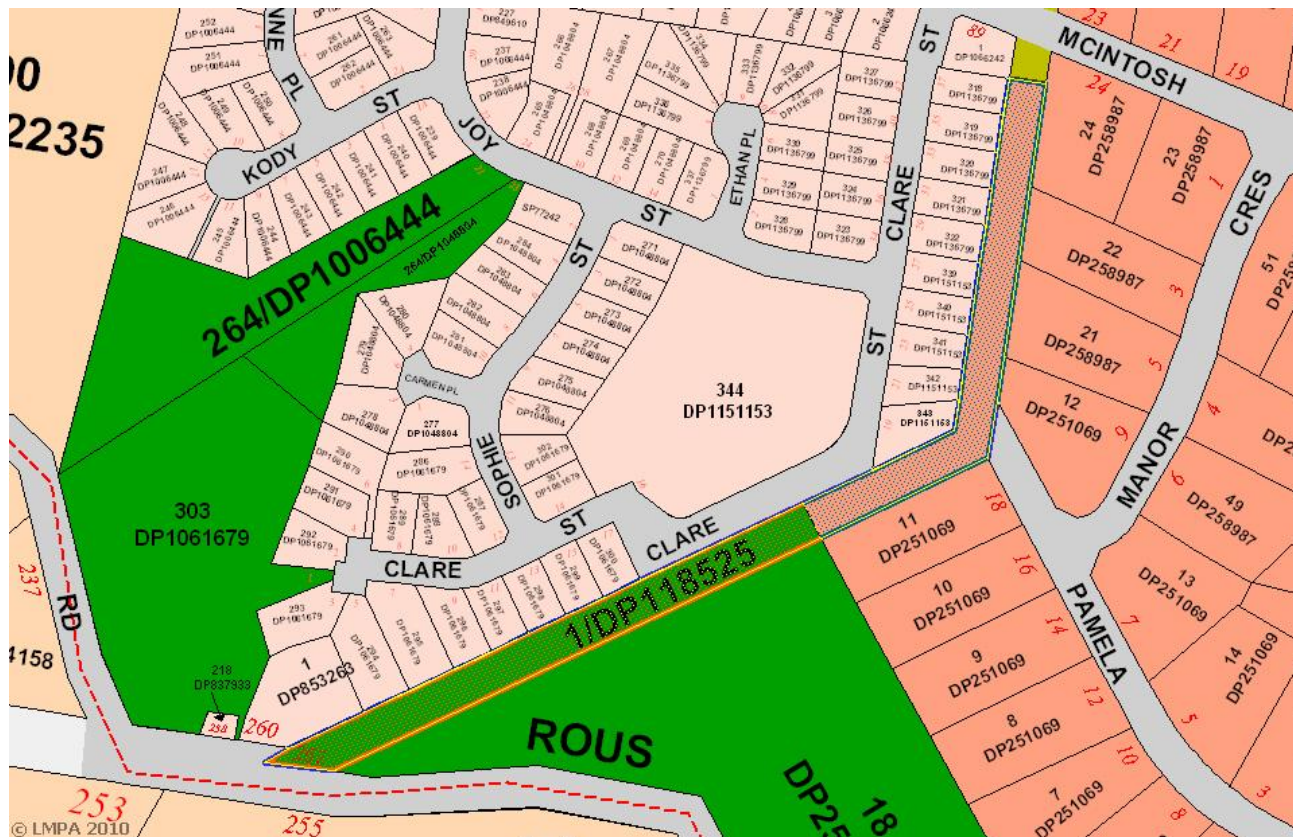
Given the submissions made in response to the DA, the fact that the DA has been called up to Council, and to provide some certainty to the community about Council's preferred course of action, the matter has been submitted to Council to ensure transparency in the decision making process, rather than staff seeking withdrawal of the DA prior to the Council meeting. The owner has been informed recently of issues with the DA and process to date.

Declaration of Interest - General Manager

In accordance with the requirements of Council's Code of Conduct for all council officials to ensure full disclosure in the interest of transparency and probity, I wish to draw attention to the fact that I own a property in the vicinity of the land that is the subject of this report. Given this proximity I have removed myself from the preparation and review of this report.

Background

The development site is at 262 Rous Road, Goonellabah, being Lot 1 in DP 118525. The site is a closed road reserve that is generally covered in vegetation and contains an existing dwelling house at its south western end, fronting Rous Road. The subject land is located as detailed on the map below, and is zoned 6(a) – Public Open Space and 1(c) – Rural Residential. The site is heavily vegetated with trees.



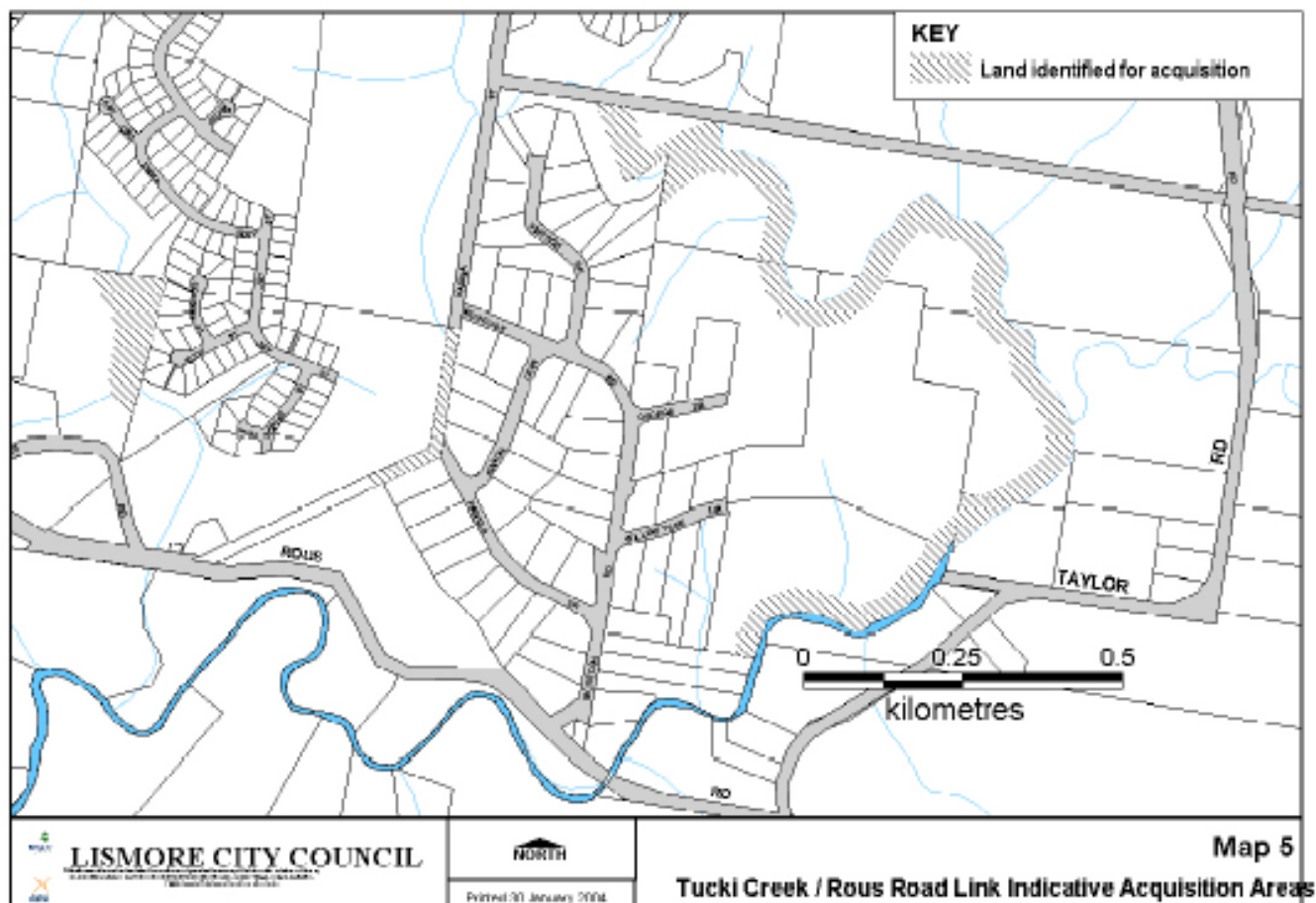
Map 1 – Location of site and current zoning



Map 2 – Aerial view of site

The dwelling on the subject land is located on the part of the land zoned 6(a). Use of the land zoned 6(a) for residential purposes is prohibited under the provisions of the Lismore LEP 2000. Use of the land zoned 1(c) for residential purposes is permitted under the provisions of the LEP 2000.

In October 2003 Council wrote to the owner, Mr Larrescy, advising him that Council had prepared a draft contributions plan pursuant to the provisions of section 94 of the *Environmental Planning & Assessment Act 1979*. The letter went on to advise that maps in the draft plan provided approximate locations where future open space areas may be required. The letter went further to explain that the land identified in the draft plan may be acquired or dedicated subject to the development of surrounding lands, and invited submissions to be made. The maps in the draft plan, and the final s.94 contributions plan adopted by Council include part of the land owned by Mr Larrescy at 262 Rous Road. A copy of the relevant map from the Council's current s.94 plan is provided below.



Map 3 – Extract from current 2004 s.94 contributions plan identifying land to be acquired

In response to the October 2003 letter, Council received a letter from McIntosh Barr & Gordon in November 2003 on behalf of Mr Larrescy. This letter raises a number of issues relating to the proposed inclusion of the subject land in the draft 2004 s.94 plan, and contains statements that in order to agree to inclusion of the land in the draft plan, the following would need to apply:

1. *That Council, at its cost, acquire the whole of our client's land with the exception of the dwelling house and its curtilage.*
2. *That Council would provide sewerage to the dwelling house at its cost.*
3. *That Council would compensate our client for the land being acquired by it valued on the basis of residential land and in accordance with appropriate legislations.*
4. *That Council would indemnify and hold harmless our client from any damage which may occur to any adjoining neighbour because of any of the matters set out above and/or because of any fallen trees.*
5. *Lastly, that in any subdivision, Council properly fence the land retained around the dwelling and further that Council accept responsibility for the fencing, if it is required, of the whole of the land other than that land farming (sic) the curtilage of the house.*

The letter does not detail any agreement or explain a mechanism for how the above arrangement would be effected by either the owner or Council, and it should be noted that owner agreement is not required for land to be identified for future acquisition. It is understood that further discussions were undertaken regarding the land in 2008; the basis of these discussion were to the effect that:

- Council did not want to incur unnecessary costs by acquiring the house;
- Council needed to acquire enough of the 6(a) land to make a connection from Clare Street to the reserve that connects through to Rous Road.
- Council did not want to incur unnecessary costs by acquiring the 1(c) land that was not needed to make the connection.
- Mr Larrescy wanted to retain the house and to be able to sell the 1(c) land.

Mr Larrescy's solicitor forwarded a further letter dated 16 June 2008 referring to a meeting held on 15 May 2008 between Council representatives and the owner and a surveyor, advising that this meeting was conducted to discuss options available in relation to the property. The letter states in part:

"Pursuant to clause 70(2) of the Lismore LEP we are instructed by Mr Larrescy to require Council to acquire that portion of land zoned 6(a)."

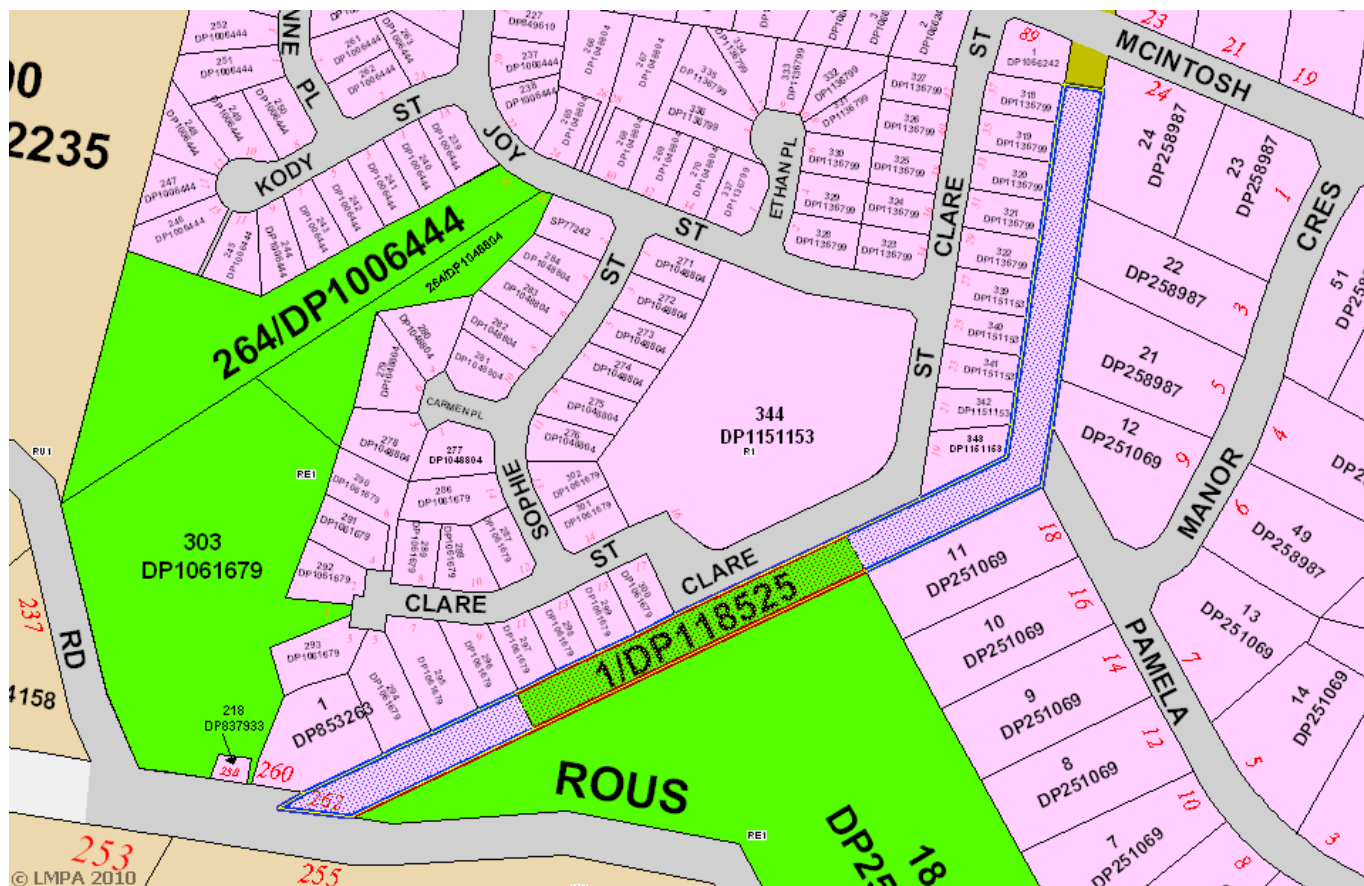
The letter goes on to state that the acquisition should be dealt with as follows:

1. *Council shall acquire that part of the land zoned 6(a) excluding the dwelling house and curtilage. An enclosed sketch plan prepared by LandPartners discloses that portion of the land as proposed Lot 2.*
2. *Council will rezone the dwelling house and curtilage from 6(a) to zone 2(a) (Residential Land). That portion of the land is shown as proposed Lot 1 in the enclosed sketch plan.*
3. *We are instructed that Council has advised that the proposed Lot 3 is no longer required by Council. It will retain its current zoning of 1(c) (Rural Residential).*
4. *To achieve the above results the land would need to be subdivided as shown on the attached sketch plan. We are further instructed that Council has agreed to pay of the Subdivision of the land.*
5. *A valuation for the proposed Lot 2 will be obtained by Council at Council's expense.*

The letter requests confirmation of receipt of the Notice pursuant to cl 70 of the LEP 2000, and confirmation of agreement for the 5 points detailed above.

Clause 70 of the Lismore Local Environmental Plan 2000 is written in terms that require Council to acquire the land zoned 6(a) or rezone the land if requested by the owner. Its terms state that the owner of any land to which the clause applies may, by notice in writing, require the body specified to acquire that land. On receipt of such a notice, the Council must acquire the land to which the notice relates.

Council subsequently responded to the letter dated 16 June 2008 on 21 July 2008, advising that Council planning staff concur with the request to subdivide the land, and that an amendment had been prepared to the comprehensive LEP (the current draft LEP) to rezone the dwelling lot to residential. The letter refers to a report that was to be referred to the August 2008 meeting of Council for an amending LEP. This report appears to relate to the comprehensive draft LEP in accordance with the standard LEP template. The proposed zoning of the subject land in the current draft LEP is reproduced in the following map.



Map 4 – Proposed zonings under draft LEP

Newton Denny Chapelle on behalf of Mr BT Larrescy and Lismore City Council subsequently prepared and submitted the current development application 2009/450 on 6 October 2009.

Description of Proposal

The application proposes a three lot subdivision. The lots will be in the following form:

- Proposed Lot 1 – 2,402m² (Residential lot)
- Proposed Lot 2 – 3,901m² (Open space lot)
- Proposed Lot 3 – 5,917m² (Rural residential lot)

There will be one lot that contains the existing dwelling, a public reserve and a residue parcel that is zoned 1(c) that will have a dwelling entitlement. A copy of the subdivision plans form attachment 1 to this report. A copy of the Statement of Environmental Effects for this DA is available for viewing in the Councillors Room.

Relevant Statutory Controls

Environmental Planning & Assessment Act 1979

Lismore LEP 2000

- Zoning - 1(c) Rural Residential and 6(a) Public Recreation Zone
- Item of Heritage – No
- In vicinity of Heritage Item – No
- Conservation Area – No

Draft Lismore LEP 2010

S94 Contributions Plan

SEPP No. 44 – Koala Habitat Protection

Lismore City Council

Meeting held 14 September 2010 - DA2009/450 - 262 Rous Road,

Goonellabah - proposed subdivision and acquisition process

SEPP No. 55 – Remediation of Land
North Coast REP
Integrated Development

Relevant Policy Controls

Lismore DCP

1.8.4 Undergrounding of Electricity Mains & Provision of Street Lighting

1.8.6 Undergrounding of Telephone Plant in Subdivisions

Description of Site/Locality

The site has a total area of 1.222ha. In 1988 Lot 1 DP 118525 was created by the Crown in a Departmental deposited plan from an existing title folio being the closed road. The land is zoned 1(c) Rural Residential and 6(a) Public Recreation Zone. The land has been zoned part 6(a) and part 1(c) since 1992. Prior to this the land was zoned 1(c) Rural Residential under Interim Development Order 40 from 1980. The lot was shown as a closed road in 1980 on the IDO zoning plans. A 1977 air photo shows the dwelling in existence on the land.

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 subdivision in relation to the provisions of the Building Code of Australia.

Environmental Health

Council's Environmental Health Officer has provided comment on the proposed subdivision. A contaminated land assessment and report was requested, however, this issue is addressed later in this report. Appropriate conditions of consent have been recommended.

Water and Sewer

Council's Water and Sewer Section have advised that water services are available to the proposed lots. In relation to sewer, it is not viable to provide sewer to the dwelling site labelled option 2 on map 5 following, due to limited access to sewer. Dwelling site options 1 and 3 can be serviced by sewer, but would require a significant extension to the sewerage system. A concept design plan indicating the limits of the building envelope for proposed Lot 3 in relation to viable provision of sewer has been prepared. Appropriate conditions of consent can be imposed in this regard to limit the location of any future dwelling to the site identified as option 3.



Map 5 – Location of optional dwelling sites considered in proposal

Engineering/Stormwater Drainage

Council's Development Engineer has provided comment on the proposal and recommended conditions of approval.

External Referrals (for concurrence)

Department of Planning

A Koala Plan of Management (KPOM) was prepared in support of the application as it was identified that the subject land contained core koala habitat. The application was referred to the Department of Planning on 14 January 2010. On 2 March 2010 the Department requested additional information, which was provided on 14 May 2010. The Department has not provided concurrence to the proposed Koala Plan of Management at this time, and raised a number of issues in response to the proposed measures to ensure koala protection if the future development of proposed lot 3 were to proceed as provided for in the application. These issues are not readily resolved.

Integrated Referrals

Rural Fire Service

The application was referred to the Rural Fire Service as an integrated development as it requires a bushfire safety authority under section 100B of the Rural Fires Act 1997. General Terms of Approval were received by Council on 11 November 2009 and have been incorporated into the proposed conditions of consent.

Notification/ Submissions

The application was lodged on 6 October, 2009 and was placed on public exhibition from 12 October 2009 until 26 October 2009. Nine (9) submissions were received and are summarised below:

Name	Issues raised
Geoff Sullivan	<ul style="list-style-type: none"> • Request extension of advertising period • Council has a conflict of interest in DA • Council is acquiring land of little value, whilst being party to granting an additional building entitlement, alienating the land • The proposed lot is out of context with City Acres Estate • The site is a natural wildlife corridor • Proposed lot 3 is limited for effluent disposal, and will have an adverse effect on adjoining lands • No details of residential development allowed (multi unit housing?) • No site entry onto proposed lot 3 to assess traffic movement • New owners in Clare Street under contract may not be aware • Impacts on trees and wildlife unable to be determined with building envelope details • Sewer should be required • Open space portion may be appropriate but additional building entitlement would appear inappropriate compensation to current owner • Other options would be to acquire whole area as open space to maintain buffer, selling to adjoining owners, allowing boundary adjustments • In adequate level of detail provided.
Jon & Judith Lawrence	<ul style="list-style-type: none"> • Request extension of advertising period • Narrow corridor is important for koalas, wallabies, possums and birds • Proposed lot 3 is totally out of character with City Acres Estate • Required building setbacks, on site effluent , bushfire protection and other matters would not be possible without removing trees • Discrepancy in zoning of land • Proposed building envelope on lot 3 is not defined nor is vehicular access • Why is an existing dwelling situated in a 6(a) zone? • Why is Lismore City Council the proponent? • Why is proposed lot 3 granted a dwelling entitlement?
Jon Lawrence Real Estate	<ul style="list-style-type: none"> • Request extension of advertising period.
Lynne, James & Jim De Weaver	<ul style="list-style-type: none"> • Discrepancies in maps and lot zonings • Some or all of the blocks are owned by Lismore City Council • Request extension of advertising period • Dramatic and negative impact on open space serving as a wildlife corridor • Sets a precedent for rezoning of remaining land with extensive vegetation • No KPOM • Land adjacent to Rous Rd serves as a gateway to a green corridor which ameliorates impacts of tree removals and smaller residential lot sizes such a Clare Street • Were told at purchase that LCC owned this corridor which was proposed as a continuation of Kadina St. Why were we not told of sale? • LCC workers undertake regeneration work on this land.
Lynne & Peter Walker	<ul style="list-style-type: none"> • Dramatic and negative impact on open space serving as a wildlife corridor

	<ul style="list-style-type: none"> • Sets a precedent for rezoning of remaining land with extensive vegetation • No KPOM • Land adjacent to Rous Rd serves as a gateway to a green corridor which ameliorates impacts of tree removals and smaller residential lot sizes such a Clare Street.
Lorna & Phillip Murray	<ul style="list-style-type: none"> • Request extension of advertising period • Narrow corridor is important for koalas, animals and birds • Any dwelling on lot 3 would interfere with movement of wallabies and koalas • Proposed lot 3 layout/shape is incompatible with City Acres subdivision pattern. Looks like a lane way. • Strip should be preserved for wildlife.
Samantha Standish	<ul style="list-style-type: none"> • This corridor provides a buffer between two different subdivision types and wildlife movement • Lot layout is incompatible with surrounding • Would most likely result in removal of flora • What type of residential development could occur in the future (eg multi unit housing)? • No sewerage services in City Acres • Proposed lot 3 is not conducive to development due to utility services restrictions • Would upset the existing balance • Land should be divided up to existing adjoining land holders to maintain corridors • Is there not a conflict of interest in this application?
Troy Britt	<ul style="list-style-type: none"> • Would like it to stay a wildlife corridor.
Friends of the Koala	<ul style="list-style-type: none"> • It was commonly understood that Council owned that part of the lot shown as open space because a team of workers regularly carried out bush regeneration and other remediation work • Council clearly has a vested interest in this development as it has agreed to acquire portion of the land in response to the landowner's issuing of notice, pursuant to Clause 70(2) of the Lismore LEP • The land is described as being of high conservation value and is a natural continuation of the koala corridor linking Bird Wing Park and beyond to the Lismore Cemetery, Skyline Road and Tregeagle areas • In our view there is no justification whatsoever for consideration of alienating the northern portion which fronts McIntosh Road by granting a building entitlement • The Koala Plan of Management (KPoM) stops short of spelling out the importance that urban koalas can have in bolstering bush populations. Connectivity is essential to maintaining the genetic health of koala populations • We can only describe the KPoM as minimalist and deficient. It is predicated on the subdivision proposed and relies heavily on the imposition of Section 88b covenants to ensure effectiveness • The Environmental Defender's Office, strongly advises councils and developers use restrictive covenants to justify developing land with high conservation values, as they are too hard to enforce • We are of the view that in order to maximize the conservation value of the land that Council should acquire all of the land other than the 2402 sq. metres required for the existing dwelling, maintaining it as an open space zone and preserving its high conservation value in perpetuity

	<ul style="list-style-type: none"> • The development as proposed is detrimental to the koala population and we urge Council to reject it in favour of an option in which Council agrees to the subdivision and appropriate zoning of the portion required for the existing dwelling and acquires the remainder to be retained as a wildlife corridor. • If Council does support this option and is interested in monitoring koala usage, Friends of the Koala is only too happy to discuss a joint project proposal.
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Consideration

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* were assessed, which raised a number of issues arising from the creation of the proposed lot 3 with a dwelling entitlement that does not currently exist.

