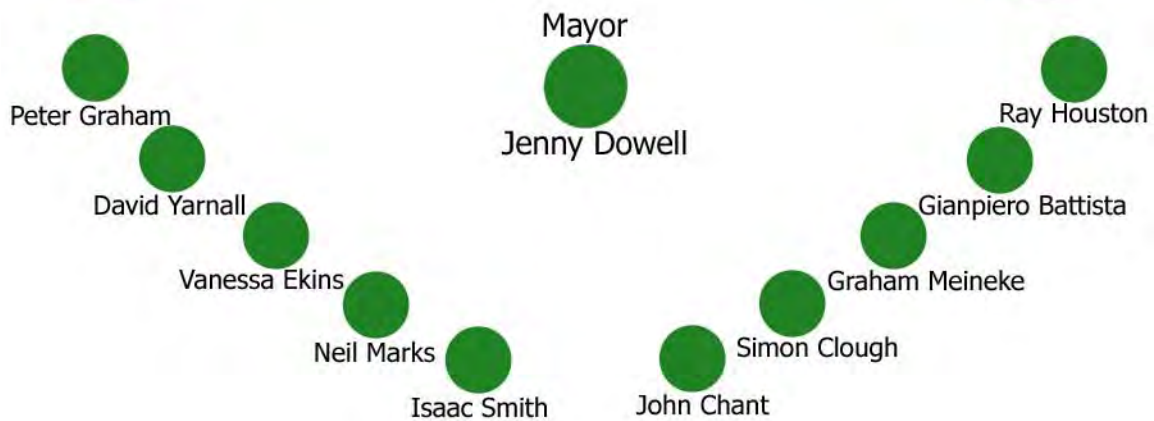


# Notice of Council Meeting



## Council

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, 43 Oliver Avenue, Goonellabah on Tuesday, 10 May 2011 at 6.00pm.

Members of Council are requested to attend.

Paul G O'Sullivan  
General Manager

3 May 2011



# Agenda

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1. Opening of Meeting and Prayer (Mayor)
2. Apologies and Leave of Absence
3. Confirmation of Minutes
  - Lismore City Council meeting held 12 April 2011 ..... 1
  - Lismore City Council Extra Ordinary meeting held 3 May 2011 (to be distributed)
4. Disclosure of Interest
5. Public Access Session
  - Robert Bou-Hamdan - S96 Amendment to Development Application No. 5.2010.176.2 - NightOwl, 81 Woodlark Street, Lismore
  - Nick Woodham - S96 Amendment to Development Application No. 5.2010.176.2 - NightOwl, 81 Woodlark Street, Lismore
6. Public Question Time
7. Condolences
8. Mayoral Minutes
9. Notice of Rescission Motions
  - 9.1 Internal Audit..... 1
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  - 10.2 Funding for Roads..... 12
11. Altering Order of Business (Consideration of altering the order of business to debate matters raised during Public Access)
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# Lismore City Council Community Strategic Plan 2008 - 2018



## Guiding Principles

### Social Inclusion and Participation

## Outcomes

That all Lismore residents enjoy equal opportunities within a strong, inclusive community.

### Sustainable Economic Growth and Development

That Lismore's economy is vibrant and development is environmentally and socially sustainable.

### Protect, Conserve and Enhance the Environment and Biodiversity

That Lismore's natural ecology is protected and maintained in a healthy and robust state for future generations.

### Best-Practice Corporate Governance

That best-practice management principles pervade our business; that we are innovative, ethical, and our use of resources provides maximum benefits to the community.

## Community Strategic Priorities

### Enhance Lismore as a Regional Centre

That Lismore retains and builds on its regional service centre role, including the provision of key medical, legal and tertiary education functions.

### Foster Youth Development

That young people are included in our community and can safely pursue their interests and aspirations.

### Support an Ageing Population

That older people have access to appropriate services and facilities to enhance their health and wellbeing.

### Provide Sustainable Land-use Planning

That land-use planning is founded on principles of sustainability.

### Improve Catchment Management

That catchment management is integrated and holistic, in order to achieve a sustainable and balanced use of natural resources.