These issues are reflected in the submissions to the proposed development. In summary the issues arising from the assessment are as follows:

- The new dwelling entitlement to be created on proposed Lot 3 creates issues in terms of potential impacts on koala populations that are not easily resolved due to the configuration of proposed Lot 3.
- The measures contained within the Koala Plan of Management and proposals to enforce these outcomes via conditions of consent have, to date, not received concurrence from the Department of Planning as required by SEPP 44.

As a result of this environmental assessment, a review of the process leading to the lodgement of this development application was undertaken.

Acquisition Process and Issues Arising

The difficulties arising from this development application and its intended outcomes appear to arise from a misunderstanding of the law as it applied in 2008. In March 2006, the *Environmental Planning & Assessment Act* was amended resulting in a fundamental change to the acquisition process with respect to land designated for acquisition for a public purpose. The effect of this legislation change was that it is not enough for an owner in this position to require acquisition of the land by Council, they must also be able to demonstrate "hardship" to the Council as defined in section 24 of the *Land Acquisition (Just Terms Compensation) Act 1991*, and that the hardship arises as a result of the land being designated for acquisition for a public purpose, in order to force acquisition by Council without delay. Otherwise the acquisition can be at the discretion and timetable determined by Council.

The "hardship" provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* are as follows:

An owner of land suffers hardship if:

- (a) *the owner is unable to sell the land, or is unable to sell the land at its market value, because of the designation of the land for acquisition for a public purpose, and*
- (b) *it has become necessary for the owner to sell all or any part of the land without delay:*
 - (i) *for pressing personal, domestic or social reasons, or*
 - (ii) *in order to avoid the loss of (or a substantial reduction in) the owner's income.*

At this point it should be noted that regardless of how clause 70 of the LEP 2000 is worded or what it implies, it is still subject to the overarching provisions of the amended *Environmental Planning & Assessment Act* and requirements currently in force. (i.e. there is no savings provision)

In June 2006, the Department of Local Government (DLG) published "*Guidelines for the Compulsory Acquisition of Land by Councils*", which details the steps that should be followed to enable transparent acquisition of land designated for a public purpose, as provided for in clause 70 of the LEP 2000.

The guidelines raise the following issues in relation to the process has followed in this matter:

- (a) The notice forwarded to Council in November 2008 is not in the form prescribed by s. 23(5) and contained within the DLG guidelines. The issue of hardship has not been addressed. The owner or their representative is required to prepare a notice in writing, to acquire the land concerned, which must be in the form prescribed by the Minister for Commerce. The form of the required notice contains questions that must be addressed such as the "hardship" test, to properly initiate the acquisition process, and subsequently enable Council to make an informed and appropriate decision on whether to proceed with the acquisition of the subject land.
- (b) The necessary pre-requisites under the relevant legislation to compel Council to acquire (all or part) of the subject land have not been satisfied. Council cannot proceed to acquire land other than in accordance with the provisions laid down in the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (c) The matter of acquisition does not appear to have been the subject of a resolution of Council in relation to the land and in response to the owner initiated acquisition. The negotiations undertaken and actions following those negotiations appear to be outside the delegations of Council staff. This step is required because s.377 of the *Local Government Act 1993* makes it clear that decisions regarding "the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)" are not a delegable function of the elected Council.
- (d) Council does not appear to have properly considered whether the acquisition of all or part of the land is appropriate or necessary from an environmental or open space need. The negotiations between Council and the landowner to date and the actions following appear at face value to have been based on a desire to minimise acquisition costs, possibly at the expense of an alternative environmental outcome.
- (e) The decision not to acquire the land identified as proposed Lot 3 is in direct conflict with the provisions and basis for contributions to be sought under Council's adopted s.94 Contributions Plan 2004. There is no record of any Council resolution in regard to this departure from a properly adopted contributions plan.
- (f) There is no certainty or clarity in the terms of any agreement that has resulted in the current DA being prepared and lodged, or any subsequent action to follow from the determination of the DA.
- (g) The approach that has been taken by Council staff to date does not appear to exhibit the attributes of a clearly considered strategy that is consistent with Council's powers under the *Local Government Act*, the *Land Acquisition (Just Terms Compensation) Act 1991* and the *Environmental Planning & Assessment Act*.

There are also several questions that remain unanswered as a result of the acquisition process that has been pursued in response to the request for acquisition, and the documentation contained in Council's records. These questions include:

- Does Council still need to acquire all or part of the subject land as a result of the provisions and proposed rezoning under the draft LEP 2010?
- Will the owner suffer "hardship" if the acquisition does not proceed? This is an important consideration in justifying the expenditure of public acquisition funds. (i.e. there should be a compelling reason or justification for Council to commit public funds to compulsorily acquire land)
- What has been properly agreed in relation to the acquisition of all or part of the subject land?
- Why has Council embarked on the subdivision process and proposed rezoning in circumstances where staff have indicated an intention of Council to acquire either all or part of the subdivided land, but appears to have made no proper or required resolution in relation to that acquisition?
- The process whereby Council intends to subdivide and rezone the subject land is a process that appears to be the exercise of Council power to, in effect, bestow an advantage on Mr Larrescy?

As a result of the misunderstanding of the law applying to acquisition of land, and the failure to acknowledge the established DLG guidelines, which outline a transparent acquisition and decision making process, Council now finds itself in the position where an application has been prepared for consideration. The outcomes of that assessment could be considered to be essentially predetermined on financial grounds rather than environmental benefits or strategic outcomes that might have been preferred.

It is considered that the process followed in this matter may have tainted the ability for the current development application to be properly considered and determined with an appropriate level of impartiality when viewed from outside the organisation.

Preferred Course of Action

Based on the above circumstances, the preferred course of action to follow from this point to accord with statutory requirements would be as follows:

- 1 Council should not proceed with DA2009/450 at this time, and should request withdrawal of the application.
- 2 Council should consider the proposed acquisition of all (or part of) the land in the context of an overall acquisition strategy. This should occur in conjunction with, or as part of, Council's further consideration of the draft LEP 2010.
- 3 If the acquisition of all or part of the land is determined by the elected Council to be consistent with Council's overall strategy then Council should proceed to acquire the land identified in accordance with a timetable fixed by Council.
- 4 If Council does not wish to proceed with the acquisition of the land then Council should consider the possible rezoning of the land in order to lift the "public" designation that is given by the current/proposed zoning.
- 5 Council should only consider implementing a course of action if a properly constituted meeting of Council passes a resolution with respect to the acquisition strategy, or in response to an acquisition notice prepared in the proper form – rather than simply granting consent to a DA that assumes an acquisition at the end of the process.

It is considered that the current owner will not be significantly disadvantaged by this proposed course of action. It is regrettable that the matter has proceeded this far without appropriate advice being sought on what acquisition process should have been applied to the circumstances.

It is clear from the applicable law that Council is not obliged to acquire the land unless it is satisfied as to certain matters. The owner may choose to pursue other options with regard to disposing of the land or seeking consent for subdivision of the land on terms that they may wish to propose for Council's consideration.

Sustainability Assessment

Sustainable Economic Growth and Development

The proposed recommendation to abandon the current DA and acquisition process to date will maintain the amenity of the locality in the short to medium term and enable strategic consideration for enhancing and providing new land for use as public open space. The recommendation will also support the sustainable land-use planning priorities of the Strategic Plan. Proceeding with the DA is not considered to support sustainable land use planning practice.

Social Inclusion and Participation

There will be limited open space in this locality available for the community to benefit from if the proposed DA proceeds. It is considered that proceeding with the proposed DA will minimise acquisition costs incurred by Council, at the expense of an alternative environmental outcome for which contributions are being collected from developers, and that the DA, if approved, would bestow a development advantage to the owner that does not currently exist.

It should be noted that Council staff could have sought withdrawal of the current DA and advised the owner of the acquisition issues without referral to a Council meeting, however, given the submissions made in response to the DA, the fact that the DA has been called up to Council, and to provide some certainty to the community about Council's preferred course of action, the matter has been submitted to Council to ensure transparency in the decision making process.

Protect, Conserve and Enhance the Environment and Biodiversity

The proposed DA would result in a negative effect on bushland corridor and connectivity, and would reduce the ability to properly manage environmentally sensitive areas in the future.

Best-Practice Corporate Governance

The recommendation of this report supports best practice management principles, and the efficient and proper use of Council's financial resources. The purpose of this report is to inform the community about Council's current position on the future use of the subject land, and supports and promotes a constructive corporate culture, as opposed to decision making in isolation.

Comments

Finance

It is recommended that all financial considerations are reassessed as part of the report on the future need, use, environmental value and land use zoning of Lot 1 in DP118525, with particular regard to the provisions of the Lismore Contributions Plan 2004.

Integrated Planning

Point 2 in the Preferred Course of Action above is supported. The extent of the area to be included in the Public Open Space zone will be considered in the course of reviewing and reporting to Council on the draft Local Environmental Plan 2010. This will include an assessment of the ecological significance of the site and the financial implications of including it in the Public Open Space zone.

Public consultation

The public notification of the application resulted in submissions that are reflective of the process that has been pursued in response to the request to acquire the subject land. The matters raised in the submissions relating to the environmental value of proposed Lots 2 & 3 appear to have some merit. The submissions about Council's involvement and potential conflict of interest in handling this matter also appear to have some merit on the basis of the background of how this development application was formulated.

Conclusion

For the reasons outlined in this report, it is recommended that Council request withdrawal of development application 2009/450, as it has been based on a flawed process in response to an owner initiated acquisition that does not accord with relevant legislative requirements and guidelines.

It is considered that Council should abandon the acquisition process that has been followed to date, and revisit the future zoning, use and need for open space corridors in this locality as part of Council's consideration of the draft LEP prior to forwarding the draft LEP to the Department of Planning for finalisation. This will enable Council to develop an overall acquisition strategy, with reference to the provisions of Council's Section 94 Contributions Plan 2004.

The owner of the subject land should be informed in writing of the proper process that would need to be followed and matters that Council would need to be satisfied about to enable Council to reconsider acquisition of all or part of the subject land at a future date. The owner may wish to pursue subdivision of the subject land on his own behalf in an effort to dispose of part of the land that is of no current benefit due to its zoning or location.

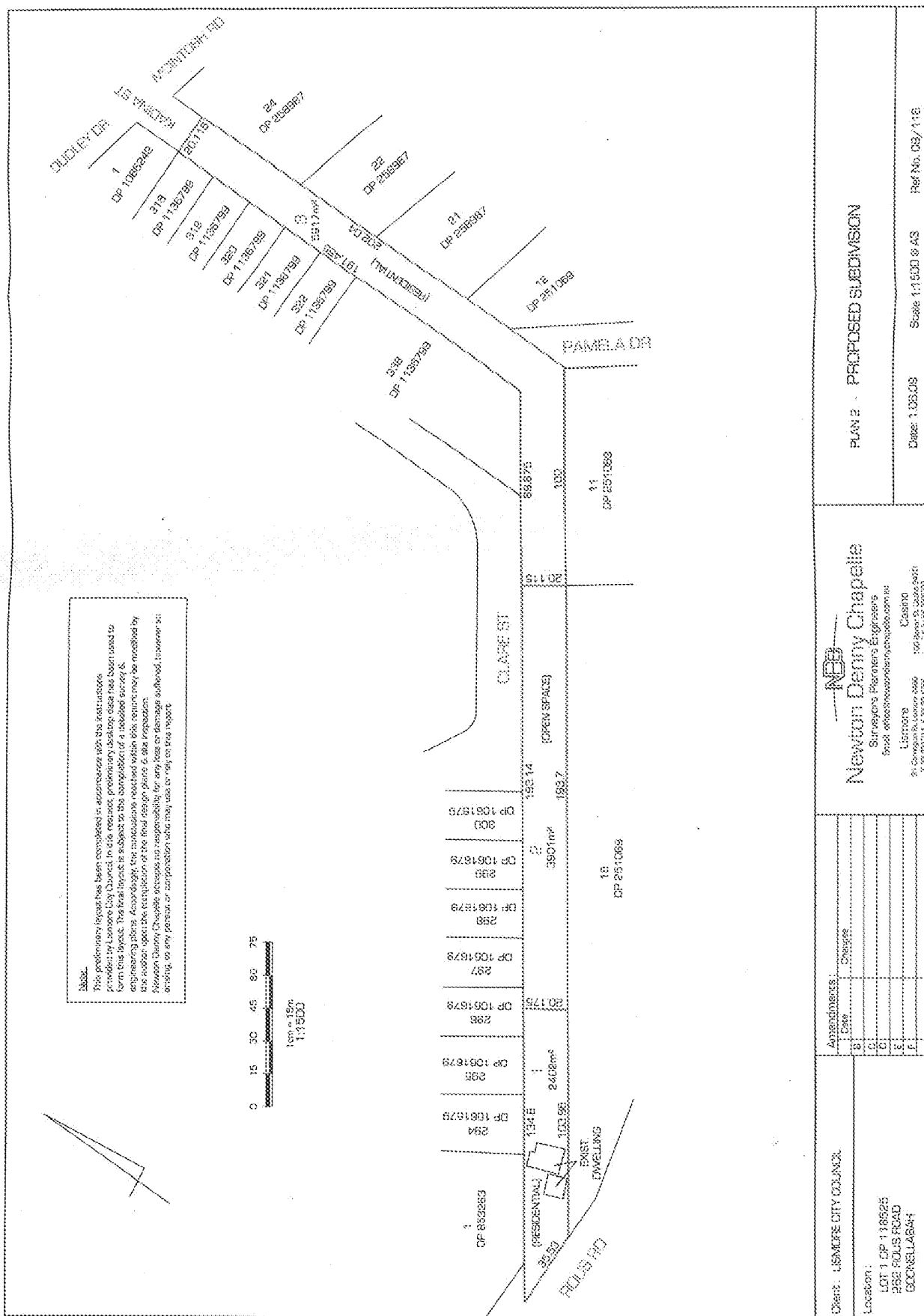
Attachment/s

1. Proposed Plan of Subdivision - 262 Rous Rd

Recommendation

That:

1. The applicant (Newton Denny Chapelle) be requested to withdraw Development Application No. 2009/450 for the reasons outlined in the report.
2. A report be prepared by Council's Integrated Planning staff in conjunction with further consideration of the Draft Local Environmental Plan 2010 on the future need, use, environmental value and land use zoning of Lot 1 in DP118525, with particular regard to the provisions of the Lismore Contributions Plan 2004, and a preferred timetable for the acquisition of all, or part of Lot 1 in DP118525.
3. Council writes to the owner of Lot 1 in DP118525 and express regret about the process that has been followed in this matter and any misunderstanding or inconvenience that has resulted.
4. In the event that Council receives an owner initiated acquisition notice in the proper form from the owner of Lot 1 in DP118525, that the matter be referred to a meeting of Council prior to any formal response being provided to the owner or their representative.



DISCLAIMER
 This preliminary report has been compiled in accordance with the instructions provided to the City Council. It is not intended to be used for any other purpose. The City Council is not responsible for any loss or damage suffered, however arising, to any person or corporation who may use or rely on this report.

Scale: 1:1500
 0 15 30 45 60 75

PLAN 2 - PROPOSED SUBDIVISION
 Date: 1.03.08 Scale: 1:1500 @ A3 Ref No: 03/118

Newton Denny Chapelle
 Surveyors, Planners & Engineers
 100-102 Rous Road, Lismore NSW 2480
 Phone: 07 6621 1222 Fax: 07 6621 1223
 Email: info@ndc.com.au
 Website: www.ndc.com.au

Appendices:

A	Site Plan
B	Site Plan
C	Site Plan
D	Site Plan
E	Site Plan
F	Site Plan

Client: LISMORE CITY COUNCIL
 Location:
 LOT 1 CP 118525
 255 ROUS ROAD
 GOONELLABAH

Report

Subject	Outdoor Dining Policy - Lismore City Centre
TRIM Record No	BP10/357:EF10/43
Prepared by	Property Officer
Reason	To gain formal adoption of the Outdoor Dining Policy - Lismore City Centre.
Community Strategic Plan Link	Sustainable Economic Growth and Development

Overview of Report

Lismore City Council endorsed a new *Draft Outdoor Dining Policy – Lismore City Centre* in June 2010.

The policy's main objectives are to:

- Contribute to the revitalisation of the CBD;
- Support local economic development;
- Encourage and support new outdoor dining areas where appropriate;
- Enhance the amenity of the streetscape character;
- Provide safe access for all; and
- Ensure safety of patrons, pedestrians and vehicle traffic.

The policy has since been placed on public exhibition with submissions invited and received until 16 July 2010. This report outlines the submissions received and changes made to the policy in response to those submissions. A final policy is recommended for adoption by Council.

Background

At its meeting of 8 June 2010, Council considered a draft Outdoor Dining Policy for the Lismore City Centre and resolved inter alia to place the document on public exhibition. Details of the exhibition process are outlined in the public consultation section of this report.

The policy forms an important part of Council's overall strategy for revitalisation of the CBD by promoting and encouraging outdoor dining and enhancing the amenity of the CBD. The new policy provides a framework to promote a vibrant, attractive and safe environment for new and existing outdoor dining areas.

Generally the feedback received from the exhibition process was positive. Some submissions raised individual's issues specific to their own business and it is not intended to discuss these in detail in the report. A response on these issues has been included in the summary attached. Three general areas of concern were raised as follows:

1. Location of the Eat Street precinct;
2. Police requesting a 10:00pm close and raised concerns for public safety; and
3. The Loft restaurant trading in Nesbitt Lane after business hours.

Eat Street

The concept of 'eat street' was coined and included in the draft policy to reflect the current and future potential of Magellan Street as an area of high activity given that it provides a link between the proposed cultural precinct and Spinks Park. It was considered an ideal area to promote outdoor dining given the upgrade of the street to calm traffic, provide wider footpaths, landscaping and street furniture has already been completed. To encourage activity in this area, financial incentives were included in the draft policy for outdoor dining in Magellan Street and immediately adjacent areas. More importantly the Lismore Business Promotion business plan 2010/11 targets this area for markets and entertainment taking advantage of its wide streets.

The submissions objecting to the proposed 'eat street' precinct in Magellan Street are based on the undeniable fact that there are other streets in the CBD with significantly more eating establishments, and in particular from businesses in Keen Street. However, there seems to have been an assumption that Council intends to promote Magellan Street as an 'eat street' in preference to these other locations. That was not the intention of using the phrase and Council, in terms of dining, does not promote one section of the CBD over another. This is evidenced in the recently launched Lismore, Nimbin and Villages Dining Guide which lists and promotes dining throughout the city area. The guide provides no recommendation or reference to one part of the city over any other.

To avoid confusion and more accurately reflect the original intentions in regard to Magellan Street, it is recommended that the term 'eat street' be deleted from the policy and replaced with entertainment/activity precinct to better reflect both the draft policy and business plan (this would include outdoor dining).

Closure Time

The NSW Police made a submission requesting that outdoor dining not be permitted beyond 10.00pm. The CBD Reference Group considered this request and whilst understanding the objective of the Police to limit opportunities for anti-social behaviour and consumption of alcohol, the group considered that 11.00pm was more appropriate. In particular, a vibrant outdoor dining culture where there is a lot of activity around restaurants and cafés is considered to be a deterrent to anti-social behaviour, and 11.00pm is not considered unreasonable. The same can be said for requiring table service in outdoor dining areas. This is seen as overly restrictive and it is recommended the policy be amended accordingly.

Out of Hours Licence - Nesbitt Lane

An objection was received to the use of Nesbitt Lane for dining under a proposed out of hours licence which is provided for in the policy. This would allow outdoor dining to occur in certain areas which are used for pedestrian or vehicle traffic during normal business hours but which are rarely, if ever, used out of normal business hours. The objection was received from a solicitor acting on behalf of Tursa Employment and refers specifically to the opportunity that this provision in the policy provides for The Loft restaurant to have outdoor dining in Nesbitt Lane.

If outdoor dining does occur in Nesbitt Lane under an out of hours arrangement, vehicle and pedestrian access will remain available at all times. Unobstructed pedestrian access will be maintained via Nesbitt Lane; and vehicle access via Eggins Lane at all times whilst Nesbitt Lane is partly closed for outdoor dining.

It should also be noted that 20 of the submissions received were in support of The Loft being permitted to have outdoor dining in Nesbitt Lane. If Council maintains the 'eat street' designation in this area (albeit with a changed name) this will provide a level of policy direction that outdoor dining could establish in this area subject to obtaining a DA and taking other matters into consideration.

Other Considerations

As a reminder for Councillors there are other provisions within the policy which represent a change and will be implemented as outlined herein.

The two-year licence fee free period shall commence on 1 January 2011. Unless resolved by Council, the fee free period shall not be extended beyond 31 December 2012. Applications for new outdoor dining licences, or to renew existing outdoor dining licences received during the rent free period would only be rent free from the date of approval until 31 December 2012.

A covering development application shall be prepared for the land use for outdoor dining and other activities in the CBD requiring development consent. This will allow activities such as markets and street entertainment to be administered without the need for a new application for each event. The DA will cover areas that utilise 'mobile furniture' only. Where a permanent structure is to be erected, a separate DA is required to be lodged by the business owner/operator.

Under the existing policy Goanna Bakery was able to be located on the road reserve against the shop front. The new policy does not permit any article to be placed against the shop front to ensure unobstructed pedestrian accessibility. It is proposed that Goanna Bakery be permitted to retain furniture against the shopfront due to its location outside the main block, however, at the earliest opportunity a blister be constructed to remove the pedestrian obstacles.

The *Companion Animals Amendment (Outdoor Dining Areas) Act, 2010* commenced on 15 June 2010. Section 14A of the *Companion Animals Act, 1998* provides that dogs are allowed in outdoor dining area in certain circumstances. The amendments only apply to human food consumption areas. The prohibition of dogs being in food preparation areas remains.

Where a café or restaurant operator decides to allow dogs in their outdoor dining area, the following conditions must be complied with:

- The outdoor dining area must not be enclosed and must be able to be entered by the public without passing through an enclosed area;
- Dogs must be on a leash at all times;
- Dogs must be on the ground at all times;
- Dogs can be provided with drink but not food; and
- Dangerous and restricted dogs are prohibited.

A Regulation under the *Food Act, 2003* will be made to modify a provision in the Food Standards Code, which will allow dogs in outdoor dining areas where it is permissible under the *Companion Animals Act*.

The existing exemptions from prohibition in public places under Section 14(8) of the *Companion Animals Act* continue to apply for police dogs and assistance animals being used by a person with a disability to assist the person.

A further report to Council for an amendment to DCP Chapter 9 – Outdoor Advertising to permit weighted portable footpath signs will follow. *A Frame* signs will remain prohibited, primarily due to safety concerns.

Outdoor dining areas will be excluded from the Alcohol-Free Zone. The licensee (café or restaurant owner) must clearly delineate the area from the Alcohol-Free Zone.

A copy of the revised policy is attached.

Sustainability Assessment

Sustainable Economic Growth and Development

The revised policy is specifically designed to promote outdoor dining in the CBD. The policy forms an important part of Council's overall strategy for revitalisation of the CBD by promoting and encouraging outdoor dining and enhancing the amenity of the CBD. The policy provides a framework to promote a vibrant, attractive and safe environment for new and existing outdoor dining areas. This is considered to have positive effects for the economic growth and development of the city and in particular the CBD.

The proposal is not considered to have any negative effects on economic growth and development.

Social Inclusion and Participation

The policy includes various incentives which will assist businesses to keep costs down and ensure their services are as affordable as possible. This is a positive contributor to social inclusion and participation.

Protect, Conserve and Enhance the Environment and Biodiversity

The proposal is not considered to have any positive or negative effects.

Best-Practice Corporate Governance

The new policy represents a streamlining of the former processes and contributes positively to best-practice corporate governance. The changes also bring a level of consistency between this policy and other relevant Council documents e.g. Development Control Plan.

Comments

Finance

The proposed changes to the Policy do not change the financial comments provided to Council as part of the June 2010 report. As such, the recommendations are supported.

Other staff comments

Executive Director - Sustainable Development

My comments are from the perspective of being the Council's CBD revitalisation project manager. Council in assessing submissions to the reviewed Outdoor Dining Policy (ODP) should consider the overall reason for the review. The review was triggered to reduce the significant cost and compliance barriers to outdoor dining occurring in the CBD. Ensuring there is thriving outdoor dining is critical to revitalising the CBD.

The Lismore Police's submission that outdoor dining areas close by 10.00pm is contrary to this objective. The Police's intent is commended namely to ensure that the excellent work that has been done by all stakeholders in reducing CBD crime is not eroded. But this early closure could reduce safety on the street as outdoor dining provides a good crime prevention measure via active surveillance. In this regard the recommendations by the CBD Reference Group and the Lismore Business Promotion Panel (LBPP) are strongly supported. Patrons should also not be required to have table service for the reasons outlined in the LBPP's submission.

The submissions supporting the Loft restaurant's initiative in respect of being able to establish outdoor dining in the subject laneway are strongly supported. Such ventures add significantly to the vibrancy and offering in the CBD. This can be achieved while ensuring after hours vehicular access is maintained to other business owners via the other laneway.

The other key issue relates to the submissions in respect of 'eat street'. The concept of 'eat street' should be maintained albeit the name could be changed to the 'entertainment/activity precinct'. The concept was to identify a precinct where street entertainment, activity and outdoor dining could flourish. It is also the connector street between the proposed cultural precinct and Spinks Park. Therefore changing the designated area's name to reflect its wider function beyond dining would be appropriate.

Lismore's CBD does not have a public square for people to meet, stage markets and to host entertainment especially around major events. Magellan Street is the best suited space for this purpose due to its very wide footpaths and its ambience. This was evident at the recent Lantern Parade. Keen Street does not have the same width albeit has significantly more eating outlets.

Manager – Development & Compliance

The previous development application for The Loft restaurant was refused on the basis of information and an understanding of applicable provisions relating to the use of a road for the purpose of outdoor dining. Since that time, and as part of the drafting of the current policy, further research has indicated alternative options in dealing with the road that would overcome the reasons for refusal of the previous development application for The Loft. These options are accommodated by the current policy as drafted, and if adopted, Council staff will be able to provide advice to the operators of The Loft on the DA process to be followed, likely timeframes for determination, and how ongoing licensing and use of the roadway could operate.

Manager – Integrated Planning

Council recognises that its regulatory regime is a critical factor in achieving its goal of revitalising the CBD by encouraging outdoor dining and an enhanced CBD amenity. To do this regulation, particularly planning controls must be as enabling as practicable.

To this end all relevant Development Control Plans are currently being reviewed and will be amended where necessary. The most relevant DCPs are DCP No. 7: Off Street Car Parking and DCP No. 9: Outdoor Advertising Policy.

Proposed changes to these documents will be presented at a Council briefing and then, once resolved by Council, publically exhibited. This process will be initiated as soon as resourcing allows.

Integrated planning recognises its critical support role in ensuring the delivery of this initiative, which directly supports the achievement of Council's Community Strategic and Delivery Plan intentions relating to the revitalisation of the CBD.

Public consultation

The draft policy was formulated following a review of Council's previous Carriageway and Kerbside Land Use Policy and prior to consideration by Council an opportunity was provided for owners and operators of Lismore CBD restaurants and cafés to attend an information and consultation session for input to the draft policy. This was achieved through a World Café forum in May 2010.

Following its adoption by Council, the draft policy was placed on public exhibition with submissions received until 16 July 2010. A total of 32 submissions were received and a summary of these is attached.

The following consultation has also occurred:

- Consultation with Access Committee at its April 2010 meeting;
- CBD Reference Group met on 19 July 2010 to consider submissions received; and
- Consultation with Police, Ambulance, Fire Brigade and Traffic Advisory Committee regarding outdoor dining operating after business hours in Nesbitt Lane.

Conclusion

Council has undertaken a process to consult with the business community and the broader community on an outdoor dining policy for the CBD. Overall the draft policy has been well received. The issues raised during the consultation process are considered to be relatively minor and have been addressed through amendments to the policy.

It is recommended that the policy in its amended form be adopted by Council.

Attachment/s

1. Outdoor Dining Policy (Over 7 pages)
2. Summary of Submissions (Over 7 pages)

Recommendation

That:

1. Council's Carriageway and Kerbside Land Use Policy, 5.2.24 be revoked.
2. The Outdoor Dining Policy – Lismore City Centre as amended and attached to Councillors' business papers be adopted.
3. The two-year free outdoor dining licence fee period commence on 1 January 2011 and extend no later than 31 December 2012.
4. Outdoor dining areas licensed in accordance with the policy be excluded from the Alcohol-Free Zone.
5. Council advise the business community of the new policy through the Lismore Chamber of Commerce and the Lismore Business Promotion Panel.

Report

Subject	Review of Policy No. 8.11.1 - Smoke-free Areas
TRIM Record No	BP10/402:EF09/1187
Prepared by	Compliance Coordinator
Reason	To review current policy and consideration of inclusion of additional public places as smoke-free areas
Community Strategic Plan Link	Protect, Conserve and Enhance the Environment and Biodiversity

Overview of Report

Council at the Ordinary Meeting held 14 September 2004 considered the following Notice of Motion:

That Council:

1. Ban smoking within 10 metres of all children's playground equipment;
2. Ban smoking around all playing fields and sporting grounds;
3. Erect signage around playground equipment and playing fields to indicate that designated areas are smoke-free; and
4. Ensure that events run or sponsored by Council are promoted as smoke-free events.

Following consideration of this Notice of Motion Council resolved to ban smoking within 10 metres of all children's playground equipment and erect signage to indicate that the designated areas are smoke-free as referenced by current Policy No. 8.11.1 – Smoke-Free Areas – Children's Playgrounds.

Council's policy has progressively been expanded over subsequent years following resolutions incorporating the memorial baths, Council places of work, bus shelters and most recently the nomination within the draft Outdoor Dining Policy for alfresco dining areas to be smoke-free.

Council at the Ordinary Meeting held 9 March 2010 resolved that, 'Council prepare a comprehensive report on adopting a smoke-free public outdoor areas policy. The report should contain recommendations on: the scope of such a policy, signage requirements, enforcement including possible penalties, community engagement process and cost implications.'

This report has been developed from the resource kit, *Smoke-Free Outdoor Areas – A Resource Kit for Local Government* presented by the Cancer Council and Heart Foundation and recommends the following public lands for incorporation into Council's smoke-free environment policy:

- Playing fields, sporting grounds and sporting facilities;
- Events run or sponsored by Council; and
- CBD centre as defined by Council's Outdoor Dining Policy (Attachment 1).

Background

Outdoor smoking restrictions are becoming more common within New South Wales as Local Government responds to community expectation of a clean and healthy environment without the exposure to second-hand smoke (SHS), particularly on public lands where the community gathers, to socialise and participate in recreational activities. While most of the clinical evidence presented supporting tobacco reforms relates to individual health effects and indoor exposure of SHS there is emerging reporting on how smoking affects air quality in outdoor locations such as alfresco cafes and playgrounds.

In addition to the recognised health impacts, cigarettes are an environmental issue, with butts taking up to five years to break down in the environment and accounting for almost 50% of all litter in urban areas being tobacco related (*Clean Up Australia Report 2005*). The introduction of a Smoke-Free Outdoor Areas Policy has the potential to help reduce butt litter impacts upon our natural environment and through reduced litter clean-up costs.

Community Support

Increasing awareness of the harmful effects of SHS has led the community to accept and expect the availability of smoke-free areas. It is a growing expectation of a right to clean air. In December 2006 the Centre for Health Research and Psycho-oncology conducted a survey of 2,400 NSW residents which demonstrated an overwhelming support for smoking restrictions in the following areas:

- 92% support bans in children's playgrounds;
- 85% support bans outside workplace doors/ entrances;
- 80% support bans in sports stadiums;
- 69% support bans in outdoor dining areas; and
- In addition, 65% say they avoid places where they may be exposed to other people's smoke.

Having an acceptance that these survey results would be representative of the Lismore Community, then the expansion of Council's Smoke-Free Areas Policy would be a reflective response. Should Council determine to expand the current Smoke-Free Areas Policy to include playing fields, sporting grounds, sporting facilities etc; a relevant community engagement program that is educative and supportive of the communities most affected by the policy would need to be initiated. This has been the Council's experience with the recent development of the Outdoor Dining Policy – Lismore City Centre.

Council Approach

It is recognised that Council demonstrated an active role in advocating better public health for its residents. As stated Council resolved in 2004 to ban smoking within 10 metres of all children's playground equipment, referenced by current Policy No.8.11.1. This policy has been reviewed and expanded over subsequent years incorporating the memorial baths, Council places of work, bus shelters and most recently nomination within the draft Outdoor Dining Policy for alfresco dining areas to be smoke-free.

Health organisations such as the Cancer Council and Heart Foundation are encouraging Councils to adopt smoke-free policies for the management of smoking in public places not yet covered by the NSW Smoke-Free Environment Act 2000.

At the Local Government Association Conference (Coffs Harbour, October 2007) the following motion was supported:

- Reaffirm commitment to smoke-free playgrounds, playing fields and outdoor dining areas (in line with previous resolutions of the conference in 2004 and 2006);
- Encourage adoption of bans on beaches and waterways;

- Encourage adoption of such bans and other bans in consultation with the community;
- Encourage Councils to erect internationally recognised signage to indicate smoke-free areas; and
- Encourage Councils to continue to lobby NSW State Government to adopt legislation similar to that adopted by QLD State Government to ensure uniformity across all communities in NSW.

A survey conducted by the Cancer Council in 2009 of approximately 150 NSW Councils identified the following:

Outdoor Smoke-Free Policy NSW Councils

Outdoor Area	NSW Councils - 2009
Playground(s)	55
Sports fields	45
Pools	15
Outdoor dining	9
Council events	12
Beaches	10
Reserves	9
Parks	14
Bus shelters	7
Within 10m of Council buildings	20
At least 1 outdoor area	58

The Cancer Council and Heart Foundation in their publication, *Smoke-Free Outdoor Areas – A Resource Kit for Local Government*, recommends the following public lands for incorporation into a smoke-free environment policy however, it encourages Councils to include the first four dot points as a minimum:

- Within ten metres of all children's playground equipment;
- On all playing fields, sporting grounds and sporting facilities (i.e.: swimming pools, outdoor sports centres);
- At all events run or sponsored by Council;
- In alfresco dining areas on public land;
- In Council's pedestrian malls / plazas;
- Beaches;
- Bushland, parks and reserves;
- Covered bus stops and taxi ranks; and
- Within ten metres of Council owned or managed buildings including balconies or covered areas, as well as Council carparks.

Current Legislation

Smoking in enclosed public places in NSW is regulated by the NSW Smoke-Free Environment Act 2000. In 2004, the Act was amended, and from July 2007 smoking was banned in all enclosed public places, for example in State offices, shopping centres, hospitals, schools, childcare settings and entertainment venues, as well as the transport sector. However, this framework makes no provision for controlling outdoor smoking in places where people congregate, such as alfresco dining areas, sporting fields and playgrounds.

Under the NSW Local Government Act (LGA) 1993, Council has the power to regulate public places under its control and management to protect the local community from the effects of SHS. Under S.632 LGA 1993 Council has the power to:

- Erect suitably worded and strategically placed signs/notices in public places within the local government area prohibiting smoking; and
- Initiate enforcement action (generally by service of a penalty notice upon any person who fails to comply with the terms of any such notice).

The LGA states that a person who fails to comply with the terms of a Council notice erected in a public place is guilty of an offence with a maximum penalty of 10 penalty units (penalty unit is \$110.00), or alternatively maybe issued with a Penalty Notice having a prescribed amount of \$110.00. The enforcement style generally adopted for compliance of a Council's Smoke-free Environment Policy is that of self-regulating/policing rather than punitive enforcement. It is anticipated that an expanded policy in the Local Government Area would be regulated in a similar style. It is recognised that community acceptance/compliance will need to be supported by an effective community education and awareness program.

Implementation and Budget Implications

Experiences of other Council's suggest that the most successful implementation of a Smoke-Free Outdoor Areas Policy is to implement gradually – utilising relevant community engagement processes that are educative and supportive of the communities most affected by the policy. This has been the Council's experience to date with the most obvious exclusion from the recommended impacted lands being Council's open spaces (playing fields, sporting grounds, parks and reserves) and the CBD.

Subject to Council's decision, the engagement process will be managed within Council's, *Practical Guide to Community Engagement*.

With the adoption of a self-policing enforcement style the key costs associated with the implementation of an expanded smoke-free policy are those of signage and education/awareness. Signage costs will depend on the public spaces to be incorporated into the policy and whether any staged implementation strategy is adopted. In practice the methodology adopted would be to, wherever possible, utilise existing signage structures and incorporate the internationally recognised symbol for 'No Smoking'. It is anticipated that this approach will be achieved within the CBD precinct as defined by Council's Outdoor Dining Policy (Attachment 1) and to a reasonable extent within park areas, a matter currently being reviewed by Council's Parks Coordinator.

Council's budget does not recognise funding for an implementation and consultation program for a reviewed smoke-free environment policy. Therefore it is recommended that the initial consultation phase be directed at key stakeholders being Sporting Associations and Clubs, Lismore Business Promotion Panel, Lismore Chamber of Commerce and the Sport and Recreation Policy Advisory Group. Following this consultation phase a further report be presented to Council, costing the preferred review outcome, commenting on feedback from key stakeholders, and recommending a community engagement/education strategy.

Sustainability Assessment

Sustainable Economic Growth and Development

The policy provides for a clean and healthy environment without the exposure to second-hand smoke particularly on public lands where the community gathers to socialise and participate in recreational activities. On the evidence presented there is a growing expectation of a right to clean air and a policy that supports that community expectation contributes to the social and economic wellbeing of the

community. It is also considered that policy positively supports the Lismore Heart promotion and Council's Outdoor Dining Policy.

Social Inclusion and Participation

The policy provides for a clean and healthy environment without the exposure to second-hand smoke, particularly on public lands where the community gathers to socialise and participate in recreational activities. The policy supports the growing expectation of a right to clean air and the consultation process will encourage community participation.

Protect, Conserve and Enhance the Environment and Biodiversity

The policy provides for the improvement of the health of community members and to minimise cigarette butt pollution in waterways, parks and other open space areas.

Best-Practice Corporate Governance

The policy provides for community leadership in protecting the health and social well-being of the community, recognises partnerships (community and organisational), and resource sharing in achieving desirable public health outcomes.

Comments

Finance

The recommended approach for a further report to be prepared on the cost to implement signage and undertake appropriate community engagement/education strategy for the preferred outcome is supported.

Public consultation

It is recommended that should Council determine an intention to prepare a reviewed smoke-free environment policy then the initial consultation phase be directed at key stakeholders being Sporting Associations and Clubs, Lismore Business Promotion Panel, Lismore Chamber of Commerce and the Sport and Recreation Policy Advisory Group. This pre-draft consultation was successful with the draft Outdoor Dining Policy. Following this consultation phase, a further report be presented to Council requesting Council consider a draft policy for formal exhibition. This report would also cover costing the preferred review outcome. This would then be exhibited and then reported back to Council for final deliberation.

Conclusion

It is recognised that Council has demonstrates an active role in advocating better public health for its residents. Council resolved in 2004 to ban smoking within 10 metres of all children's playground equipment referenced by current Policy No.8.11.1, with this policy progressively reviewed and expanded over subsequent years incorporating the memorial baths, Council places of work, bus shelters and most recently nomination within the draft Outdoor Dining Policy for alfresco dining areas to be smoke-free. This report has been developed from the resource kit, *Smoke-Free Outdoor Areas – A Resource Kit for Local Government* presented by the Cancer Council and Heart Foundation and recommends the following public lands for incorporation into Council's smoke-free environment policy:

- Playing fields, sporting grounds and sporting facilities;
- Events run or sponsored by Council; and
- CBD centre as defined by Council's Outdoor Dining Policy (Attachment 1).

This reviewed policy would be underpinned by the following objectives to:

- Improve the health of community members;
- Improve the public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with public smoking;
- Provide community leadership in taking measures to protect the health and social well-being of the community; and
- Minimise cigarette butt pollution in waterways, parks and other open space areas.

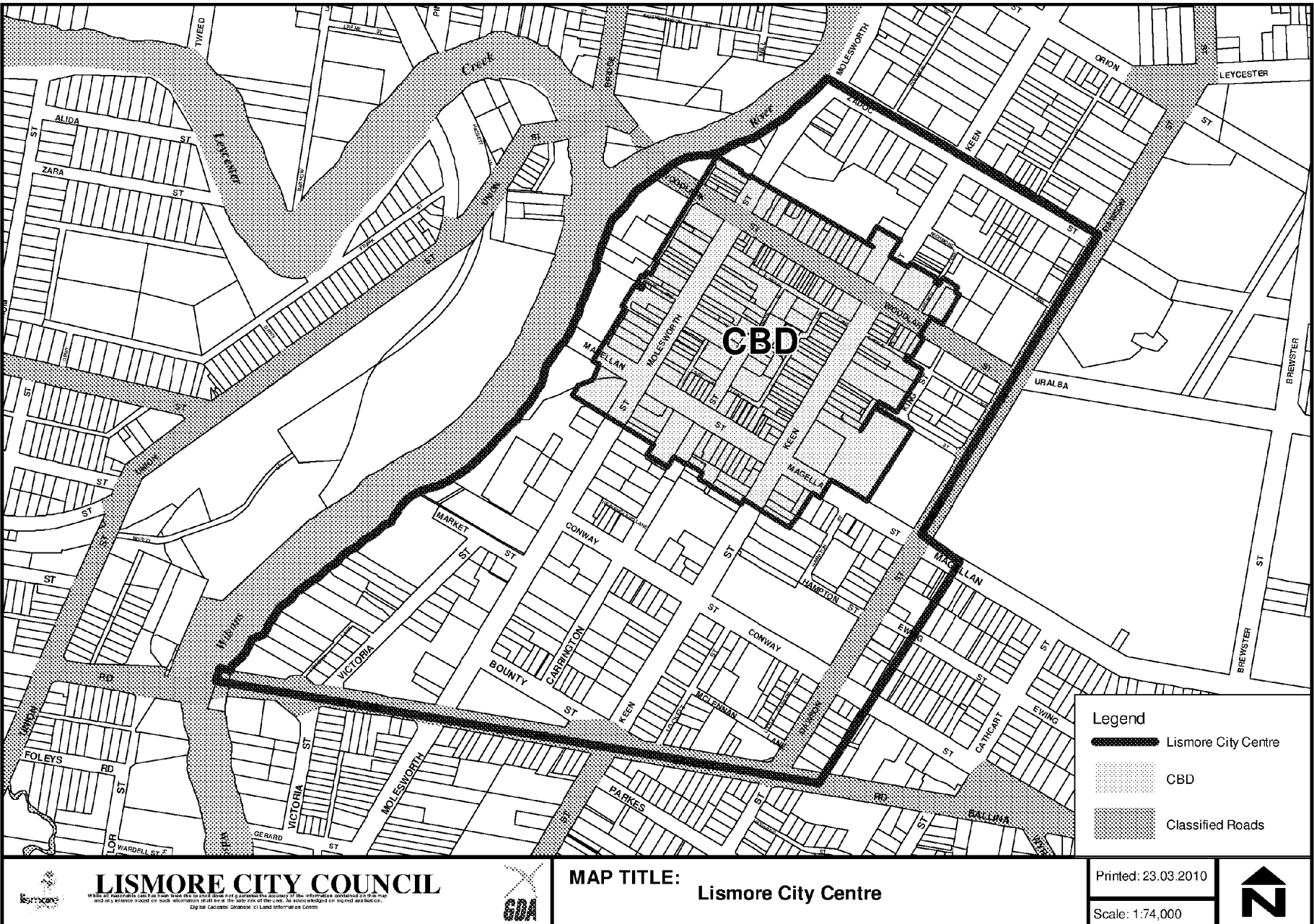
Attachment/s

1. Lismore City Centre Map

Recommendation

That:

1. The following public lands be considered for inclusion in the Council's revised draft smoke-free environment policy:
 - Playing fields, sporting grounds and sporting facilities;
 - Events run or sponsored by Council; and
 - The CBD centre as defined by Council's Outdoor Dining Policy (Attachment 1).
2. The proposed additions in (1) above to the smoke-free environment policy be subject to an informal consultation process with the key stakeholders as outlined in the report; and
3. Following consultation a revised draft smoke-free environment policy be reported to Council for formal consideration and exhibition before being finalised by Council. This report is to include the indicative budget implications of the revised policy.



Report

Subject	South Lismore Soccer
TRIM Record No	BP10/400:EF09/725
Prepared by	Community Services Officer (Sport and Recreation)
Reason	Request to reallocate funding from the Urban Sports Facility Fund
Community Strategic Plan Link	Improve Passive and Active Recreational Facilities

Overview of Report

A request has been received from the South Lismore Celtic Football Club to reallocate funding namely the sum of \$20,000 which was granted to the club through Council's 2006 Urban Sports Facilities Fund. This funding was intended for the construction of grandstand seating at their Caniaba Street Reserve facility. The club has now requested that these funds be redirected to support the development of a second soccer field to the east of their current main playing surface.

Background

Grandstand Seating

Some time ago, Council purchased concrete tiered seating from the Brisbane Cricket Ground. This seating was used to build the grandstand at Crozier Field and to expand the seating at the Little Athletics Club at Riverview Park. Originally, there was also an intention to construct expanded seating at South Lismore Celtics facility with the residual seating and a 2006 allocation of Urban Sports Facilities funding was intended to fund the costs of this construction work.

A New Soccer Field

Since that time, membership of the club has grown dramatically and, as a consequence, the main playing field has suffered from over use. Furthermore, with these increased numbers, facilities for night training have proven inadequate. In the light of these pressures, the priority of the club has therefore shifted from providing expanded seating for the public to instead, meeting the needs of the expanded playing membership.

South Lismore Celtic Football Club has recognised the recent growth of community interest in soccer and their rapidly growing numbers of newly registered players as sufficient reason to identify the creation of a second playing field as being a greater priority than expansion of seating. A Development Application for the second field is currently with Council.

The South Lismore Celtic Football Club advises that, should they receive approval for this reassignment of funding, they may, at some time in the future, revisit the need for expanded seating. Funding to enable any future seating construction may come from a subsequent application for financial assistance through either a future Council Urban Sports Facilities Fund allocation or alternate funding avenues.

Sustainability Assessment

Sustainable Economic Growth and Development

The creation of a second soccer field at the Caniaba Street Reserve will greatly enhance the provision of adequate sports facilities for the South Lismore community. The Club is independent and has the resources to ensure there is an ongoing commitment from within the Club to maintain and improve the field in the future.

Social Inclusion and Participation

An additional field within this community will build the Club's capacity and its ability to provide for increased participation by members of the South Lismore soccer playing community.

Protect, Conserve and Enhance the Environment and Biodiversity

Some of the landscape work necessary to complete this project will involve the partial covering of an unsightly and dangerous drain at one end of the field. The Club also plans to use existing light poles to light the field.

Best-Practice Corporate Governance

This project will assist the aim of supporting efficient use of Council resources. The numbers involved in Soccer continues to grow and by supporting this growth, Council is making a commitment to improving the quality of service to the community.

Comments

Finance

Council holds the \$20,000 for this project in Reserves and therefore it is available for reallocation to a new soccer field.

Other staff comments

Parks

The costing for the project has now been determined and Council's Parks Department advise that the \$20,000 budget will be sufficient to enable the project to be undertaken.

Public consultation

The Sport and Recreation Policy Advisory Group considered the matter and supported the request to re-allocate the funds as proposed.

Conclusion

The request from the South Lismore Celtic Football Club to reallocate \$20,000 from the Urban Sports Facilities Fund from a grandstand to a second sports field is supported due to the changing priorities of the Club and the increased membership.

Attachment/s

There are no attachments for this report.

Recommendation

That the Council resolve that the \$20,000 Urban Sports Facility Fund grant that was originally allocated to the South Lismore Celtic Football Club for the installation of concrete modular grandstand seating be reallocated for the construction of a second playing field as outlined in the report.

Report

Subject	Lismore Levee Repairs - Property Acquisition
TRIM Record No	BP10/396:EF09/162
Prepared by	Manager - Assets
Reason	To gain Council approval to acquire a property in order to facilitate repairs to the levee in Lismore.
Community Strategic Plan Link	Sustainable Economic Growth and Development

Overview of Report

A section of the levee behind 9 Club Lane in Lismore was damaged during the flood of May 2009 and there is evidence of movement in that section of the levee bank system. Richmond River County Council commissioned an engineering report on options to repair the damage and stabilise the river bank in this location.