### Revitalise the CBD

That the CBD becomes a vibrant meeting place and a cultural and entertainment hub for the Northern Rivers region.

### Integrated Waste Cycle Management

That Lismore minimises waste to landfill by reducing, reusing and recycling.

### Improve Roads, Cycleways and Footpaths

That Lismore has an extensive transport network and is an accessible, safe and efficient city for motorists, cyclists and pedestrians.

### Mitigate Climate Change at a Local Level

That Lismore is a leader in reducing carbon emissions and minimising the impacts of climate change.

### Develop and Support Art, Cultural, Sporting and Tourism Activities

That our regional art, cultural and sporting facilities remain a major component of Lismore life and an increasingly popular attraction for domestic tourists.

### Integrated Water Cycle Management

That Lismore maintains long-term water security for its growing population through the efficient use of this precious resource.

### Provide Greater Housing Choices

That Lismore offers a diverse range of housing options to accommodate a variety of households.

### Improve Passive and Active Recreational Facilities

That Lismore retains and builds on its regional recreation centre to attract major events and tournaments.

## Corporate Foundations

### Efficient Use of Council Resources

That we maximise the value of our resources, continually review our operations to ensure best value, eliminate waste and duplication, and gain the full service potential from our assets.

### Engage With the Community

That the community is informed and consulted about the issues that are relevant to their lives and we are fully accountable to the community for our operations.

### Promote a Constructive Corporate Culture

That customers and staff experience a supportive organisation, with a strong sense of integrity, which responds to their needs and provides innovative and creative services.

### Whole of Council Corporate Planning

That we have clear goals and act as one in their co-ordinated implementation, in order to maximise the return on resource investment and staff expertise.

### Providing Excellent Customer Service

That our primary focus is to understand and respond to the needs of the community we serve.

# Rescission Motions

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## Notice of Rescission

**Crs David Yarnall, Simon Clough and Vanessa Ekins** have given notice of their intention to move the following rescission motion:

That Resolution Number 350/11 in respect to the Internal Audit processes be rescinded.

### ***Councillor Comment (Councillor Yarnall)***

I have raised this Rescission Motion so Council can re-examine the establishment of an internal audit process.

The Notice of Motion passed at the last Council meeting needs re-examining in the context of Council's budget process, which is about to commence, and the imminent appointment of a new General Manager.

The original staff recommendation in the business paper last Council meeting inserts the establishment of an internal audit into the budget process which can then be examined in the light of other budget priorities. The Notice of Motion passed last Council meeting does not allow that but rather creates poor process. Should an internal audit be established when the new General Manager starts their appointment, Council would be forced to re-visit the budget process which has just been completed.

Similarly, before the new General Manager starts their appointment Council will be establishing a new set of KPI's for that position. To then revisit the General Manager's KPI some short time later would again be poor process.

If we are serious about establishing an internal audit process then the time to do that is during the budget process and the review of the General Manager's KPI's not after those processes have been completed.

The staff recommendation from the previous Council business paper is the Notice of Motion to follow if the Rescission Motion is successful.

### ***Staff Comment***

This matter was considered by Council at its meeting held on 12 April 2011. A copy of the report and the resolution are attached to the subsequent Notice of Motion.

**TRIM Record No:** BP11/305:EF10/363

# Notice of Motions

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## Notice of Motion

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

That:

1. Council establish a more formal internal audit process by incorporation into the General Manager's Annual Performance Plan.
2. An amount of \$50,000 be included in the draft 2011/12 Operational Plan to fund internal audit processes.

### Attachment/s

1. Internal Audit Report to Council 12 April 2011
2. Council Resolution Number 350/11 - Internal Audit - Minute Extract of 12 April 2011

**TRIM Record No:** BP11/306:EF10/363



# Report

<b>Subject</b>	<b>Internal Audit</b>
<b>TRIM Record No</b>	BP11/127:EF09/547
<b>Prepared by</b>	Manager - Corporate Services
<b>Reason</b>	To provide options for Council to introduce an internal audit function.
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

This report provides a summary of the DLG's Internal Audit guidelines. It outlines three options for how these guidelines could be implemented at Lismore City Council with a cost estimate for each one. The cost of implementing the function is proportional to the scope of the internal audit function. The cost of the options considered in this report ranges from \$40,000 to \$160,000.