The preferred option involves acquisition of the property at 9 Club Lane such that the rear section of the building can be demolished, the river bank battered to a shallower slope and reconstruction of this section of the levee further away from the river bank.

Council staff have negotiated with the owners of 9 Club Lane and reached agreement on a purchase price and terms. The matter is reported to Council for endorsement prior to entering a contract for purchase of the property.

Background

The levee system in Lismore was completed in 2005 and provides protection to the CBD and other parts of the City from flooding of approximately 1 in 10 year recurrence intervals. Following the May 2009 flood, evidence of damage to the levee was found in the section behind 9 Club Lane. This property is the former Lismore Club and currently owned and occupied by NewTrain.

Richmond River County Council commissioned an engineering report to examine the causes of the failure and options for repair. The report was completed by the Snowy Mountains Engineering Corporation (SMEC) and identified the cause of the failure as being related to unstable ground conditions on the riverbank in that location. A number of options were examined as potential solutions and presented in the SMEC report. There are effectively two issues that need to be addressed - the first is the unstable ground/river bank and the second is the repair of the levee itself.

To deal with the unstable ground and river bank, the preferred approach is to batter the river bank back in that location to a shallower slope and employ some rock armouring. The rock armouring is to protect the bank from erosion given that this section of the river bank is opposite the confluence with Leycester Creek and can be exposed to significant volumes and velocities of water during floods. The extent of the batter required to address the instability issues will require works on the adjoining privately owned properties of 9 Club Lane, owned by NewTrain, and 39 Glasgow Lane, owned by Clarence Properties. Some work will also be required in Council's carpark.

After completing work to stabilise the ground, the levee can be reconstructed further away from its existing alignment and out of the area of influence of the unstable ground.

The properties at 9 Club Lane and 39 Glasgow Lane are those most affected by the proposal. In order to accommodate battering of the river bank and reconstruction of the levee, it will be necessary to demolish the rear section of the building at 9 Club Lane. In addition, six garages need to be demolished from the property at 39 Glasgow Lane and five parking spaces will also be lost from Council's carpark.

Upon completion of the stabilisation of the river bank, reconstruction of the levee would proceed.

Given the need to undertake works on a significant portion of the property at 9 Club Lane, and in particular the need to demolish the rear section of the building, the future uses for this building will alter significantly. As such, it is reasonable for Council to acquire the building such that it has control over decisions affecting the building and does not need to negotiate outcomes with third parties.

A number of alternate solutions were examined in the SMEC report but were largely too expensive and/or impractical to pursue further. The only other option considered viable was for the levee to be reconstructed in front of the NewTrain building. The work to stabilise the river bank would still be required, although it may be possible not to require demolition of some or all of the rear of the building.

Loss of the garages at 39 Glasgow Lane is essentially unavoidable without expending considerable funds to construct deep pile foundations and other shoring measures to support the river bank in its existing location. However, when the rear section of the building at 9 Club Lane is demolished, there will be an area of vacant land created and it may be possible to reconstruct some or all of the garages on this land. In the event that those garages which need to be demolished cannot be replaced on the vacant land, appropriate compensation would be negotiated with the property owner.

Discussions have taken place with representatives from NewTrain and an agreement in principle has been reached on a purchase price and conditions to be included in a contract for sale. The purchase price is \$500,000 and is within the range of a valuation for the building obtained by Richmond River County Council. There is a further amount of \$20,000 payable towards relocation costs, giving a total cost of \$520,000 to purchase the premises.

Funding for the purchase is to be provided on a two-thirds/one third basis between the state and federal governments and Lismore City Council. Richmond River County applied for the government funding through the Natural Disaster Resilience Grants program with a recent announcement that the application was successful. An amount of \$400,000 is to be received under this program. Council's share of the purchase price has been allocated in the current budget.

Upon acquiring the property at 9 Club Lane, in accordance with Section 31 of the *Local Government Act*, Council must determine whether it will classify the land as community land or operational land. After completion of the repair work, including demolition of the rear of the building, the premises could be rented out or used for other commercial purposes. As such an operational classification is considered appropriate for the property.

Sustainability Assessment

Sustainable Economic Growth and Development

The levee system provides flood protection for the CBD and other parts of the city area up to an approximate one in ten year flood event. This protection means that residents and businesses do not have to evacuate their premises and move stock and belongings to higher ground for those flood events. This represents a significant time and cost saving for those businesses.

It is imperative that the levee be repaired permanently to ensure this level of protection continues to be provided for those residents and businesses. The levee system contributes positively to the economic growth and development of the city.

NewTrain provides a range of employment and training services to the Lismore region and had been considering relocating to more suitable premises prior to Council's approach to purchase the property at 9 Club Lane. NewTrain has been actively seeking alternative premises since Council's approach. Subject to completion of a sale to Council in order to finance their relocation, NewTrain appears to have secured alternate premises. This is considered a positive outcome for NewTrain.

The loss of the garages at 39 Glasgow Lane owned by Clarence Properties is a negative consequence of the preferred solution. During the detailed design process opportunities to reconstruct some or all of the garages on vacant land created at the rear of 9 Club Lane will be explored. A land swap may also be possible and in the event that those garages which need to be demolished cannot be replaced on the vacant land, appropriate compensation would be negotiated with the property owner. These measures will ameliorate and/or compensate for the loss of the garages.

The loss of parking in the Council carpark is also a negative effect of the preferred solution.

Social Inclusion and Participation

NewTrain provides a range of employment and training services to the Lismore region. The required demolition of the rear of the building will mean that the premises at 9 Club Lane are no longer suitable for their operations. Relocation of their business to more suitable premises will ensure that these services continue to be provided for the local community.

As such the proposal is not considered to have any negative effects on social inclusion and participation.

Protect, Conserve and Enhance the Environment and Biodiversity

The work to stabilise the river bank will assist in reducing the potential for erosion of this area and subsequent depositing of sediment into the river. The stabilisation work will also include some vegetation which will provide habitat for local fauna. These are considered to be positive outcomes.

There are not considered to be any negative consequences for the environment as a result of this proposal.

Best-Practice Corporate Governance

The proposal is not considered to have any effects, positive or negative, on best-practice corporate governance.

Comments

Finance

Council allocated \$600,000 for repair works including property acquisitions to the Lismore Levee in the 2010/11 Operational Plan with \$400,000 from grants and \$200,000 from borrowings. As the purchase price and contribution to relocation costs are within the approved Budget, the recommendations are supported.

Conclusion

The damage to the levee in Lismore needs to be addressed and the report from SMEC identifies unstable ground conditions as a contributing factor to its failure. A number of options were explored by SMEC as solutions to the problem and the most cost effective is for the river bank in this location to be battered to a shallower slope. This will require work to be undertaken on two private properties and on Council's carpark.

Because of the extent of the work required on the property at 9 Club Lane, including demolition of the rear section of the building, it is appropriate and cost effective for Council to acquire the property. An agreement on purchase price and conditions of sale of the property has been reached with the current owner and the matter should now proceed to exchange of contracts.

Upon completion of the sale, the land should be classified as operational to allow commercial use of the remainder of the building after the works to repair the levee have been completed.

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. The report be received and noted.
2. Council proceed to purchase the property at 9 Club Lane and the General Manager be authorised to finalise negotiations with NewTrain.
3. Any necessary documentation required to complete the purchase be executed under seal of Council.
4. In accordance with Sections 31 and 34 of the *Local Government Act*, 1993, Council give notice of its intention to classify the land as operational upon purchase of the property and invite public submissions.

Report

Subject	Tender No. T2011-03 - Supply of Various Materials
TRIM Record No	BP10/397:T11/3
Prepared by	Rural Works Engineer
Reason	To inform Council of tenders received for the supply of various materials for the period to 30 June 2011.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

This report details the evaluation of tenders received in relation to the provision of various materials and services for the period to 30 June 2011, including a recommendation to award the tender.

Background

Tenders were advertised for the provision of various materials and services to enable Council to compile a list of 'Approved Suppliers' offering specific materials and services at a fixed price for a stated period. The materials and services included in the tender document are:

- Supply of Soil, Sand and Metal Dust;
- Supply of Ready Mixed Concrete;
- Supply of Traffic Control Personnel and Traffic Management Solutions;
- Material Testing;
- Vegetation Services;
- Supply of Turf;
- Kerb and Gutter Extrusion; and
- Supply of Various Chemicals.

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

Tender Examination

Due to the varying nature of the materials and services included in this tender, a number of Council staff from different departments were included in the various committees during the evaluation process. In its entirety, the committees comprised of: Rural Works Engineer, Rural Works Supervisor, Parks Coordinator and Parks Supervisor and were all involved in the assessments of tenders.

Tenders were invited and assessed on a schedule of rates basis. The tender documents, (Clause B7), defined five (5) areas by which each tender would be assessed as outlined below for the provision of materials and services:

1. Total Cost;
2. Capability and Experience;
3. Quality and Safety;
4. Environment and Community; and
5. Local Content.

The supply of each individual material and service was assessed and is detailed below.

Supply of Soil, Sand and Metal Dust

Tender documents were received from a total of three (3) companies by the close of tender, these companies were:

- Troy's Landscape Supplies;
- S & L Sand and Gravel;
- Holcim Australia Pty Ltd.

The rates tendered by S & L Sand and Gravel and Troy's Landscape Supplies resulted in the lowest costs for the supply of soil and sand respectively. Holcim Australia Pty Ltd only submitted a price for the supply of metal dust and was the cheapest provider. However, considering the remaining evaluation criteria specified in the tender, S & L Sand and Gravel is the highest ranked tenderer for the supply of soil and sand, with Holcim Australia Pty Ltd being the highest ranked tenderer for the supply of metal dust.

It is therefore recommended that the following priority order be followed for the supply of soil and sand:

1. S & L Sand and Gravel;
2. Troy's Landscape Supplies.

The following priority order is recommended for the supply of metal dust:

1. Holcim Australia Pty Ltd;
2. S & L Sand and Gravel;
3. Troy's Landscape Supplies.

(Note: The supply of metal dust will only be required if Blakebrook Quarry does not have required quantities.)

Supply of Ready Mixed Concrete

Tender documents were received from a total of two (2) companies by the close of tender, these companies were:

- Holcim Australia Pty Ltd;
- Hanson Construction Materials Pty Ltd.

Due to the varying quantities of concrete used and separate locations of work sites, a comparison of the rates received was made for two typical projects and costs evaluated.

The rates tendered by Holcim Australia Pty Ltd and Hanson Construction Materials Pty Ltd were very similar, however the rates tendered by Hanson resulted in the lowest cost for the supply of ready mixed concrete. However, Holcim Australia Pty Ltd scored highest on the evaluation criteria.

It is therefore recommended that the following priority order be followed for the supply of ready mixed concrete:

1. Holcim Australia Pty Ltd;
2. Hanson Construction Materials Pty Ltd.

Supply of Traffic Control Personnel and Traffic Management Solutions

Tender documents were received from a total of three (3) companies by the close of tender, these companies were:

- JHA Recruitment & Staff @ Work;
- Dialtone Traffic Control and Training;
- Lismore Tree Services.

To enable a comparison of the rates received, two typical projects for Council were selected and costs calculated on tendered rates.

The tendered rates received were quite varied with JHA Recruitment & Staff @ Work providing the cheapest submission. Following the evaluation criteria assessment, JHA Recruitment & Staff @ Work also ranked the highest.

It is therefore recommended that the following priority order be followed for the supply of traffic control personnel and traffic management solutions:

1. JHA Recruitment & Staff @ Work;
2. Lismore Tree Services;
3. Dialtone Traffic Control and Training.

Material Testing

Tender documents were received from one (1) company by the close of tender, this company was:

- Coffey Information Pty Ltd.

Material testing is a specialised field therefore only a limited number of companies are capable of carrying out the works. Council has been utilising Coffey Information Pty Ltd for all of its material testing for a number of years. This service has always been undertaken with a high level of competence and expertise.

It is therefore recommended that Council continues to engage Coffey Information Pty Ltd for this service.

Vegetation Services

Tender documents were received from a total of three (3) companies by the close of tender, these companies were:

- East Coast Tree Lopping;
- Tallow Tree Services;
- Lismore Tree Services.

Due to the varying nature of works on trees and vegetation in the urban and rural environment including trimming, felling, mulching and grinding, a comparison of the rates received was made for a typical Council project with associated costs evaluated.

The rates tendered by East Coast Tree Lopping and Lismore Tree Services were very close, however East Coast Tree Lopping provided the lowest cost for the supply of vegetation services. Following the evaluation criteria assessment however, Lismore Tree Services ranked highest.

It is therefore recommended that the following priority order be followed for the supply of vegetation services:

1. Lismore Tree Services;
2. East Coast Tree Lopping;
3. Tallow Tree Services.

Supply of Turf

Tender documents were received from a total of two (2) companies by the close of tender, these companies were:

- Turf Force;
- Troy's Landscape Supplies.

Due to the varying quantities of turf used by different departments in Council, a comparison of the rates received was made for typical Council projects with associated costs evaluated.

The rates tendered by Turf Force resulted in the lowest cost for the supply of turf. Furthermore, Turf Force ranked highest on the evaluation criteria.

It is therefore recommended that the following priority order be followed for the supply of turf:

1. Turf Force;
2. Troy's Landscape Supplies.

Kerb and Gutter Extrusion

Tender documents were received from one (1) company by the close of tender, this company was:

- Tweed Summerland Kerbing.

Council has utilised Tweed Summerland Kerbing for all of its kerb and gutter extrusion for the past eight (8) years. Tweed Summerland Kerbing has always carried out the works in a very professional manner and to a high standard.

It is therefore recommended that Council continue the use of their services for the provision of kerb and gutter extrusion.

Supply of Chemicals

Tender documents were received from a total of three (3) companies by the close of tender, these companies were:

- Redox Pty Ltd;
- Orica Australia Pty Ltd;
- Elite Chemicals.

Council requires the delivery of various chemicals to its treatment plants located around the local government area. Due to the specialised nature of this service, not all of the companies which submitted tender documents are able to supply all of the chemicals required by Council.

For the supply of Liquid Caustic Soda 50%, all companies listed above made a submission to supply Council. The rate tendered by Orica Australia Ltd Pty resulted in the lowest cost for the supply of Liquid Caustic Soda 50%. Furthermore, the company also ranked highest in the evaluation criteria.

For the supply of Liquid Aluminium Sulphate TIF (Filtration Grade), Orica Australia Pty Ltd and Redox Pty Ltd both made submissions with Orica Australia Pty Ltd submitting the lowest tendered rate. Orica Australia Pty Ltd also ranked highest in the evaluation criteria.

For the supply of Sodium Hypochlorite 13%, Orica Australia Pty Ltd and Elite Chemicals made submissions to provide Council for its supply. The rate tendered by Orica Australia Pty Ltd was the lowest rate. Furthermore, the company also ranked highest in the evaluation criteria.

It is therefore recommended that for the supply of various chemicals the following priority order be followed:

Liquid Caustic Soda 50%

1. Orica Australia Pty Ltd;
2. Redox Pty Ltd;
3. Elite Chemicals.

Liquid Aluminium Sulphate TIF (Filtration Grade)

1. Orica Australia Pty Ltd;
2. Redox Pty Ltd.

Sodium Hypochlorite 13%

1. Orica Australia Pty Ltd;
2. Elite Chemicals.

Sustainability Assessment

Sustainable Economic Growth and Development

The economic effect of this tender aims to source materials and services where possible from local providers. This will have a positive economic effect on the local business community.

Social Inclusion and Participation

This contract directly relates to the Best-Practice Corporate Governance under the Community Strategic Plan Link.

Protect, Conserve and Enhance the Environment and Biodiversity

As part of the tender assessment criteria, the environmental and sustainable practices of the businesses are evaluated and have been prioritised accordingly.

Best-Practice Corporate Governance

The aim of this tender was to provide Council with an approved list of suppliers which will result in best value and mitigate supplier risk.

Comments

Finance

A tender process which encompasses a priority listing outcome is likely to result in the best-value for Council for the materials and services tendered. As such, the recommendation is supported.

Other staff comments

Manager - Works

The use of a priority listing system for the purpose of procuring materials and services provides Council with a great deal of flexibility and ensures best value for the various departments within Council.

I endorse the recommendations.

Conclusion

The supply of various materials and services has been assessed and ranked according to the evaluation criteria as set out in the tender document. As a result, this document will enable Council staff to use a contractor from the priority list based on availability and the ability to provide Council with the best possible service.

Attachment/s

1. Tender No. T2011-03 - Supply of Various Materials Tender Assessments

Recommendation

That Council adopts the order of priority for the provision of Various Materials and Services (Tender No. T2011-03), as per the recommendations in the body of this report.

T2011-03 Quote Raw Score Sheet
Various Materials - Soil

Criteria	Weighting	S & L Sand & Gravel		Troy's Landscape Supplies	
		Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10)	45%	7.32	2.93	2.51
2	Capability and Experience (out of 10)	20%	7	1.40	1.00
3	Quality and Safety (out of 10)	20%	5	1.00	1.00
4	Environment and Community (out of 10)	10%	5	0.50	0.40
5	Local Content Minamun 10% (Out of 10)	10%	9	0.90	0.90
		100%		6.73	5.81
	Total 100% or 100			67.28	58.12

T2011-03 Quote Raw Score Sheet
Various Materials - Sand

Criteria	Weighting	S & L Sand & Gravel		Troy's Landscape Supplies		
		Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	
1	Total Price (out of 10)	40%	6.69	2.68	6.91	2.76
2	Capability and Experience (out of 10)	20%	7	1.40	5	1.00
3	Quality and Safety (out of 10)	20%	5	1.00	5	1.00
4	Environment and Community (out of 10)	10%	5	0.50	4	0.40
5	Local Content Minamun 10% (Out of 10)	10%	9	0.90	9	0.90
		100%		6.48		6.06
	Total 100% or 100			64.76		60.54

T2011-03 Quote Raw Score Sheet
 Various Materials - Metal dust

Criteria	Weighting	S & L Sand & Gravel	Weighted & calculated	Troy's Landscape Supplies	Weighted & calculated	Holcim (Teven)	Weighted & calculated
		Raw Score		Raw Score		Raw Score	
1	Total Price (out of 10)	40%	6.61	2.64	6.12	2.45	3.07
2	Capability and Experience (out of 10)	20%	7	1.40	5	1.00	2.00
3	Quality and Safety (out of 10)	20%	5	1.00	5	1.00	1.60
4	Environment and Community (out of 10)	10%	5	0.50	4	0.40	0.80
5	Local Content Minamun 10% (Out of 10)	10%	9	0.90	9	0.90	0.80
		100%		6.44		5.75	8.27
	Total 100% or 100			64.44		57.48	82.68

T2011-03 Quote Raw Score Sheet
 Various Materials - Supply of ready Mixed Concrete

	Criteria	Weighting	Hanson (Lismore Plant)	Weighted & calculated	Holcim (Lismore Plant)	Weighted & calculated
			Raw Score		Raw Score	
1	Total Price (out of 10)	40%	6.85	2.74	6.75	2.70
2	Capability and Experience (out of 10)	20%	9	1.80	10	2.00
3	Quality and Safety (out of 10)	20%	9	1.80	9	1.80
4	Environment and Community (out of 10)	10%	7	0.70	9	0.90
5	Local Content Minamun 10% (Out of 10)	10%	8	0.80	8	0.80
		100%		7.84		8.20
	Total 100% or 100			78.40		82.00

T2011-03 Quote Raw Score Sheet
 Various Materials - Traffic Control Services

Criteria	Weighting	JHA	Weighted & calculated	Dialtone Traffic Control	Weighted & calculated	Lismore Tree Services	Weighted & calculated
		Raw Score		Raw Score		Raw Score	
1 Total Price (out of 10)	40%	7.25	2.90	6.34	2.54	6.81	2.72
2 Capability and Experience (out of 10)	20%	9	1.80	7	1.40	5	1.00
3 Quality and Safety (out of 10)	20%	9	1.80	5	1.00	6	1.20
4 Environment and Community (out of 10)	10%	8	0.80	8	0.80	9	0.90
5 Local Content Minamun 10% (Out of 10)	10%	8	0.80	7	0.70	9	0.90
	100%		8.10		6.44		6.72
Total 100% or 100			81.00		64.36		67.24

T2011-03 Quote Raw Score Sheet
Various Materials - Vegetation Services

Criteria	Weighting	East Coast Tree Services		Tallow Tree Services		Lismore Tree Services		
		Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	
1	Total Price (out of 10)	40%	7.16	2.86	6.17	2.47	7.07	2.83
2	Capability and Experience (out of 10)	20%	9	1.80	8.5	1.70	10	2.00
3	Quality and Safety (out of 10)	20%	7	1.40	5	1.00	7	1.40
4	Environment and Community (out of 10)	10%	8	0.80	6	0.60	9	0.90
5	Local Content Minamun 10% (Out of 10)	10%	9	0.90	8	0.80	9	0.90
		100%		7.76		6.57		8.03
	Total 100% or 100			77.64		65.68		80.28

T2011-03 Quote Raw Score Sheet

Various Materials - Supply of Turf

	Criteria	Weighting	Turf Force (Slacks Creek, QLD)	Weighted & calculated	Troy's Landscape Supplies	Weighted & calculated
			Raw Score		Raw Score	
1	Total Price (out of 10)	40%	7.25	2.90	6.35	2.54
2	Capability and Experience (out of 10)	20%	10	2.00	5	1.00
3	Quality and Safety (out of 10)	20%	8	1.60	5	1.00
4	Environment and Community (out of 10)	10%	7.5	0.75	4	0.40
5	Local Content Minamun 10% (Out of 10)	10%	6	0.60	9	0.90
		100%		7.85		5.84
	Total 100% or 100			78.50		58.40

T2011-03 Quote Raw Score Sheet

Supply of Liquid Caustic Soda			Orica		Redox		Elite	
	Criteria	Weighting	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10)	40%	7.83	3.13	6.07	2.43	6.5	2.60
2	Capability and Experience (out of 10)	20%	9	1.80	8	1.60	8	1.60
3	Quality and Safety (out of 10)	20%	9	1.80	9	1.80	7	1.40
4	Environment and Community (out of 10)	10%	6	0.60	6	0.60	6	0.60
5	Local Content Minamun 10% (Out of 10)	10%	5	0.50	5	0.50	6	0.60
		100%		7.83		6.93		6.80
	Total 100% or 100			78.32		69.28		68.00

T2011-03 Quote Raw Score Sheet

Supply of Liquid Aluminium Sulphate			Orica		Redox	
Criteria	Weighting	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	
1	Total Price (out of 10)	40%	8.23	3.29	5.37	2.15
2	Capability and Experience (out of 10)	20%	9	1.80	8	1.60
3	Quality and Safety (out of 10)	20%	9	1.80	9	1.80
4	Environment and Community (out of 10)	10%	6	0.60	6	0.60
5	Local Content Minamun 10% (Out of 10)	10%	5	0.50	5	0.50
		100%		7.99		6.65
	Total 100% or 100			79.92		66.48

T2011-03 Quote Raw Score Sheet

Supply of Sodium Hypochlorite			Orica		Elite	
	Criteria	Weighting	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10)	40%	7.01	2.80	6.59	2.64
2	Capability and Experience (out of 10)	20%	9	1.80	8	1.60
3	Quality and Safety (out of 10)	20%	9	1.80	7	1.40
4	Environment and Community (out of 10)	10%	6	0.60	6	0.60
5	Local Content Minamun 10% (Out of 10)	10%	5	0.50	6	0.60
		100%		7.50		6.84
	Total 100% or 100			75.04		68.36

Report

Subject	Northern Rivers Climate Change Collaboration
TRIM Record No	BP10/394:EF09/125
Prepared by	Executive Director - Sustainable Development
Reason	The Executive Committee resolved on 19 August 2010 to present this agreement to Council for approval.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Council resolved via a Notice of Motion (NoM) to invite Sustain Northern Rivers (SNR) to present to a Council workshop. Subsequent to that the senior management team (ExCom) considered whether Lismore City Council should become a signatory to the Northern Rivers Climate Change Collaboration Agreement (NRCCCA). ExCom resolved to recommend to Council that we become signatories subject to some limitations around staff involvement. The agreement's guiding principles generally align with the Council's new Community Strategic Plan and staff involvement with SNR will be helpful in developing new planning projects outlined in the Delivery Plan.

Background

At the ExCom meeting of 19 August 2010 it was resolved:

“That a report be prepared recommending that Council become a signatory to the Northern Rivers Climate Change Collaboration Agreement on the understanding that this commitment can be undertaken within the existing resource base.”

The proposal to become a signatory to the agreement was considered some time ago. This was prior to the restructure and the development of the Council's Community Strategic Plan (CSP). Given the limited staff resources at that time the matter was not pursued. Since that time the new Environmental Strategies section has been upgraded in staff resources going from a Coordinator with two temporary staff to a Coordinator with four full time permanent equivalent roles. Hence there is capacity for staff to be involved with SNR.

The only staff resourcing commitment that this agreement requires is the need for the signatory to appoint a representative to the Steering Committee. This Committee meets four times a year. It is recommended that the Executive Director Sustainable Development be Council's representative on this Committee. The other organisation's representatives are senior staff. There are a number of working groups (energy, transport, commuter mapping and action). However it is not mandatory to be involved in these groups. Of note there is a variety of organisations that are signatories to the NRCCCA including some Councils. Attached is an overview of SNR.

Since the matter was last considered Council has adopted the CSP (attached is a copy of the key outcomes). Also attached is the updated signatory document from SNR. A quick comparison of the agreements 'guiding principles' against the Council's CSP outcome statements show that they are generally aligned in intent. In the agreement's second paragraph of the 'preamble' signatories have to acknowledge that human impacts are likely to result in changes to climatic conditions. Some Councillors

may feel uncomfortable with this acknowledgement but the ninth 'community strategic priority' in our CSP implies Council acknowledges this in any case.

Finally a number of projects in the Delivery Plan require a collaborative partnership approach e.g. the Sustainability Strategy (on page 46 of the Delivery Plan). Secondly, the work being done on transport and the commuter mapping will be invaluable inputs into the Integrated Transport Strategy (page 44 of the Delivery Plan).

Sustainability Assessment

Sustainable Economic Growth and Development

Economic growth and development is not a central focus of SNR. But there is no doubt that the core business of SNR namely transport and resource conservation can be major economic development constraints. From that viewpoint SNR is relevant.

Social Inclusion and Participation

Collaboration and partnership are integral to social inclusion and participation.

Protect, Conserve and Enhance the Environment and Biodiversity

This area appears to not be a key focus area of SNR albeit environmental education is a core activity.

Best-Practice Corporate Governance

Collaboration and partnering with other agencies is a key thrust of the SNR agreement. Best practice corporate governance involves developing strong partnerships with our stakeholders.

Comments

Finance

Not required. There is no membership fee but signatories can contribute funds for specific projects on a voluntary basis.

Conclusion

The principles of the NRCCCA are generally aligned with the key outcomes set out in the Council's recently adopted Community strategic Plan (2008/18). The minimum staff resourcing requirements are well within our ability to commit to. Beyond that the involvement of staff on working groups is discretionary and in fact some could be very useful in developing new strategic planning projects as outlined in the Delivery Plan e.g. transport plan. For these reasons it is recommended that Council become a signatory to the agreement.

Attachment/s

1. Sustain Northern Rivers Newsletter
2. Community Strategic Plan 2008-2010
3. Northern Rivers Climate Change Collaboration Agreement - Version 1.1 - 2 August 2010

Recommendation

That

1. Council resolve to become signatories to the Northern Rivers Climate Change Collaboration Agreement as outlined in the attachment.
2. The Executive Director Sustainable Development be the representative on the Sustain Northern Rivers Steering Committee.
3. The Council's involvement in Sustain Northern Rivers be within the existing resource base and focus on Delivery Plan projects.

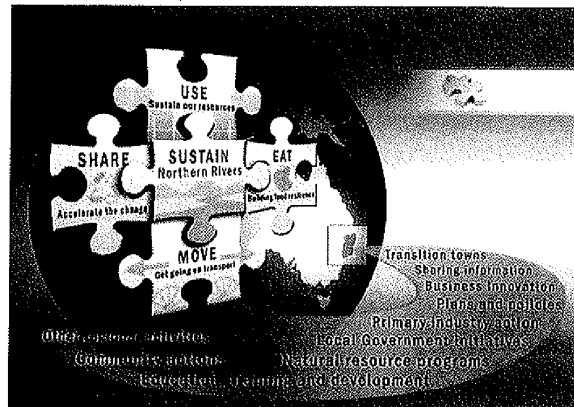


How did it start?

In 2008, representatives of peak regional organisations met to explore how to help our region make the economic and social transition to deal effectively with climate change. They drafted a *Northern Rivers Climate Change Collaboration Agreement*, and decided to call the process of engaging action *Sustain Northern Rivers*.

What is the Northern Rivers Climate Change Collaboration Agreement?

It is a simple, non-binding agreement through which organisations agree to communicate, consult and collaborate, and to engage the community in action on climate change.



Which organisations are involved?

The Collaboration evolves as it grows. Current participants are Byron Shire Council; Catchment Management Authority; Local Community Services Association; North Coast Area Health Service; North Coast TAFE; Northern Rivers Social Development Council; Northern Rivers Tourism; Northern Rivers Community Colleges; Northern Star Pty Ltd; NSW Department of Education & Training; Southern Cross University; Regional Development Australia; Richmond Valley Council; North East Waste Forum; Tweed Shire Council and Youth Environment Society.

What are the goals of Sustain Northern Rivers (SNR)?

There are action plans for four priority areas: USE ~ sustain our resources; EAT ~ build food resilience; MOVE ~ get going on transport; and SHARE ~ accelerate the change. **SNR** acknowledges and seeks to enhance the creative and varied sustainability endeavours across the region. The intention is to use the regional **SNR** goals to mobilise self-organised action in communities and industry sectors; to publicise via media partnerships; and to enable project-based co-operation between organisations.



To empower and enable the Northern Rivers community to reduce the region's ecological footprint (energy, water, waste). Some key initiatives:

- Analyse and identify regional energy options
- Northern Rivers Sustainability Advantage cluster
- Regional data on household footprints
- Household Sustainability Assessments



To increase transport options for the Northern Rivers, reduce transport emissions, increase physical activity, social capital and resilience. Current focus:

- Northern Rivers Commuter Mapping Survey
- Reports to all 16 participating organisations, and Shire-wide reports that triangulate the data to settlement destinations
- Develop micro-strategies based on commuting patterns



To increase local food production for local consumption, and increase uptake of sustainable food production methods. Initiatives include:


- Food Value Chain Analysis
- Food Resilience Roundtable to identify barriers & generate project concepts for self-organised action
- Work with *Food Links* project to enable project continuity after 2012 & maximise outcomes for the region



To provide mechanisms that support, communicate and promote the initiatives and achievements of SNR. Some key strategies are:

- Seek options for website development
- Map initiatives underway
- Communicate, educate, stimulate
- Set measures for success

March 2010. For more information: annic.kia@ncchs.health.nsw.gov.au 0266207504



Collaboration Projects

Summer 2009

Bush Tucker Schools Package

Dorroughby Environmental Education Centre staff have compiled a series of lessons centred around Bush Tucker identification, traditional use and preparation for K-6.

PARTNERS: Dorroughby Environmental Education Centre, Northern Rivers Landcare

CONTACT: Stuart Willows 02 6689 5289
www.dorroughby-e.schools.nsw.edu.au

Mullumbimby Community Garden

This project provides a community space to foster local food production, environmental education, social inclusion and income generating ventures.

PARTNERS: Mullumbimby Community Garden Inc., Byron Shire Council

CONTACT: Jeannette Martin 02 6684 4876
mullumcommunitygarden@gmail.com
<http://mullumcommunitygarden.wordpress.com/>



Food Production on Public Land

This project aims to trial the replacement of standard ornamental landscaping plants with edible species in public open spaces and encourage residents to grow more of their own food. The trial plot is situated around the Byron Shire Council Chambers in Mullumbimby.

PARTNERS: Byron Shire Council

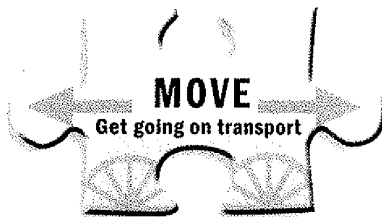
CONTACT: Graeme Williams 02 6626 7305
graeme.williams@byron.nsw.gov.au
www.byron.nsw.gov.au/food-production

School Food Garden Projects

Dorroughby Environmental Education Centre staff have designed a series of lessons around food production on school sites.

PARTNERS: Dorroughby EEC and Nth Coast DET Schools

CONTACT: Stuart Willows 02 6689 5289
www.dorroughby-e.schools.nsw.edu.au



North Coast Travel to Work and Study Survey

The North Coast Travel to Work and Study Survey will provide valuable information on how people on the North Coast move around. It will support better transport planning - for our communities health, wallet and the environment.

PARTNERS: North Coast Area Health Service, Byron Shire Council, Kyogle Council, Lismore City Council, Clarence Valley Council, Richmond Valley Council, Southern Cross University, North Coast TAFE, Tweed Shire Council, Northern Rivers Social Development Council, Ballina Shire Council

CONTACT: Avigdor Zask
avigdor.zask@ncahs.health.nsw.gov.au

Northern Rivers Carpool

The Northern Rivers Carpool is a free, easy to use, online service for staff and students of the six Northern Rivers Councils, North Coast Area Health Service, Southern Cross University and North Coast Institute of TAFE. Northern Rivers Carpool matches individuals with others travelling in the same direction for work or study.

PARTNERS: Tweed Shire Council, Byron Shire Council, Ballina Shire Council, Richmond Valley Council, Clarence Valley Council, Lismore City Council, North Coast Area Health Service, Southern Cross University, North Coast TAFE

CONTACT: Gillian Edwards Carpooling Project Coordinator - Lismore City Council
 02 6625 0555 Gillian.Edwards@lismore.nsw.gov.au



NORTHERN RIVERS CARPOOL
www.nrcarpool.org

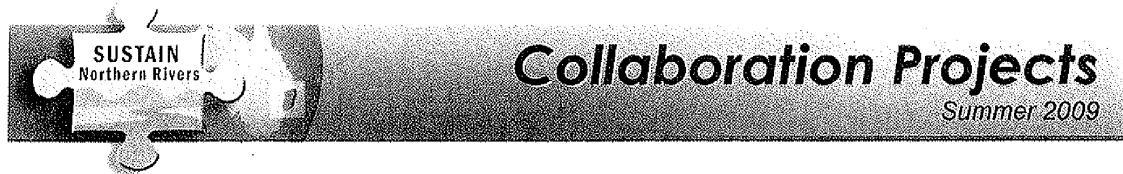
Austcycle – Cycle Proficiency Training

The Department of Environment and Climate Change, NSW (DECC) is providing us with the DECC Cycling Training Vouchers to help NSW organisations achieve benefits in the health of staff, students and the environment. All training is conducted by accredited AustCycle Teachers.

PARTNERS: Southern Cross University, North Coast TAFE, Lismore City Council and North Coast Area Health Service (with DECC and AustCycle)

CONTACTS:
 SCU: Kirsty Howton; ph 6620 3644; kirsty.howton@scu.edu.au
 NCTAFE: Alicia Bales; ph 6586 2263; alicia.bales@tafensw.edu.au
 NCAHS: Maryann Anderson; ph 6620 7668;
Maryann.Anderson@ncahs.health.nsw.gov.au
 AUSTCYCLE: <http://www.austcycle.com.au>





Sustainability Advantage

Sustainability Advantage is the NSW Department of Environment, Climate Change and Water's industry partnership program which helps businesses make sense of all the noise about sustainability. It provides a clear path for action and pinpoints how businesses can benefit from sustainable practice. The Northern Rivers Cluster of the Program has been active for the past 12 months.

PARTNERS: NSW DECCW, Regional Development Australia - Northern Rivers; Southern Cross University, North Coast TAFE, 11 regional businesses

CONTACT: Katrina Luckie 6622 4011 ceo@rdanorthernrivers.org.au
<http://www.environment.nsw.gov.au/sustainbus/sustainabilityadvantage.htm>



Sustainability @ Primex

North Coast TAFE and Southern Cross University worked in partnership with Primex in 2009 to reduce the ecological, social and economic impacts of its operation and those of its exhibitors and visitors. Two new Primex awards were judged and presented for Best Site Sustainability and Best Sustainable Product.

PARTNERS: Southern Cross University, North Coast TAFE and Primex

CONTACT:
NCTAFE: Alicia Bales; ph 6586 2263; alicia.bales@tafensw.edu.au
SCU: Kirsty Howton; ph 6620 3644; email kirsty.howton@scu.edu.au
PRIMEX: www.primex.net.au

Cities for Climate Protection Program

CCP works with council to achieve quantifiable emission reductions in their own operations, and from households and businesses in their community. CCP provides councils with an internationally recognised strategic milestone framework, through which they undertake emissions inventories, set reduction goals, create local action plans, implement actions and monitor their progress.

PARTNERS: Richmond Valley Council

CONTACT: Michael McKenzie Phone: 02 6660 0236
michael.mckenzie@richmondvalley.nsw.gov.au www.richmondvalley.nsw.gov.au

Plant Propagation for Schools

Assists schools to commence studies, gain funding and instructs students/staff in local native plant growing.

PARTNERS: Dorrroughby Environmental Education Centre and North Coast DET Schools

CONTACT: Stuart Willows 02 6689 5289
www.dorrroughby-e.schools.nsw.edu.au



Byron Shire Greenhouse Action Strategy

The Byron Shire Greenhouse Action Strategy contains a range of actions to assist Council and wider community in reducing greenhouse emissions.

PARTNERS: Byron Shire Council

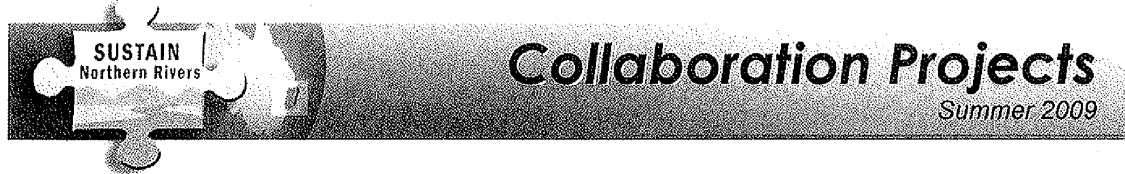
CONTACT: Graeme Williams ph: 02 6626 7305
graeme.williams@byron.nsw.gov.au
www.byron.nsw.gov.au/sustainability/greenhouse-action-strategy

Y Green

Y Green engages young people to be trained and subsequently employed to conduct home sustainability consultations in their local community. The consultations involve providing advice and information on household energy efficiency and products available to reduce energy usage. The first round of this program on the North Coast has supported 15 graduates currently undertaking assessments in the Alstonville community.

PARTNERS: North Coast TAFE, Southern Cross University, Regional Development Australia – Northern Rivers; Southern Cross High School, Ballina Shire Council, Dusseldorp Skills Forum

CONTACT:
NCTAFE: Alicia Bales 6586 2263 alicia.bales@tafensw.edu.au
RDA-NR: Katrina Luckie 6622 4011 ceo@rdanorthernrivers.org.au



Mid North Coast Sustainability Alliance

The Mid North Coast Sustainability Alliance was formed late 2008 by the SCU Office of Regional Engagement in Coffs Harbour. The Alliance is growing its membership constantly. The Alliance provides a mechanism for sharing information, ideas and potential collaborations.

PARTNERS: Southern Cross University, North Coast TAFE, North Coast Area Health Service, Mid North Coast Regional Council for Sustainable Development, Bellingen Council, Coffs Harbour City Council, Dept of Premier & Cabinet, Regional Development Australia – Mid North Coast, Catchment Management Authority

CONTACT: Kirsty Howton; ph 6620 3644 kirsty.howton@scu.edu.au



Environmental Science and Management – Teaching and Research

Our teaching and research is focused on innovative approaches to contemporary issues including global warming, salinity, sustainable agriculture and forestry and our graduates are finding their skills in high demand in the public and private sectors. Our teaching is informed by our research, with the Regional Centre for Climate Change Studies, the Whale Research Centre and the Centre for Plant Conservation Genetics contributing to our international profile.

PARTNERS: SCU School of Environmental Science and Management

CONTACT: Professor Jerry Vanclay; ph 6620 3147 jvanclay@scu.edu.au

Regional Environmental Education Plan Development

Are planning to conduct sessions to develop and implement a NCR EE plan.

PARTNERS: Cascade EEC, various school principals, NSW DET staff.

CONTACT: John McQueen (02) 66574188 john.mcqueen@det.nsw.edu.au

Green Skills

North Coast TAFE is working to ensure our region has the skills we need to support future prosperity through changing economic and climatic times. Our aim is that our students will learn in an ecologically responsible environment and take skills for sustainability into their workplaces, homes and communities.

PARTNERS: NCTAFE

CONTACT: Alicia Bales 6586 2263
alicia.bales@nafensw.edu.au
www.nct.tafensw.edu.au

Science Conversation Seminar Series (public)

Southern Cross University's School of Environmental Science and Management hosts a Science Conversation Seminar Series each year. The program offers informative and cutting edge presentations in Lismore, Coffs Harbour, Tweed/Gold Coast and Byron Bay.

PARTNERS: SCU School of Environmental Science and Management

CONTACT: SCU: Dr Anja Scheffers; ph 6620 3392;
anja.scheffers@scu.edu.au www.scu.edu.au



MRGEE – Mid Rivers Group of Environmental Educators

The Mid Rivers Group of Environmental Educators is an association of professionals dedicated to furthering Environmental Education and Education for Sustainability on the NSW Mid North Coast. MRGEE recently hosted the NSW Association of Environmental Education bi-annual Conference in October 2009.

PARTNERS: Cascade Environmental Education Centre, Southern Cross University, North Coast TAFE, Mid North Coast Local and State Government and Non-Government Organisations

CONTACT: John McQueen (02) 66574188 john.mcqueen@det.nsw.edu.au
MRGEE: <http://groups.google.com.au/group/mrgee>



SNR is an initiative of the Northern Rivers Climate Change Collaboration (NR3C)

Byron Shire Council; Catchment Management Authority; Local Community Services Association; North Coast Area Health Service; North Coast Institute of TAFE; Northern Rivers Social Development Council; Northern Rivers Tourism; Northern Star Pty Ltd; Southern Cross University; Richmond Valley Council; North East Waste Forum; and Youth Environment Society.

LISMORE CITY COUNCIL DELIVERY PLAN 2010 - 2014

Community Strategic Plan 2008 - 2018



The Community Strategic Plan has 22 strategic priorities that are grouped under three major headings: guiding principles, community strategic priorities and corporate foundations. The guiding principles align with the cornerstones of sustainability

and guide all Council decision-making. The community strategic priorities outline how Council will meet the needs of the community. The corporate foundations govern how Council, as an organisation, will be run.

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

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

Corporate Foundations	Outcomes
Efficient Use of Council Resources	That we maximise the value of our resources, continually review our operations to ensure best value, eliminate waste & 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.



Northern Rivers Climate Change Collaboration Agreement

Version 1.1 - 2 August 2010

Preamble

The signatories to this agreement acknowledge and honour the heritage and custodianship of the traditional owners of the lands in the region known today as the Northern Rivers of New South Wales.

The signatories also acknowledge the almost unanimous warnings by the international scientific community that human impacts on the planet's biosphere are likely to result in severe changes to global climatic conditions that will adversely affect the lives and wellbeing of present and future generations for the foreseeable future.

The signatories accept their separate and collective responsibility to offer leadership to the people of the Northern Rivers region to take action now to prepare for and meet the challenges of climate change. We believe these challenges also represent opportunities to make a transition to more sustainable ways of living and working, and commit ourselves to identify and realise these opportunities.

By entering into this agreement, the signatories commit to actively engage the whole community in action on climate change. We believe community engagement and the fostering of stakeholder partnership is essential to strengthening the social and economic resilience of the region.

We also accept the responsibility of the Northern Rivers region to make its best possible contribution to achieving national and global climate change mitigation, adaptation and sustainability transition objectives.

Objectives

The signatories to this agreement commit themselves to the following common objectives:

- To achieve the widest possible community involvement in formulating specific climate change mitigation, adaptation and sustainability transition goals and targets for the Northern Rivers region.
- To encourage, support, and enable the communities, institutions, organisations and businesses of the region to undertake their own climate change action initiatives in support of the regional goals and targets.
- To jointly advocate for measures to strengthen the resilience of regional communities and businesses, build the region's social, economic, and natural capital, and promote ecologically sustainable ways of living and working.
- To promote the opportunities that climate change offers the region to fashion a new ecologically sustainable, diverse, and creative economy capable of fulfilling the material and cultural needs of present and future generations.
- To establish and monitor key indices of sustainability in the region and review the regional climate change goals and targets against these indices and evolving national and international standards.

Guiding Principles

In pursuing these objectives the signatories to this agreement will observe the following principles:

- **Respect for Aboriginal heritage and values**

The signatories honour the region's Aboriginal heritage, custodianship and values of caring for country and community as fundamental to living sustainably.

- **Communication, consultation and collaboration**

The signatories commit to on-going communication, consultation and collaboration in matters related to climate change policy, planning, strategy development, and resource allocation.

- **Community engagement**

The signatories will seek to engage all sections of the community in understanding and formulating responses to climate change.

- **Stakeholder partnerships**

The signatories will foster the development of collaborative climate change partnerships between diverse stakeholder groups across the region.

- **Learning opportunities**

The signatories will act to build the learning capability of our communities, workplaces, and organisations and promote access for everyone to the skills and knowledge necessary for sustainability.

- **Information sharing**

The signatories will promote the sharing of information on climate change impacts, policies, planning and the availability of resources.

- **Innovation**

The signatories will encourage innovative and integrated approaches to realising climate change related economic, social and cultural opportunities for the region.

- **Efficient use of resources**

The signatories will avoid wasteful duplication of effort and will collaborate to achieve the most efficient and equitable deployment of available resources.

- **Voluntary collaboration**

This framework agreement is intended to guide the voluntary collaboration between the signatories and should not be construed as in any way creating legal obligations or duties.

Mechanism

The signatories to this agreement will each appoint a representative to a Steering Committee that will be the principal forum for on-going strategy development, co-ordination and governance of their collaboration in pursuit of the objectives of this agreement.

The Steering Committee's mission will be to engage stakeholders and communities in setting agreed climate change action goals and targets for the region and then to promote and support local self-organised initiatives to advance these goals. The form of this stakeholder and community engagement process is set out in Schedule 1 to this agreement.

The Steering Committee will have the authority to form such working groups and sub-committees as it considers necessary to advance the purposes of this agreement and to make recommendations to the signatories to the agreement. It will be empowered to amend Schedule 1 as it considers necessary.

I certify that the preceding agreement has been endorsed by the following organisation
in accordance with its proper internal procedures.

>

NAME OF ORGANISATION ENDORSING THE NORTHERN RIVERS CLIMATE CHANGE COLLABORATION

>

NAME OF AUTHORISED OFFICER

>

SIGNATURE

>

POSITION

>

DATE

Report

Subject	Appointment of members to the Sustainable Environment Policy Advisory Group (SEPAG)
TRIM Record No	BP10/403:EF09/1925
Prepared by	Environmental Strategies Coordinator
Reason	Need to replace resigned SEPAG members
Community Strategic Plan Link	Protect, Conserve and Enhance the Environment and Biodiversity

Overview of Report

This report makes a recommendation for the replacement of two Sustainable Environment Policy Advisory Group (SEPAG) members who have resigned in the past six months. In June 2010 an advertisement was placed requesting expressions of interest for one vacant position on the SEPAG and two applications were received. Given the high quality experience and knowledge of both applicants, plus the subsequent resignation of a second PAG member, it is recommended that both applicants be appointed to the SEPAG.

Background

Lismore City Council has established a number of Policy Advisory Groups to facilitate community participation in the development and review of policy and strategic direction. The Sustainable Environment Policy Advisory Group (SEPAG) has worked very effectively over a number of years providing policy direction, and high quality submissions on annual budgets.

In response to a community member resigning of the SEPAG in March 2010 an advert was placed in the print media calling for expressions of interested which closed on 30 June 2010. Two applicants were received to fill the position (see attached both applications):

- **Peter Entwistle** (McLeans Ridges) – Agronomist working with tea-tree, soybean and other broadacre crops. Also carries out research and development for a number of agricultural organisations and has a strong interest in land management
- **Richard Billson** (Alstonvale) – certified organic farmer producing avocados, citrus, pecan nuts and other season fruit and vegetables. Also involved with TROPO, Lismore Organic Market, Tuckombil Land Care and North Coast Climate Action Group.

The SEPAG Servicing Officer was unable to make a clear distinction between the applicants and therefore asked the SEPAG to make a recommendation at its August 2010 meeting. Prior to this meeting another SEPAG member gave notification of their wish to resign.

In discussion at the August SEPAG meeting it was recommended that due to the high quality experience and knowledge of both applicants and the subsequent resignation of a second PAG member, that both applicants be appointed to fill the two vacant SEPAG positions. This position is supported by the SEPAG Supporting Officer as due process was followed to advertise the initial vacancy, and both applicants are considered as highly suitable to fulfil both vacancies.

Sustainability Assessment

Sustainable Economic Growth and Development

In line with council's sustainability reporting guideline, appointing representatives to Council committees does not require a sustainability assessment.

Social Inclusion and Participation

The Sustainable Environment Policy Advisory Group is Lismore City Council's mechanism for participation in sustainability matters.

Protect, Conserve and Enhance the Environment and Biodiversity

Not applicable.

Best-Practice Corporate Governance

Not applicable.

Comments

Finance

Not applicable.

Other staff comments

Corporate Compliance Coordinator

The standard approach for the replacement of a PAG member has been followed for the initial vacancy, with the two applications being received. Whilst it is open for Council to readvertise for the new vacancy, it is also within its power to accept both nominations for the now two vacancies. This would seem the practical way forward.

Public consultation

Advertisements for expressions of interest in SEPAG membership were placed in print media in June 2010. Four weeks was provided for expressions of interest to be received by council.

Conclusion

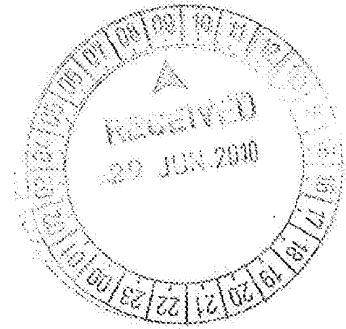
In response to a resignation from the SEPAG, Council advertised for expressions of interest for membership in June 2010. Two expressions were received. Due to the high quality and suitability of both applicants, and the subsequent resignation of a second PAG member, it is recommended that both applicants be appointed to the SEPAG.

Attachment/s

1. Nomination for Peter Entwistle
2. Nomination for Richard Billson

Recommendation

That Council endorse the appointment of both Richard Billson and Peter Entwistle to fill the two existing vacancies on the Sustainable Environment Policy Advisory Group.



Sustainable Environment 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 SEPAG. Council will choose a PAG member that provides the SEPAG with a broad range of skills and experience, with emphasis on the agricultural and land management sector.

Name..... PETER ENTWISTLE
 Ph. Number: Home..... 0266 287 128 Mobile..... 0427 287 128
 Email..... peter.entwistle@gmail.com
 Address..... 284 COWLONG RD, MCLEANS RIDGES, 2480

What contribution could you make to the Sustainable Environment PAG?

I AM AN AGRONOMIST WORKING WITH TEA TREE
SOYBEAN AND OTHER BROADACRE. I ALSO CARRY OUT R&D FOR
A NUMBER OF ORGANISATIONS. I HAVE A STRONG INTEREST IN
LAND MANAGEMENT.

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

I AM NOT REPRESENTING A PARTICULAR GROUP BUT AM
INTERESTED IN LAND MANAGEMENT PRACTICES ACROSS THE
NORTHERN RIVERS.

What skills and knowledge can you bring to the Sustainable Environment PAG?

I AM A PROFESSIONAL AGRICULTURALIST WITH AN
EXCELLENT RECORD IN LAND MANAGEMENT. I HAVE A
GOOD UNDERSTANDING OF LOCAL ENVIRONMENTAL ISSUES.

Peter Charles Entwistle

Personal Details

Address: 284 Cowlong Rd, McLeans Ridges 2480

Telephone: (M) 0427 287128
(H) 0266 287128

Email: peter.entwistle@gmail.com

Date of Birth: 28 May 1967

Marital Status: Married with two children.

Educational Background

Tertiary Education:

1988-1991 **Bachelor of Applied Science (Rural Technology)**
The University of Queensland, Gatton College
Second Class Honours, Division A

Secondary Education:

1979-1984 **Higher School Certificate**
Barker College, Hornsby
Aggregate: 337

Additional Information

Driver's Licence: Class LR No. 6840CE

Training Courses: Organic Farming Inspection, QA Internal Auditing, OH&S, Manual Handling, First Aid, Statistical Analysis, Neutron Probe, Chemical Users. JLT Risk Management

Awards: Tropical Grasslands Society Prize for excellence in Pasture Management, University of Queensland.

Interests: General agriculture, Soils, Environmental issues, Bushwalking, Gardening.

Employment History

Nov 2000 – Agricultural Consultant
North East Agricultural Services

Duties and Responsibilities:

- Crop agronomy and general farm management services for tea tree, forestry, sugar cane, soybeans, macadamias, maize, winter cereals and organic agriculture.
- Integrated Pest and Disease Management programs.
- Mentoring and staff training.

Highlights and Achievements:

- Successful implementation of IPDM programs.
- Successful management of organically grown crops.
- Improved staff skilling and performance.
- Increasing clientele for business.
- Developing skills in a variety of industries.

Jan 1998 – Oct 2000 Manager - "Melaleuca Plantations"
Owner - Craig Chapman

Duties and Responsibilities:

- Development planning for existing and new enterprises, including operations and budgeting.
- Day to day management of operations, including resource allocation and staff management, crop agronomy, record keeping.
- Quality Assurance Management, including development, internal auditing and record keeping.
- Recruitment and training of staff.
- Environmental management and research activities.

Highlights and Achievements:

- Record production levels for the plantation.
- Improvements in efficiency including lower production costs and distillation plant performance.
- Development and Certification of ISO9002 Quality Management System.
- Design and implementation of an Acid Sulfate Soil management plan.

Oct 1993 - Dec 1997 **Technical Officer (Soils, Crop Rotation)**
NSW Agriculture, Australian Cotton Research
Institute

Duties and Responsibilities:

- Project planning and budgeting.
- Management of a testing laboratory for soil physical and chemical parameters.
- Co-ordination and sampling of large scale co-operative field trial sites.
- Staff supervision and training.

Highlights and Achievements:

- Publication of various research papers and magazine articles.
- Implementation of laboratory quality assurance and OH&S procedures.
- Technical development in soils.

Richard Billson
61 Gibsons Road, Alstonvale, NSW, 2477
Ph: 66287978 / 0428 788715
Email: rossia@bigpond.com

I wish to be considered for the vacant position on the SEPAG.

I am a fully certified organic farmer, accredited with the ACO. The farm produces avocados, citrus, pecan nuts and other seasonal fruit and vegetables. I am currently studying Organic Agriculture at the Wollongbar TAFE.

I am also qualified in Conservation Land Management (Cert 3) and practice bush regeneration on my own property.

I am currently actively involved in a number of community groups with a focus on sustainable practices. These include:

Tropo (Tweed Richmond Organic Produces' Organisation)
Lom (Lismore Organic Market)
Tuckombil Land Care
Soil Care
Wollongbar Progress Association, (holding Vice President position)
Subtropical Farm Forestry Association
North Coast Climate Action Group

My property is set up to minimise the impact of my family on the planets resources. Features include a house which is on a stand alone solar system, a shed with a solar/grid feed back installation, a worm farm waste water system, maximised rain water harvesting, minimum soil tillage practises, minimum external inputs on farm and self self-sufficiency in our own food requirements. I am also currently investigating the use of biochar on the farm and building a wood gas producer.

I am trained as an Architect and specialise in sustainable building practices. I have worked as for an Architectural practice in the Lismore area. This has given me a detailed knowledge of local planning requirements and issues requiring consideration when producing environmental impact statements and development applications.

As can be seen from the brief outline above, I take great interest in sustainability issues as well as having education and professional experience in some key areas. I live and breathe sustainability in my own little world, on the farm, and am constantly trying to inform others of more resource responsible ways to live. I am fearful of what lies in the future for my children and am conscious that many things must change in order that future generations can enjoy a comfortable and plentiful world.

I have a good to excellent understanding of the major sustainability issues and the barriers to achieving them.

I would be grateful for the opportunity to share the benefit of this knowledge with the SEPAG and to be actively involved in guiding future sustainable environment policy for the region.

Yours truly,
Richard Billson.

Report

Subject	Investments - August 2010
TRIM Record No	BP10/398:EF09/586
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 31 August 2010 are estimated to be \$40,587,763 subject to final market valuations typically provided after month end.

The interest rate reported for August 2010 is estimated to be 5.39% which is above the Bank Bill Swap Rate for the period of 4.75%. 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 July 2010</i> | \$38,928,118 |
| • <i>Estimated Investments – at Market Value – 31 August 2010</i> | \$40,587,763 |

The current rate of return on investments for August 2010 is estimated to be 5.39% which is above the Bank Bill Swap Rate for the period of 4.75%. 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 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. 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 being available net of costs. For July 2010, no coupon payment is recognised.

The estimated interest earned for the financial year to August 2010 (\$375,500) is approximately \$200,000 greater than the pro rata annual Budget (\$168,500). This is partly attributable to a much higher than anticipated balance of investments for this time of year as funds have been received in advance, e.g. Financial Assistance Grants and Southern Trunk Main Loan, of the works being completed. The average interest rate is also higher than anticipated when preparing the 2010/11 Budget. This will be monitored over the coming months and reported within the December 2010 Quarterly Budget Review report once any benefit is certain.

Quarterly Investment Report

Each quarter Council's independent Investment Advisors prepare a Quarterly Investment Report on the investment holdings compared to the Target Credit Quality, Counterparty Exposure, Target Asset Allocation and Target Maturity Profile. The report for the June Quarter has recently been received and discussed with the Director of CPG Research and Advisory. Councillors have been provided with a copy of this report along with a brief summary of the contents.

Richmond Tweed Regional Library

To meet governance requirements associated with being the Executive Council for Richmond Tweed Regional Library, Council must report investments made by the Richmond Tweed Regional Library as part of its investment report. 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 31 August, 2010 the estimated total value of investments held by Richmond Tweed Regional Library is \$740,000. The current rate of return on the library's investments for July 2010 is estimated to be 6.56%.

As all Richmond Tweed Regional Library financial services functions are now integrated with Council, when existing investments mature they will be redeemed and reinvested as part of Council's total investment portfolio. The investment value and interest attributable to Richmond Tweed Regional Library will then be apportioned on the same basis as the current practice for Council's legislatively restricted Water and Wastewater Funds. This will result in this section of the report being deleted once the last investment matures and instead interest on RTRL funds will be reported to Council as part of the annual Budget and Financial Statements reporting processes.

Sustainability Assessment

Sustainable Economic Growth and Development

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

Best-Practice Corporate Governance

The Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy require Council's investments to be reported monthly.

Comments

Finance

Relevant comments have been included in the report and the recommendation is supported.

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For 31 August 2010 investments total \$40,587,763 and the annualised rate of return was 5.39%.

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 included in Council's report.

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. Weighted Average Interest Rate with bank bill swap rate and last year comparison - graphical
5. Investment by Type - 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
31 August, 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	31/07/2010	\$ 1,863,300	\$ 2,068,670
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	31/07/2010	\$ 5,243,500	\$ 5,243,500
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/5/2008	N/A	27/08/2010	\$ 254,681	\$ 254,681
ANZ High Yield Cash Account	Cash Management Account	AA	High	N/A	N/A	27/06/2010	\$ 1,857,560	\$ 1,857,560
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	7/6/2010	6/8/2010	7/06/2010	\$ 2,000,000	\$ 2,000,000
Newcastle Permanent	Term Deposit	A2	High	2/7/2010	30/9/2010	2/07/2010	\$ 1,000,000	\$ 1,000,000
Police & Nurses Credit Society Ltd	Term Deposit	Not Rated (Note 7)	High	2/7/2010	30/9/2010	2/07/2010	\$ 1,000,000	\$ 1,000,000
New England Credit Union	Term Deposit	Not Rated (Note 7)	High	2/7/2010	30/9/2010	2/07/2010	\$ 1,000,000	\$ 1,000,000
Defence Force Credit Union	Term Deposit	Not Rated (Note 7)	High	2/7/2010	30/9/2010	2/07/2010	\$ 1,000,000	\$ 1,000,000
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	14/7/2010	13/10/2010	14/07/2010	\$ 2,000,000	\$ 2,000,000
Bank of Western Australia	Term Deposit	A1+	High	24/8/2010	25/10/2010	24/08/2010	\$ 2,000,000	\$ 2,000,000
National Australia Bank	Term Deposit	A1+	High	2/8/2010	1/11/2010	2/08/2010	\$ 2,000,000	\$ 2,000,000
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	High	23/8/2010	23/11/2010	23/08/2010	\$ 2,000,000	\$ 2,000,000
Bank of Queensland	Term Deposit	A2	High	2/8/2010	2/12/2010	2/08/2010	\$ 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
Summersland Credit Union	Term Deposit	Not Rated (Note 7)	High	17/1/2010	17/1/2011	17/01/2010	\$ 1,000,000	\$ 1,000,000
IMB Banking & Financial Services	Term Deposit	A2	High	26/8/2010	2/2/2011	26/08/2010	\$ 2,000,000	\$ 2,000,000
Suncorp Bank	Term Deposit	A-1	High	18/8/2010	14/2/2011	18/08/2010	\$ 2,000,000	\$ 2,000,000
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	High	18/8/2010	14/2/2011	18/08/2010	\$ 2,000,000	\$ 2,000,000
Bishopsgate (Wentworth)	Floating Rate CDO	AA	High	1/8/2006	20/8/2010	30/06/2009	\$ 435,100	\$ 435,100
Heraki Limited (Quartz)	Floating Rate CDO	B+	Low	1/8/2006	20/12/2010	31/03/2010	\$ 13,572	\$ 13,572
Cyprus (Lawson)	Floating Rate CDO	BBB+	Low	1/8/2006	30/12/2010	30/06/2009	\$ 379,500	\$ 379,500
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated (Note 7)	High	1/9/2006	18/10/2011	30/06/2009	\$ 247,500	\$ 247,500
BELO (Kalgoorlie)	Commodity Backed Security	AA+	High	1/8/2006	27/2/2012	30/06/2009	\$ 580,440	\$ 580,440
Magnolia (Findors)	Floating Rate CDO	BB+	Low	1/8/2006	20/3/2012	30/06/2009	\$ 210,000	\$ 210,000
Omega (Henry)	Floating Rate CDO	CCC	Low	1/8/2006	22/6/2012	30/06/2009	\$ 126,200	\$ 126,200
Beryl (Esperance 2)	Floating Rate CDO	BB+	Low	1/8/2006	20/3/2013	30/06/2009	\$ -	\$ -
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/8/2006	20/6/2013	30/06/2009	\$ 59,400	\$ -
Zircon (Merimbula)	Floating Rate Note	C	Low	1/8/2006	20/8/2013	30/06/2009	\$ -	\$ -
Corsair (Kakadu)	Floating Rate CDO	CCC	Low	1/8/2006	20/3/2014	30/06/2009	\$ 124,550	\$ 124,550
Longreach - Series 26	Equity Linked Investment	AA-	High	2/4/2007	4/4/2014	30/06/2010	\$ 662,600	\$ 759,450
Helium (Scarborough)	Floating Rate CDO	CCC-	Low	1/8/2006	23/8/2014	30/06/2009	\$ 2,200	\$ 2,200
Beryl (Global Bank Note)	Floating Rate Note	C	Low	1/8/2006	20/8/2014	30/06/2009	\$ -	\$ -
Zircon (Coolangalla)	Floating Rate CDO	C	Low	1/8/2006	20/8/2014	30/06/2009	\$ -	\$ -
Aphex (Glenelg)	Floating Rate CDO	CCC+	Low	1/8/2006	22/12/2014	30/06/2009	\$ 60,900	\$ 60,900
Bentigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	14/12/2015	31/07/2010	\$ 440,100	\$ 497,750
Eklere Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	16/3/2016	30/06/2010	\$ 864,000	\$ 986,190
Zircon (Miami)	Floating Rate CDO	C	Low	1/8/2006	20/3/2017	30/06/2009	\$ -	\$ -
Local Government Financial Services - RTRL	Term Deposit	A1	High	1/4/2010	28/9/2010	1/04/2010	\$ 90,000	\$ 90,000
Commonwealth Bank of Australia - RTRL	Term Deposit	A1+	High	30/11/2009	28/11/2012	30/11/2009	\$ 400,000	\$ 400,000
Local Government Financial Services - RTRL	Term Deposit	A1	High	22/12/2009	18/12/2010	22/12/2009	\$ 250,000	\$ 250,000
Investment on Hand							\$ 40,165,103	\$ 40,587,763

Investments Redeemed during period (Note 6)

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	26/8/2010	18/05/2010	\$ 2,000,000	\$ 2,000,000
Bank of Western Australia	Term Deposit	A1+	High	2/6/2010	3/8/2010	2/06/2010	\$ 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
Suncorp Bank	Term Deposit	A-1	High	20/5/2010	18/8/2010	20/05/2010	\$ 2,000,000	\$ 2,000,000
National Australia Bank	Term Deposit	A1+	High	2/6/2010	2/8/2010	2/06/2010	\$ 2,000,000	\$ 2,000,000

\$ 52,165,103 \$ 52,587,763

Note 1: Balance Sheet Valuation is the value reported in Council's Financial Report as at 30 June, 2009 or the purchase price for investments purchased post 30/06/09
 Note 2: Capital Guaranteed note if held to maturity
 Note 3: The Balance sheet Valuation is the Market Value as at 30/6/09 plus additions less redemptions during the year.
 Note 4: Latest estimates based on information provided by investment managers and prior period performance.
 Note 5: Market Value is the Capital Value of the investment and any accrual of income.
 Note 6: These investments were redeemed during the period and impact on the interest return for the period. They are not part of the Balance of Investments Held.
 Note 7: These Counterparties & Products are authorised under the Minister Order and require no minimum Credit Rating.

"Indicative" Source of Funds

Externally Restricted 32,141,449
 Internally Restricted 8,446,313
\$ 40,587,763

Estimated Interest
Summary of Investments held as at
31 August, 2010

Name of Investment / Counterparty	Type of Investment	Rating	Annualized Coupon / Interest Rate	Current market Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period
Cash Based Returns						
Blackrock Care & Maintenance Fund	Managed Fund	A	0.00%	\$ 2,068,670	\$ -	0.00%
CBA - Business On Line Banking A/c	Cash Management Account	Cash	4.10%	\$ 5,243,500	\$ 18,259	0.55%
Macquarie Cash Management Trust	Cash Management Account	Not Rated	2.81%	\$ 254,691	\$ 608	0.02%
ANZ High Yield Cash Account	Cash Management Account	AA	5.00%	\$ 1,857,560	\$ 7,888	0.24%
Credit Union Australia (CUA)	Term Deposit	Not Rated	6.08%	\$ 2,000,000	\$ 10,294	0.31%
Newcastle Permanent	Term Deposit	A2	6.07%	\$ 1,000,000	\$ 5,155	0.16%
Police & Nurses Credit Society Inc.	Term Deposit	Not Rated	6.90%	\$ 1,000,000	\$ 5,011	0.15%
New England Credit Union	Term Deposit	Not Rated	5.87%	\$ 1,000,000	\$ 4,985	0.15%
Defence Force Credit Union	Term Deposit	Not Rated	5.90%	\$ 1,000,000	\$ 5,011	0.15%
Southern Cross Credit Union	Term Deposit	Not Rated	5.95%	\$ 2,000,000	\$ 10,107	0.31%
Bank of Western Australia	Term Deposit	A1+	5.60%	\$ 2,000,000	\$ 2,148	0.07%
National Australia Bank	Term Deposit	A1+	5.66%	\$ 2,000,000	\$ 8,994	0.27%
Savings & Loans Credit Union	Term Deposit	Not Rated	5.92%	\$ 2,000,000	\$ 2,595	0.08%
Bank of Queensland	Term Deposit	A2	6.15%	\$ 2,000,000	\$ 10,447	0.32%
Westpac Banking Corporation	Term Deposit	AA	6.80%	\$ 2,000,000	\$ 11,551	0.35%
Newcastle Permanent	Term Deposit	A2	7.00%	\$ 1,000,000	\$ 5,945	0.18%
Summerland Credit Union	Term Deposit	Not Rated	6.50%	\$ 1,000,000	\$ 5,521	0.17%
IMB Banking & Financial Services	Term Deposit	A2	5.00%	\$ 2,000,000	\$ 1,644	0.05%
Suncorp Bank	Term Deposit	A-1	6.35%	\$ 2,000,000	\$ 4,523	0.14%
Community CPS Australia	Term Deposit	Not Rated	6.03%	\$ 2,000,000	\$ 4,295	0.13%
Bishopsgate (Wentworth)	Floating Rate CDO	AA	6.42%	\$ 435,100	\$ 2,726	0.07%
Herald Limited (Quartz)	Floating Rate CDO	B+	6.40%	\$ 13,572	\$ 163	0.00%
Cypress (Lawson)	Floating Rate CDO	BBB+	6.22%	\$ 379,500	\$ 2,641	0.06%
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated	7.05%	\$ 247,500	\$ 1,496	0.04%
BELO (Kalgoorlie)	Commodity Backed Security	AA+	6.15%	\$ 580,440	\$ 3,658	0.09%
Magnolia (Flinders)	Floating Rate CDO	BB+	6.40%	\$ 210,000	\$ 1,631	0.03%
Omega (Henley)	Floating Rate CDO	CCC	5.70%	\$ 126,200	\$ 1,936	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%	\$ 124,550	\$ 2,675	0.02%
Longreach - Series 25	Equity Linked Note	AA-	0.00%	\$ 759,450	\$ -	0.00%
Helium (Scarborough)	Floating Rate CDO	CCC-	6.74%	\$ 2,200	\$ 1,145	0.00%
Beryl (Global Bank Note)	Floating Rate Note	C	0.00%	\$ -	\$ -	0.00%
Zircon (Coolanguballa)	Floating Rate CDO	C	0.00%	\$ -	\$ -	0.00%
Aphex (Glenside)	Floating Rate CDO	CCC+	6.60%	\$ 80,900	\$ 2,803	0.01%
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated	5.40%	\$ 497,750	\$ 2,292	0.07%
Elters Rural Bank Sub Debt	Subordinate Debt	Not Rated	5.57%	\$ 986,190	\$ 4,731	0.14%
Zircon (Miami)	Floating Rate CDO	C	0.00%	\$ -	\$ -	0.00%
Local Government Financial Services - RTRL	Term Deposit	A1	6.25%	\$ 90,000	\$ 478	0.01%
Commonwealth Bank of Australia - RTRL	Term Deposit	A1+	7.00%	\$ 400,000	\$ 2,378	0.07%
Local Government Financial Services - RTRL	Term Deposit	A1	6.75%	\$ 250,000	\$ 1,433	0.04%
Investment on Hand				\$ 40,587,763	\$ 157,168	4.48%

Note 1,3

Note 2,5

Note 4

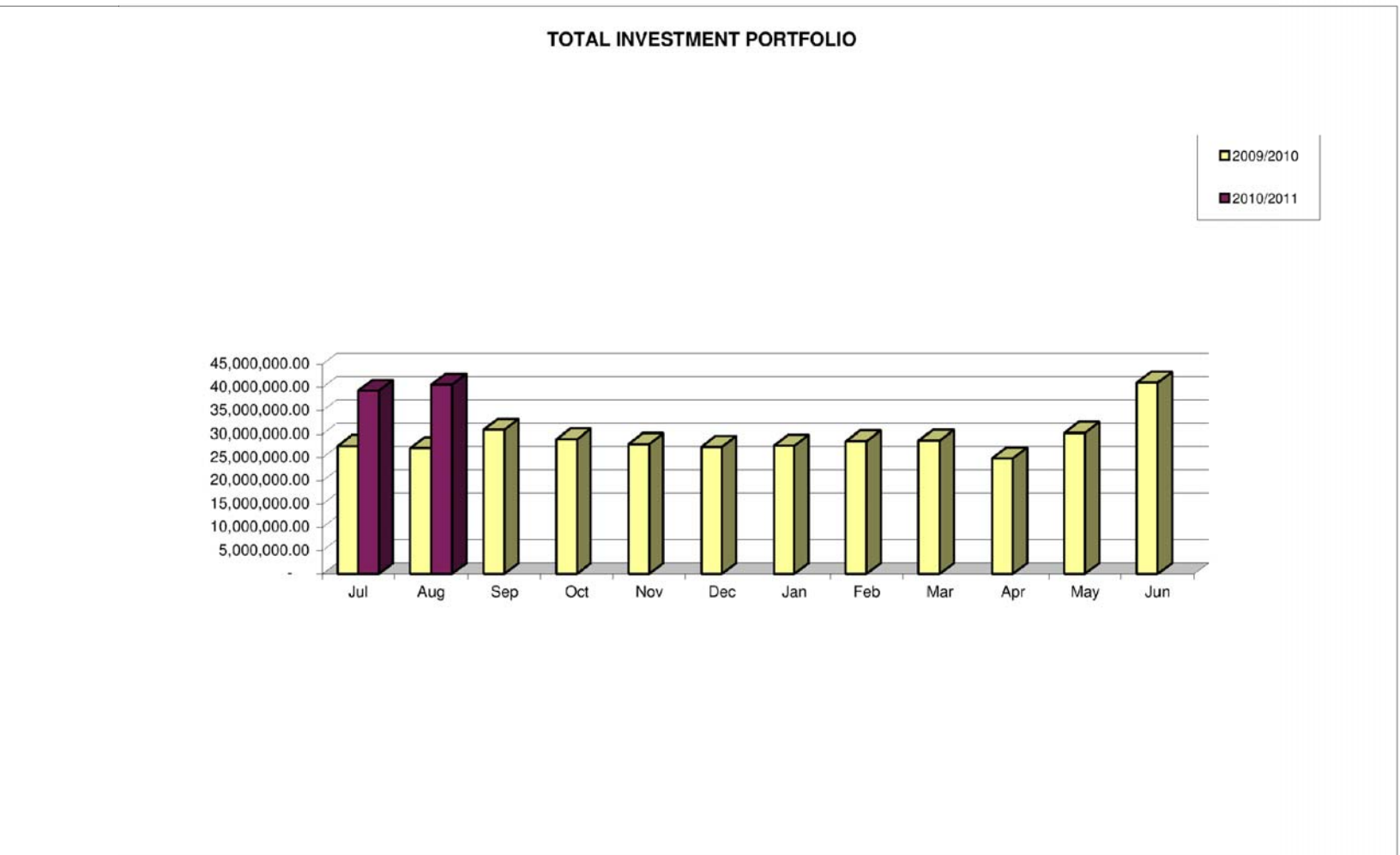
Investments Redeemed during period

Savings & Loans Credit Union	Term Deposit	Not Rated	5.80%	\$ 2,000,000	\$ 2,455	0.07%
IMB Banking & Financial Services	Term Deposit	A2	5.51%	\$ 2,000,000	\$ 1,510	0.05%
Bank of Western Australia	Term Deposit	Not Rated	5.60%	\$ 2,000,000	\$ 8,592	0.26%
Community CPS Australia Ltd	Term Deposit	Not Rated	5.85%	\$ 2,000,000	\$ 4,167	0.13%
Suncorp Bank	Term Deposit	Not Rated	5.85%	\$ 2,000,000	\$ 4,167	0.13%
National Australia Bank	Term Deposit	Not Rated	5.85%	\$ 2,000,000	\$ 9,296	0.28%

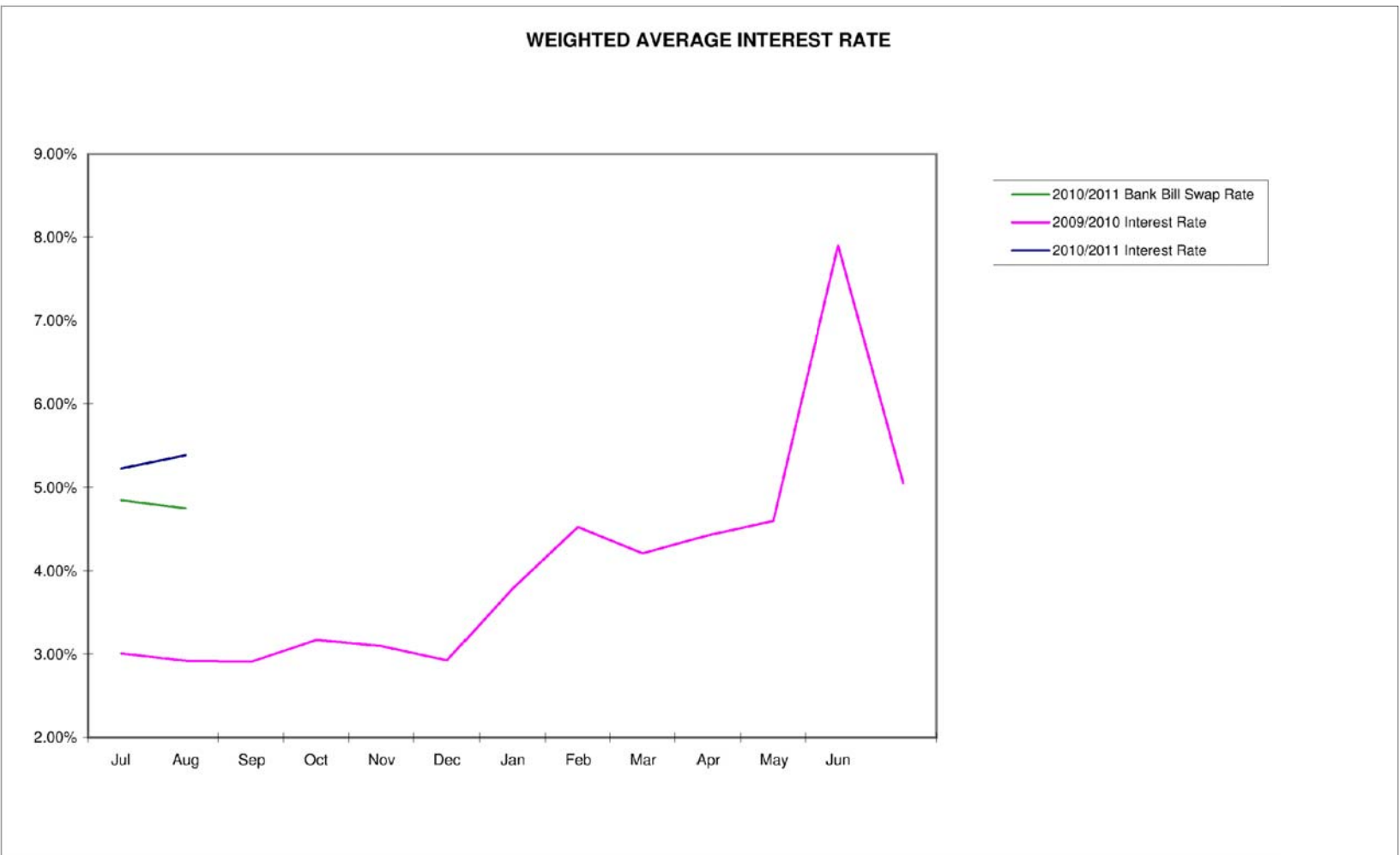
31/8/2010
\$ 52,587,763 | \$ 187,354 5.39%

Investment Income Earned v's Budget Year to Date
Estimated interest earned to date \$ 375,592
Pro Rata annual budget \$ 168,550

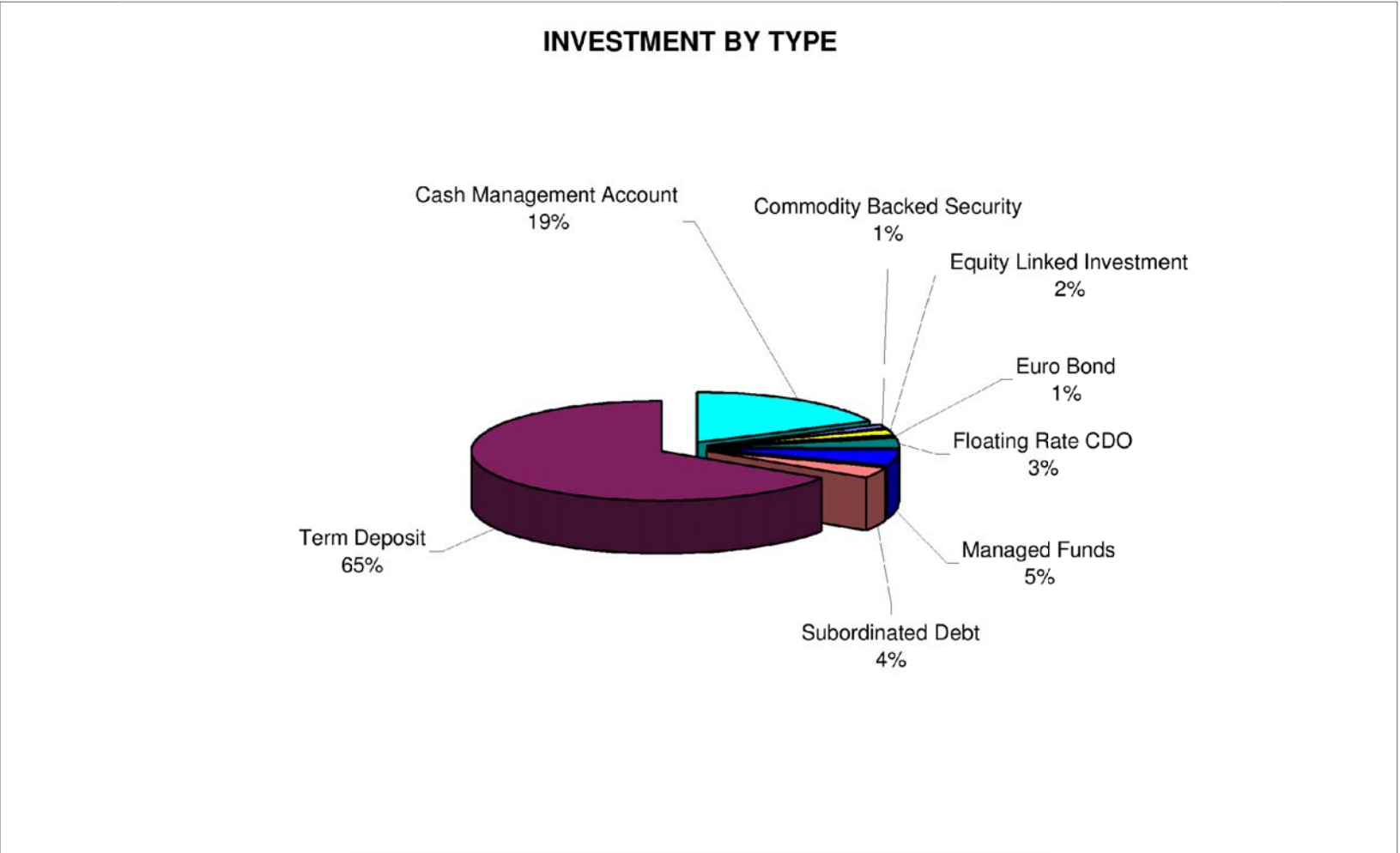
- Note 1: Interest return is calculated on (actual interest + plus accrued interest + plus realised gains - losses on disposal - expenses) / principal value
- Note 2: Capital Guaranteed note if held to maturity
- Note 3: Blackrock interest rate is shown as zero as regular distributions are not being 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 currently payable under terms of the investment.
- Note 6: Latest estimates based on information provided by investment managers and prior period performance.

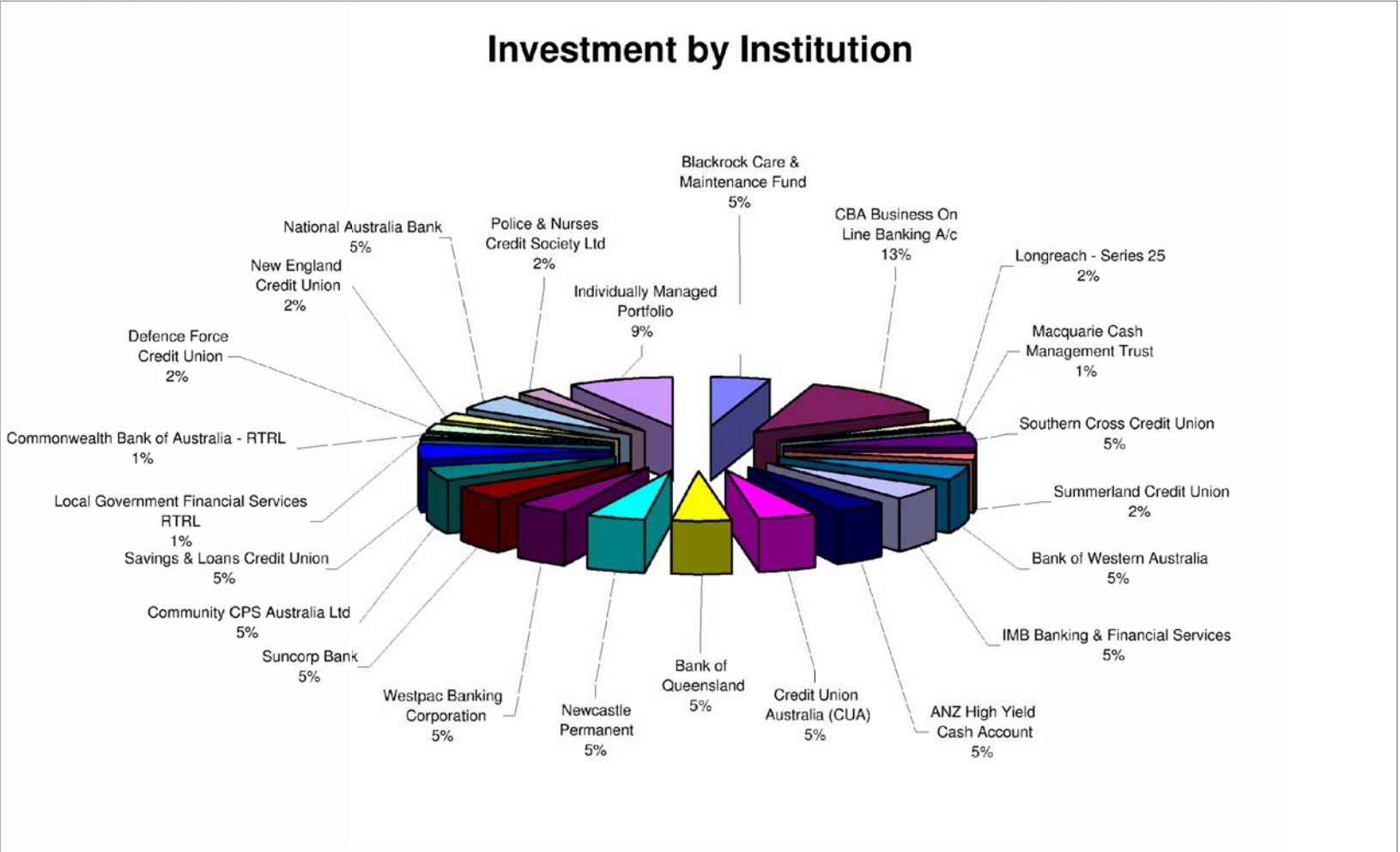


2010-11 Investment Report for council.xls



2010-11 Investment Report for council.xls





Committee Recommendations



Committee Recommendation

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE HELD IN MAGELLAN ROOM, CBD CENTRE, 55 MAGELLAN STREET, LISMORE ON WEDNESDAY, 18 AUGUST 2010 AT 10.00AM..

Present

Councillor Jenny Dowell (*Chairperson*), Bronwyn Mitchell on behalf of Thomas George MP (*Member for Lismore*), Frank Smallman (*RTA*), Snr. Const Rob Clarke (*Lismore Police*).

In Attendance

Bill MacDonald (*Traffic & Emergency Services Co-ordinator*).

Apologies

TAC75/10 An apology for non-attendance on behalf of Thomas George MP (*Member for Lismore*) was received and accepted.

Confirmation of Minutes

TAC76/10 The Committee was advised that the minutes of the Traffic Advisory Committee held on 21 July 2010 were confirmed by Council on 10 August 2010.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Traffic issues at Intersection of Leycester and Hindmarsh Streets

A request had been received from Wayne Wilson that the kerb and guttering be extended along the northern side of Leycester Street, east of Hindmarsh Street and suggesting that this area be made No Parking. Also suggesting that the bus interchange has outgrown its site and that it should be relocated. (R6029,R6042)

The area in question is immediately on the departure side of the roundabout at the intersection of Leycester and Hindmarsh Streets and parking in this area does present potential conflict with through traffic. The road shoulder is not wide enough nor constructed to a suitable standard to allow parking in this area. The construction of kerb and gutter would assist in ensuring that motorists do not park in this area. Advice from the Department of Transport and Northern Rivers Bus Lines does not support that usage of the interchange has increased to any significant extent. There have been no requests or concerns raised from any bus company for the interchange to be extended due to an increase in usage. It was noted that the request for extending the kerb and gutter in Leycester Street has been referred to Council's Road Section.

TAC77/10 **Recommended** that a 'No Stopping' zone be introduced on the northern side of Leycester Street from Hindmarsh Street up to the driveway servicing 38 Hindmarsh Street.

Riverlands Drug and Alcohol Centre - Emergency Parking in Hunter Street

Requesting the introduction of emergency vehicle parking in front of their complex in Hunter Street. (R6030)

Committee Recommendation

Riverlands is on the north west corner of Uralba and Hunter Streets with access off Hunter Street. A section of kerb side parking currently signposted 'No Stopping' which is immediately north of Uralba Street could be utilised for emergency vehicles without impacting on normal parking.

TAC78/10 **Recommended** that the existing 'No Stopping' zone on the western side of Hunter Street, immediately north of Uralba Street be modified to 'No Stopping Emergency Vehicles Excepted'.

Lismore Turf Club - Traffic Management Plan for Lismore Cup Day

Enclosing traffic management plan and requesting Council support for having the eastern side of Woodlawn Road sectioned off and made a parking free zone on Lismore Cup Day, 23 September 2010. (CI10/22474:EF10/129)

There is always an issue with traffic management and flow and pedestrian safety at the end of the Lismore Cup Day festivities, partly due to the problem of cars parking along both sides of Woodlawn Road and further narrowing the road, which hinders the flow of traffic and makes it unsafe for people who decide to walk back into town.

Last year there were no management issues with regard to traffic flow and safety. Therefore the same traffic management plan is attached for consideration.

TAC79/10 **Recommended** that the Traffic Management Plan, including the eastern side of Woodlawn Road being sectioned off and made a parking free zone on 23 September 2010, be approved.

Southern Cross University - Traffic Management Plan for Graduation Procession

Enclosing preliminary traffic management plan for approval of procession on 18 September 2010 from Lismore Library carpark to Riverside Park.

(CI10/22480:EF10/129)

The University is planning to hold its upcoming graduation ceremony at Riverside Park and wishes to conduct a street procession of approximately 300 academics and graduands to showcase the traditional aspect of university life and to further cement the Town and Gown relationship the University has with the City of Lismore.

It is proposed that participants would assemble in the public car park off Keen Street beside the Conservatorium and proceed west in Magellan Street and finishing beside the Transit Centre in Molesworth Street where they would board buses to continue on to Riverside Park.

TAC80/10 **Recommended** that the procession be approved in accordance with the Traffic Management Plan.

Two Hour Parking Trinity Carpark

Councillor Graham requested the Committee consider the introduction of two hour car parking in a section of the public car park off Dawson Street, adjacent to Trinity Catholic College to cater for the increasing use of Trinity facilities by the public.

(R6017)

A plan was tabled showing the proposed introduction of two hour parking in a 9 car space section immediately on the northern side of the exit road in the car park. This proposal has been discussed with both the Manager of the PCYC and Trinity and is supported by both parties.

TAC81/10 **Recommended** that two hour parking be introduced in the 9 car space section of the public car park adjacent to Trinity Catholic College immediately north of and adjacent to the exit road of the car park.

Part 'B' – Determined by Committee

Brian Burns, My Baby's Shop -Safety Hazard at intersection of Larkin Lane and Keen Street

Requesting installation of a speed bump at intersection to slow down vehicles.

(CI10/20543:R7315)

Mr Burns is very concerned about vehicles not stopping at the stop sign on this intersection and subsequent near misses on the footpath crossing. He would like to see a speed bump installed before a fatality occurs.

Two speed humps already exist in Larkin Lane either side of Chandlers building link. Larkin Lane intersection with Keen Street has buildings up to the lane making visibility of pedestrians severely restricted. It is imperative that motorists slow sufficiently when exiting Larkin Lane to avoid conflict. The installation of a speed hump in Larkin Lane would help ensure this happened.

TAC82/10 **It was agreed** that a speed hump be installed in Larkin Lane west of Keen Street.

Mike Thurlow -Traffic Hazard in Ross Street, Lismore Heights -

Requesting relocation of No Standing signs at the bend adjacent to 40/42 Ross Street.

(CI10/19721:EF09/1562)

Mr Thurlow reports that Ross Street is quite narrow and motorists have to unsafely cross the double white lines in order to pass the parked vehicles on the bend adjacent to 40/42 Ross Street. He suggests either relocating the No Standing signs at the northern end of the zone or implementing off-street parking only for this narrow street. Parking around the bend in question is prohibited by existing 'No Stopping' signs. In addition to this there is a double white centre line.

Parking anywhere adjacent to and within 3m of the double white line constitutes an offence and accordingly an extension of the existing 'No Stopping' sign is not considered warranted.

TAC83/10 **It was agreed** that the matter of kerbside parking in front of 40 and 42 Ross Street be referred to Council's Rangers for follow up with adjacent residents to ensure any parking was in accordance with relevant legislation.

Sue Hetherington - Intersection of Orion and Keen Streets

Outlining ongoing concerns regarding the number of accidents at this intersection and providing suggestions to assist in improving current conditions.

(CI10/20174:R6051,R7313)

Grades on approaches to this intersection, particularly along Orion Street from Molesworth Street do restrict available sight distance of oncoming vehicles at the intersection. The issue of motorists not obeying the 'One Way' restriction on Keen Street, north of Orion Street has been referred to Lismore Police for their attention. The installation of a 'Cross Roads' warning sign in Orion Street west of Keen Street will assist in warning motorists unfamiliar with existing conditions. Extending the centre median in Keen Street and relocating and upgrading existing 'Give Way' signs to a larger size will also assist.

TAC84/10 **It was agreed** that a 'Cross Roads' warning sign be erected in Orion Street west of Keen Street and further that the centre median in Keen Street, south of Orion Street be extended and the existing Give Way signs be upgraded to a larger size and relocated further towards Orion Street.

Nimbin Road Speed Limit

A request had been received from Mr and Mrs Shearman that action be taken to prevent accidents on Nimbin Road between the end of the 50kph speed limit signs and Boerie Creek Road and suggesting that the speed limit be reduced.

Nimbin Road is currently signposted 80kph and the length of road between the end of the 50kph speed limit signs and Boerie Creek Road is approximately 1km. There are seven driveways in this area accessing on to Nimbin Road. Road side development is rural in nature and a further reduction in speed limit is not considered appropriate.

The erection of a multiple driveway warning sign north of Old Quarry Road for Nimbin bound motorists would assist in highlighting the existence of the driveways and is likely to have more impact on through traffic than reducing the speed limit which would result in an extremely low level of compliance.

TAC85/10 **It was agreed** that the writer be advised that a reduction in speed limit is not considered appropriate and further that a 'Multiple Driveways' warning sign be erected on Nimbin Road approximately 50m north of Old Quarry Road.

Committee Recommendation

Lucy Kinsley - Speed Limit on Riverbank Road

Requesting consideration of reducing the speed limit on Riverbank Road down to 80kph. (R5111)

Riverbank Road is bitumen sealed and 5.8km in length. It runs from Monaltrie Road to Wyrallah Road. The condition of the road surface is generally poor and narrow in width. Arrangements have been made to have a classifier installed to determine actual vehicle speeds however it is unlikely that the 85% speed will be high given current conditions. With this in mind it is felt that there would be little benefit in reducing the speed limit and the erection of suitable warning signs such as 'Drive to Conditions' would be more practical.

TAC86/10

It was agreed that if the survey revealed that speeds were generally not high then arrangements be made to have a 'Drive to Conditions' warning sign erected either end of Riverbank Road and further that if the results of the survey prove otherwise then the matter be brought back to the Committee for further consideration.

J and BF Michell - Dangerous Traffic Conditions Intersection Bruxner Highway and Cowlong and Alphadale Roads

Outlining concerns relating to the dangerous nature of the intersection and the circumstances surrounding a recent near miss and requesting some safety improvements be made. (C110/19078:R4807)

This location is becoming increasingly busy however there are very few reported accidents actually at the intersection. Works have been carried out in recent years to increase sight distance where possible however, due to approaching grades there is still some restriction. A recent investigation has identified the site as requiring additional works possibly in the form of a roundabout or realignment, however neither is funded or approved by the RTA. Further meetings will be held with the Authority in the future to determine priorities for road works along the whole of the Bruxner Highway and will include the intersection in question. It was noted that there was already a long term plan for the Bruxner Highway deviation which would be to the north of Macadamia Magic thus eliminating the existing intersection altogether. With the current deviations of Ballina and Alstonville well under way the section of the Bruxner Highway in question would be under increased pressure with potential growth in traffic volumes.

TAC87/10

It was agreed that the issue of prioritising the longer term proposal for the Bruxner Highway deviation be discussed with the RTA to ensure any works meet future demands.

Ass. Professor Geoffrey Boyce - Speed Limit on Skyline Road

Frank Smallman forwarded copy of letter sent to the Minister for Roads requesting consideration of reducing the speed limit on Skyline Road from 100kph down to 80kph. (C110/21682:R5102)

Much of Skyline Road was reconstructed a number of years ago and as part of those works road alignment was considerably improved. Bends on the road are identified with appropriate warning signs. Development along the road is generally rural in nature however, the road's use has increased and a proper assessment of the most appropriate speed limit would be beneficial.

Committee Recommendation

TAC88/10 **It was agreed** that this matter be referred to the Roads & Traffic Authority with a view to carrying out a speed limit assessment to determine the most appropriate speed limit on Skyline Road and Durham Road.

Development Application 10/267for 2 Simeoni Drive

Requesting comment on relevant traffic issues from the Traffic Advisory Committee regarding Development Application 5.2010.267.1

The Development Application comprises a supermarket, service station, take-away food restaurant, retail shops, car parking, landscape and earthworks.

A full copy of the proposed DA was tabled at the meeting. A number of concerns were identified and these and proposed modifications were outlined.

TAC89/10 **It was agreed** that the following issues be included when DA conditions are being considered:

- that the centre median in Simeoni Drive be extended opposite the secondary entry/exit to ensure left in and left out only
- that the right turn storage bay in the centre of Simeoni Drive be doubled in length to ensure adequate storage length for right turn vehicles
- provide separation of main entry/exit
- investigate modification of delivery bay beside service to eliminate the need to reverse on to bay
- provide concrete centre medians to replace the existing painted medians either side of the pedestrian refuge in Oliver Avenue.

Rosebank Road Speed Limit

At the Rosebank Rural Forum recently it was requested the Committee consider reducing the speed limit on Rosebank Road. (R3704)

It was noted that the section of Rosebank Road from Mackie Road to the Rosebank Village was already 80kph. The balance either side of this were typical of many rural roads in that they were winding and narrow in sections and it was considered that it would be appropriate for a proper assessment to be carried out to determine the most suitable speed.

TAC90/10 **It was agreed** that this matter be referred to the RTA for an assessment of the appropriate speed limit for the two sections of Rosebank Road either side of the existing 80kph section.

Closure

This concluded the business and the meeting terminated at 11.20 am.

Recommendation

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

Financial Assistance - Section 356



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

Budget: \$21,400 Spent to date: \$0

Novaskill requesting Council discount hire fees (\$129) for the annual recruitment driving aiming to recruit quality school leavers for traineeships and apprenticeship vacancies at the City Hall on 22 September 2010. An entrance fee will not be charged

Recommendation: In accordance with Clause 5 of the policy, a donation of 25% of the hire fee applies. **\$32.25**

In accordance with policy.

b) Banners – Policy 1.4.14 (GL390.50.15)

Budget: \$700 Spent to date: \$0

The Friends of the Koala Inc. are requesting the waiving of one weeks banner hire for their upcoming *Friends of the Koala Week* (C110/21599).

Recommendation: That the donation is approved and that the hire fee of \$124 be transferred from Section 356 funds to the appropriate Parks Income Ledger. **\$244.00**

In accordance with policy.

c) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$11,000 Spent to date:\$1920.79

Animal Right & Rescue \$14.55

Multitask \$216.50

Five Loaves \$290.90

Friends of the Koala \$33.17

1st Lismore Scout Group \$0.00

Lismore Soup Kitchen \$38.18

LifeLine \$290.90

Saint Vincent De Paul \$14.55

Westpac Life Saver Helicopter \$72.75

Total **\$971.50**

In accordance with policy.

d) Mayor’s Discretionary Fund (GL390.485.15)

Budget: \$2,700 Spent to date:\$200

Richmond River High School is seeking sponsorship for their Year 12 Academic Award (C110/24606). **\$100.00**

Corndale School P & C Association are seeking a donation to their Trivia Night on 16 October 2010, which is a fundraiser towards the information technology program. **\$100.00**

Dunoon Public School Marimba Ensemble has been invited to perform at the Sydney Opera House as part of the Primary School Choral Festival and the *Schools Spectacular* concert at the Sydney Entertainment Centre. The School is seeking financial assistance towards transport and food costs (C110/22319). **\$100.00**

e) Miscellaneous

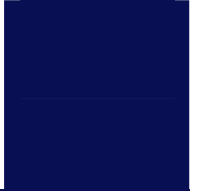
Lismore and District Junior Cricket Association request that Council waive 90% of the fee for the use of six synthetic wickets and three grass turf wickets for their annual Under 12 State Cricket Carnival to be held in January 2011. The carnival is over a period of 4 days with an overall fee for field and canteen hire being \$4,186. Council has supported this event and this proposed donation for at least the past 6 years (C110/20647).

Recommendation: The fees (totalling \$3,767.40 - being 90% of the total fees) be waived. The Association will be requested to pay 10%, being the sum of \$418.60. **\$3,767.40**

Recommendation

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

Confidential Business



Confidential Matters–Closed Council Meeting

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

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

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

Clause 34 of Council Code of Meeting Practice

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

Recommendation

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

Item	17.1 Expression of Interest T2010-33 - Purchase of Old Airport Terminal and Hangar.
Grounds for Closure	Section 10A(2) (c):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBERS, 43 OLIVER AVENUE, GOONELLABAH ON TUESDAY, 10 AUGUST 2010 AT 6.00PM.

Present

Mayor, Councillor Dowell; Councillors Houston, Battista, Meineke, Clough, Graham, Yarnall, Ekins, Marks, and Smith, together with the General Manager, Acting Executive Director-Sustainable Development, Executive Director-Infrastructure Services, Manager-Finance, Manager-Integrated Planning, Corporate Compliance Coordinator and General Manager's Personal Assistant.

Apologies

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

Confirmation of Minutes

162/10 **RESOLVED** that the minutes of the Lismore City Council held on 13 July 2010 be confirmed.

(Councillors Clough/Marks)

Disclosure of Interest

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

Report – Tender No. 2010-34 – Management of City Hall

Nature of Interest: While a Director of NORPA made a reportable donation to my election campaign, neither he nor I received any pecuniary benefit from his Directorship. Neither do I accept any complementary tickets to NORPA shows. Advice indicated that I do not have a conflict of interest in this matter however, there may be a perception that I do, hence I will not participate in this Tender matter.

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

Notice of Motion – Battery Eggs

Nature of Interest: Sunnybrand Chicken donate eggs to a function run by my wife.

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

Report – Tender No. 2010-34 – Management of City Hall

Nature of Interest: Andrew Binns was on my election ticket.

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

Report – Tender No. 2011-04 – Gravel Maintenance Grading Works

Nature of Interest: I have done paid work for a tenderer.

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

Report – Tender No. 2010-34 – Management of City Hall

Nature of Interest: My daughter is employed by NORPA.

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

Report – Tender No. 2010-34 – Management of City Hall

Nature of Interest: I have been issued with two free tickets to two NORPA productions.

Public Access Session

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

Amber Hall – Notice of Motion - Battery Eggs

Ms Hall spoke against the use of caged (battery) eggs, claiming this was already a decision made by many people based on the suffering experienced by the birds in the cages. She urged Council to make a similar decision.

Peter and Helen Wise – Report - Request to change the application of Nimbin Business Rates

Mr and Mrs Wise raised a number of issues in respect to the Nimbin Business Rate Levy, confusion over funding projects, lack of consultation, funding responsibilities of the Visitor Information Centre and payment of interest charges.

Condolence

Edna Jane McKenzie , 1912-2010

Edna Jane McKenzie was born in Lismore on 1 December 1912, the fourth and youngest child of Peter and Eliza McKenzie, dairy farmers of Rock Valley.

After the death of her father, Edna and her sisters helped their mother operate a Guest House in Lismore. Whilst in Lismore, Edna completed Painting and Drawing lessons through the International Correspondence School (ICS).

After the death of her mother Edna and her sister Jessie sought work in Sydney.

Edna enlisted in the WAAF and as a Flight Recorder she identified and tracked enemy and allied aircraft in the Pacific War. She found time to attend art classes and produce sketches and paintings of military scenes and personnel.

After the War, Edna was sponsored under the Commonwealth Reconstruction Training Scheme (CRTS) in a Diploma of Arts at the East Sydney Technical College.

On graduating Edna worked as a commercial artist and was one of the artists selected to design and paint street decorations and banners for the Royal Visit in 1954.

In retirement from the Commonwealth Public Service, Edna returned to Lismore, and was a member the Lismore Art Club. Until 2003 and failing eyesight, she painted for the North Coast National Exhibition and the Lismore Art Club gaining over 150 awards. These awards are catalogued in her 1997 book, *A Personal Retrospective*.

In 2007, Edna donated over 40 works to the Lismore Regional Art Gallery's *Edna McKenzie Collection of Lismore Flora*.

She died on Thursday, 29 July after a short illness. She was 97 years old.

- 163/10 The Mayor moved that Council's expressions of sympathy be conveyed to Edna's nephew Ross Wilson and her extended family and the MOTION was APPROVED with members standing and observing the customary moments silence.

Mayoral Minutes

8.1 One Association - Submission to LGSA Taskforce Discussion Paper

164/10 **RESOLVED** that Council:

1. Congratulates the Taskforce on the preparation of the Discussion Paper and its recommendations.
2. Endorses the formation of One Association to represent Local Government in NSW.
3. Offers the following response for consideration by NOROC and representatives attending the Convention:
 - Membership Categories- support recommendations 1-12.
 - Representational Structure- support recommendations 13-14 but with some concerns that representatives from Newcastle and Wollongong may reduce the representation of rural/regional councils on the Executive (15).
 - Size of the Board of Directors- support recommendations 16, 17, 18, 20, 21,22,24 but that the Treasurer's position is directly elected and that the region from which the Treasurer is based, has its ordinary Board members reduced by one (19, 23).
 - Voting for Board Members and Office Bearers- support recommendations 25-29 but that the position of Treasurer should be elected at large by all voting delegates (30).
 - Term lengths- support recommendations 31-32 but that there be a limit of three 2-year consecutive terms for all positions other than the President (33-35).
 - Alternating President and Treasurer positions between regions- support recommendations 36, 37.
 - Voting rights – support recommendations 38-40.

4. Council not send a delegate to the Convention.

(Councillors Dowell/Clough)

(BP10/274)

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

Voting against: Nil.

Notice of Motions

10.1 Draft LEP Presentation

165/10 **RESOLVED** that Council requests that an official member from Head Office of the NSW Farmers Association be invited to speak at a Council briefing regarding the current draft LEP.

(Councillors Yarnall/Clough) (BP10/233)

Section 375A Voting Record

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

Voting against: Nil.

10.2 Draft LEP Steering Committee

A MOTION WAS MOVED that Council form a steering committee as an advisory panel for council staff on the submissions received on the draft LEP and that the steering committee be made up of appropriate people from the NSW Farmers Association, The Department of Agriculture and the Environmental Defenders Office (EDO).

(Councillors Marks/Meineke) (BP10/269)

On submission to the meeting the MOTION was DEFEATED.

Section 375A Voting Record

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

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

10.3 Battery Eggs

166/10 **RESOLVED** that Council bans the use of caged (battery) eggs at all Council functions.

(Councillors Yarnall/Clough) (BP10/246)

Voting for: Councillors Houston, Clough, Marks, Yarnall and Ekins.

Voting against: Councillors Meineke, Smith, Battista, Dowell and Graham.

The voting being tied the Mayor declared the MOTION APPROVED on her casting vote.

10.4 Sydney Airport Charges

167/10 **RESOLVED** that Council write to Sydney Airport (SACL), the Federal Minister for Infrastructure, Transport, Regional Development and Local Government, NOROC, the ACCC and the LGSA expressing grave concern at the proposed five fold increase in parking fees for Regional Express (Rex) at Sydney Airport. The proposed increase would raise fees from \$700,000 to \$3.7million.

(Councillors Clough/Smith) (BP10/268)

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

Voting against: Nil.

10.5 Pedestrian Access

168/10 **RESOLVED** that Council, in order to ensure the safety of pedestrians:

1. Request that the Assets Infrastructure PAG develop a draft points system to enable the forward planning of new footpaths, taking into account the Cycleway Strategy, budget submissions and identified pedestrian activity, and report back to Council for adoption.
2. Include costings and designs for footpaths/cycleways in all road reconstructions identified as priorities by the Assets Infrastructure PAG.
3. Provide AIPAG with information on the social and economic circumstances of residents in order to take equity issues into account in determining the priority of footpath/cycleways.

(Councillors Ekins/Yarnall) (BP10/270)

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

Voting against: Nil.

10.6 Carolina Road Cycleway/Footpath

A MOTION WAS MOVED that Council, in order to ensure the safety of pedestrians, include as a top priority in the Cycleway Strategy, Brunswick Street from Carolina Road to Trinity College, and seek funding for its construction.

(Councillors Ekins/Houston) (BP10/273)

AN AMENDMENT WAS MOVED that Council refer Carolina Road Cycleway/Footpath to Trinity College to the: Review of Cycleway Strategy.

(Councillors Yarnall/Meineke) (BP10/273)

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

Voting for: Councillors Houston, Meineke, Marks, Smith, Battista, Dowell and Yarnall.

Voting against: Councillors Clough, Graham and Ekins.

169/10 **RESOLVED** that Council refer Carolina Road Cycleway/Footpath to Trinity College to the: Review of Cycleway Strategy.

(Councillors Yarnall/Meineke) (BP10/273)

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

Voting against: Nil.

10.7 Tourism Policy

A MOTION WAS MOVED that Council in order to protect local assets, liaise with Rous Water, Lismore, Nimbin, Byron and Ballina Visitor Information Centres and tourism operators, to develop a policy on access to and maintenance of local waterholes frequented by tourist operators.

(Councillors Ekins/Yarnall) (BP10/271)

AN AMENDMENT WAS MOVED that Council hold a briefing to identify issues relating to local waterholes access.

(Councillors Smith/Battista) (BP10/271)

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

Voting for: Councillors Houston, Meineke, Marks, Smith, Battista, Dowell and

170/10

	Graham.
Voting against:	Councillors Clough, Yarnall and Ekins.
RESOLVED that Council hold a briefing to identify issues relating to local waterholes access.	
(Councillors Smith/Battista) (BP10/271)	
Voting for:	Councillors Houston, Meineke, Clough, Marks, Smith, Battista, Dowell, Graham, Yarnall and Ekins.
Voting against:	Nil.

10.8 Environmental Incentives

A MOTION WAS MOVED that Council investigate and brief council at a workshop and report before the 2011/12 budget process, rate reductions and other incentives for landholders with ecological assets to enable protection and restoration of these areas.

(Councillors Ekins/Clough) (BP10/272)

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

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

The voting being tied the Mayor declared the MOTION DEFEATED on her casting vote.

Reports

12.1 Request to change the application of Nimbin Business Rates

A MOTION WAS MOVED that Council from next financial year redirect all the NBRL money currently going to the Nimbin Visitor Information Centre to the Nimbin Chamber of Commerce for it, in consultation with Council, to determine how the money should be spent.

(Councillors Clough/Yarnall) (BP10/173)

AN AMENDMENT WAS MOVED that only \$2,000 be directed to the Nimbin Visitor Information Centre and the balance of the indexed money be redirected to other projects in consultation with the Nimbin Chamber of Commerce.

(Councillors Battista/Yarnall) (BP10/173)

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

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

Voting against: Councillors Houston, Dowell, Meineke, Marks and Smith.

The voting being tied the Mayor declared the AMENDMENT APPROVED on her casting vote.

171/10 **RESOLVED** that: only \$2,000 be directed to the Nimbin Visitor Information Centre and the balance of the indexed money be redirected to other projects in consultation with the Nimbin Chamber of Commerce.

(Councillors Battista/Yarnall) (BP10/173)

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

Voting against: Councillors Houston, Meineke, Marks and Smith.

At this juncture Councillors Dowell, Battista and Clough left the meeting and the Deputy Mayor took the Chair.

12.2 Tender No 2010-34 - Management of City Hall

172/10 **RESOLVED** that:

1. In accordance with Clause 178(1) (b) of the *Local Government (General) Regulation*, Council decline to accept any tenders for T2010-34 – Management of City Hall.
2. In accordance with Clause 178(3) (e) of the *Local Government (General) Regulation*, Council resolve to enter into negotiations with NORPA for the Management of City Hall.
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 a response;
 - The respondent to that process is capable of delivering the services that Council requires;
 - Some matters need to be resolved and clarified prior to entering into a contractual arrangement;
 - Those matters are not of a nature that significantly alter the requirements of the tender¹ as printed
4. The General Manager concurrently with the negotiations with NORPA, investigate the option of self managing the facility and report back to Council with both options prior to finalisation and signing of any management agreement.

(Councillors Graham/Marks) (BP10/230)

Voting for: Councillors Houston, Meineke, Marks, Smith, Graham and Yarnall.

Voting against: Councillor Ekins.

At this juncture Councillors Dowell, Battista and Clough returned to the meeting and the Mayor returned to the Chair.

12.3 Tender No. 2011-02 - Water Main Replacement - Various Locations Lismore

173/10

RESOLVED that:

1. The contract for water main replacement be awarded to Camglade Pty Ltd from the clarified rates submitted (the estimated price of the works being \$1,125,174.00 plus GST).
2. The Mayor and General Manager be authorised to execute the contracts on Council's behalf and attach the Common Seal of the Council.

(Councillors Graham/Yarnall) (BP10/231)

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

Voting against: Nil.

12.4 Tender No. T2011-01 - Water Main Reconstruction - Gundurimba Aboriginal Community

174/10

RESOLVED that:

1. The tender from Camglade Pty Ltd for \$246,941.75 be accepted for Contract T2011-01 for Gundurimba Aboriginal Community, 400 Keen Street Lismore – Water and Sewer Reconstruction.
2. The General Manager be authorised to sign a Formal Instrument of Agreement and any other documents deemed necessary to complete this resolution.

(Councillors Smith/Marks) (BP10/235)

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

Voting against: Nil.

At this juncture Councillor Meineke left the meeting.

12.5 Tender No. T2011-04 - Gravel Maintenance Grading Works

175/10 **RESOLVED** that Council adopt the following order of priority for the provision of a gravel maintenance crew:

1. Smith Plant
2. McKrob Holdings
3. Cambra Holdings (Morgans)

(Councillors Graham/Marks) (BP10/245)

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

Voting against: Nil.

At this juncture Councillor Meineke returned to the meeting.

12.6 Proposed new road name - Development Application 1998/007

176/10 **RESOLVED** that :

1. Council approve the proposed road name within the Rous Water development known as Development Application 1998/007 being Melaleuca Court, Caniaba subject to the proposal being exhibited for a period of twenty eight days as per Roads Regulation 2008.
2. Any submission opposing the proposal be reported to Council prior to determination of the naming.
3. In the absence of any submissions the application be determined under delegated authority.

(Councillors Yarnall/Smith) (BP10/232)

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

Voting against: Nil.

12.7 2010 Local Government Association NSW Conference

177/10 **RESOLVED** that Council submit the following Notices of Motion to the 2010 Local Government Association NSW Conference requesting that the LGA support the following Motions as detailed in the report and listed below:

State Government Waste Levy

NSW Increase in Car Registration Fees

Development Contributions – Section 94

Infrastructure Zoning for Transport Corridors Sydney Airport Charges

(Councillors Graham/Clough) (BP10/263)

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

Voting against: Nil.

12.8 June 2010 Quarterly Budget Review Statement

178/10

RESOLVED that :

1. Council adopt the June 2010 Quarterly Budget Review Statement for General Fund.
2. This report be forwarded to Council's Auditor for information.

(Councillors Houston/Clough) (BP10/258)

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

Voting against: Councillor Ekins.

12.9 June 2010 Quarterly Management Plan Report

- 179/10 **RESOLVED** that the report be received and noted.
(Councillors Meineke/Smith) (BP10/259)
- Voting for:** Councillors Houston, Meineke, Clough, Marks, Smith, Battista, Dowell, Graham, Yarnall and Ekins.
- Voting against:** Nil.

12.10 2009/10 Financial Statements

- 180/10 **RESOLVED** that an Extra Ordinary meeting be held on Thursday, 21 October 2010 to consider the 2009/10 Financial Statements and 2009/10 Reserves.
- (Councillors Meineke/Marks) (BP10/267)
- Voting for:** Councillors Houston, Meineke, Clough, Marks, Smith, Battista, Dowell, Graham, Yarnall and Ekins.
- Voting against:** Nil.

12.11 Councillors Expenses and Facilities Policy

- 181/10 **RESOLVED** that Council adopt the existing policy, 1.2.23 Payment of Expenses and the Provision of Facilities to Mayors and Councillors.
- (Councillors Graham/Marks) (BP10/262)
- Voting for:** Councillors Houston, Meineke, Clough, Marks, Smith, Battista, Dowell, Graham, Yarnall and Ekins.
- Voting against:** Nil.

12.12 Investments - July 2010

- 182/10 **RESOLVED** that the report be received and noted.
- (Councillors Smith/Marks) (BP10/260)

Voting for:	Councillors Houston, Meineke, Clough, Marks, Smith, Battista, Dowell, Graham, Yarnall and Ekins.
Voting against:	Nil.

Committee Recommendations

13.1 Traffic Advisory Committee Minutes, 21 July 2010

183/10 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Graham/Houston) (BP10/275)

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

Voting against: Nil

Documents for Signing and Sealing

S.1 Documents for Signing and Sealing

184/10 **RESOLVED** that the following documents be executed under the Common Seal of the Council:

Standard Funding Agreement from the Indigenous Coordination Centre - S.O.A.R Project

This program aims to reduce Indigenous Women's disadvantage through enhancing Indigenous women's leadership, representation, safety, wellbeing and economic status. Through the inclusion of activities such as:

- Enabling the regular gatherings of professional Aboriginal workers and key community women to meet with young Aboriginal high school women;
- Regular facilitation of focus activities with the inclusion of guest speakers;
- Enable the purchase of resources to facilitate themed activities e.g. short term access to gym to boost self esteem and address health issues; basket weaving therapy; facilitators of short courses; and
- Enable women's gatherings out of area to bring together focus groups to address spiritual and emotional wellbeing in safe environment.

This is the only known activity of this kind in the Lismore Local Government Area that facilitates and/or supports the traditional gathering of Aboriginal women wanting to mentor, foster and nurture young Aboriginal women (aged between 12 -25) around their rights, responsibilities, personal growth and provide navigational advice to manage aspects of school, work and personal relationships in a traditional and contemporary setting.

(Councillors Houston/Yarnall) (BP10/281)

Voting for: Councillors Houston, Meineke, Clough, Marks, Smith, Battista,

Dowell, Graham, Yarnall and Ekins.

Voting against: Nil.

Financial Assistance – Section 356

S.1 Financial Assistance – Section 356 Report

185/10 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

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

Budget: \$21,400 Spent to date: \$0

NETPAC requesting Council discount hire fees (\$1,834) for the Northern Rivers Careers Expo 2010 held 28 -30 April 2010 at the City Hall. An entrance fee will not be charged.

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

\$366.80

Lismore Rugby Club requesting Council discount hire fees (\$125) for a Club fundraising night at the City Hall on 15 May 2010. An entrance fee is to be charged.

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

\$25.00

Men and Family Centre requesting Council discount hire fees (\$220) for the City Hall on 16 May 2010, a day of national significance to the Sudanese community to remember those lost in the civil war beginning in 1983. An entrance fee will not be charged (CI10/12326).

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

\$55.00

Men and Family Centre requesting Council discount hire fees (\$257) for the City Hall on 3 July 2010, for celebrations recognising Independence Day, 30 June 1960, for the Congolese community. An entrance fee will not be charged (CI10/18593).

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

\$64.25

The Neighbourhood Club Inc requesting Council discount hire fees for the weekly use of the City Hall to hold companionship and social outings for the aged and lonely members of the Lismore community during 2010/11. An entrance fee will not be charged.

Comment: Based on meetings occurring 50 weeks a year, the discount provided for

2010/11 will be \$2,750.

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the weekly hire fee applies.

\$55.00

Northern Rivers Conservatorium requesting Council discount hire fees (\$318) for the City Hall to hold a community concert on 9 July 2010. An entrance fee will be charged.

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

\$63.60

R.E.D. Inc (Realising Every Dream Incorporated) requesting Council discount hire fees for the weekly use of the City Hall to provide community participation and transition to work programmes for young adults with disabilities during 2010/11. An entrance fee will not be charged.

Comment: Based on programmes occurring 50 weeks a year, the discount provided for 2010/11 will be \$1,950.

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the hourly hire fee applies.

\$6.50

Funky Moves Dance Studio requesting Council discount hire fees by 50% during Term 2 due to the air conditioning not functioning and the amenity of the space is greatly reduced because of the cold weather. An entrance fee is to be charged (C110/5702).

Comment: Council approved a 50% reduction in hire costs for Term 1 due to the extreme heat and humidity. This equated to a reduction in charges of approximately \$2,250. While it is acknowledged that the air conditioning is not working and insufficient funds exist to replace it, a reduction in charges because of the cold is not supported.

Recommendation: Council not agree to Funk Moves Dance Studio's request to reduce hire fees for the use of the Dance Studio for Term 2.

Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$11,000 Spent to date:\$0

Animal Right & Rescue \$33.17

Multitask \$141.66

Five Loaves \$320.00
Friends of the Koala \$36.36
1st Lismore Scout Group \$0.00
LifeLine \$294.62
Saint Vincent De Paul \$14.55
Westpac Life Saver Helicopter \$36.37

In accordance with policy.

TOTAL: \$876.73

(Councillors Graham/Clough) (BP10/282)

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

Voting against: Nil.

Closure

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

CONFIRMED this FORTEENTH day of SEPTEMBER 2010 at which meeting the signature herein was subscribed.

MAYOR