## Background

At its 8 February 2011 meeting Council resolved the following:

1. Council investigates the establishment of an independent internal auditor and an internal audit committee as strongly recommended in the Internal Audit Guidelines as issued by the NSW Division of Local Government in September 2010.
2. Council retains a suitably qualified and independent trainer and consultant to attend the Council briefing to explain in detail the need, workings and usefulness of an independent internal auditor and the internal audit committee to Councillors and staff.
3. Staff prepare a report to be presented at a council briefing, before the ordinary Council meeting in April, on the details of establishing an independent internal auditor and internal audit committee.'

## Introduction

In 2005, the then Department of Local Government (DLG) issued a position paper to the Local Government Industry on the need to improve, enhance and initiate the establishment of an internal audit function in all councils. In October 2008, the Department issued Internal Audit Guidelines in culmination of responses to that position paper. In 2010 the guidelines were amended to require the appointment of an independent external professional to chair the Audit Committee.

The guidelines define the Internal Audit function as '*providing independent assurance over internal controls and risk management framework.*' The function is responsible for reviewing Council's operations against legislative compliance, efficiency, effectiveness and risk management principles. This is not about financial auditing rather it is about business process auditing.

The Internal Audit function is delegated to an Audit Committee which is the group that oversees the function and an Internal Auditor which is an individual or team who is responsible for conducting the audits. The Internal Auditor is independent of Council and reports to the Audit Committee. The Internal Auditor can be an external company or a Council employee(s).

The DLG give the following objectives for the Internal Audit function:

- to support good internal governance
- to improve the effectiveness of risk management, control and governance processes
- to help instil public confidence in an organisation's ability to operate effectively.

Any Internal Audit model that Council may wish to adopt must meet these basic objectives.

In addition an Internal Audit function is well placed to review and improve business processes. This would enable Council to make considerable efficiency gains and allow the Internal Audit function to at least in part become self funding. It should be noted however that the primary focus of the Internal Audit function is that of risk management. Should Council wish to have the Internal Audit function conduct business process improvement then it will have to be willing to make a considerable additional investment.

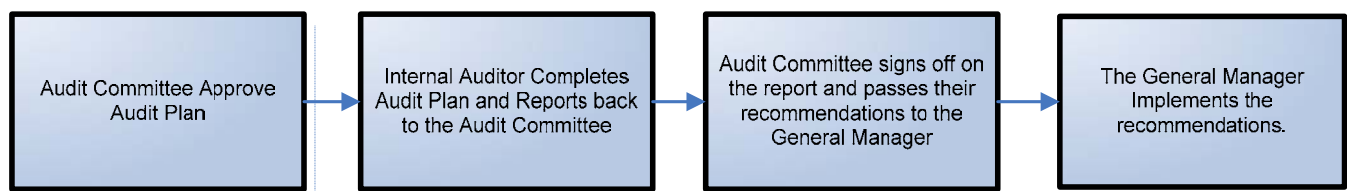
The DLG suggests three models for resourcing Internal Audit, these are:

- **A full-time or part-time Internal Auditor.** Under this model an internal independent position is created that reports directly to the Audit Committee and administratively to the General Manager. This position has no other operational or management responsibilities. This introduces a grey area as it would be the only staff member not considered accountable to the General Manager.
- **Outsourced or co-sourced function.** In this model, Council would engage an external service provider or providers to conduct all or some of the audits. The auditor would report directly to the Audit Committee and would have the authority over the scope of their investigations.
- **Regional or inter-council sharing of Internal Audit resources.** This is where a group of councils jointly agree to employ or contract an appropriately qualified auditor.

In addition this report will outline the current internal processes that exist at LCC as a fourth option for consideration.

## Internal Audit Process

The general Internal Audit process is shown in the diagram below:



### Audit Committee

An audit committee plays a pivotal role in the governance framework to provide council with independent oversight and monitoring of Council's audit processes. This oversight includes internal and external reporting, risk management activities, internal and external audit, and compliance. A strong relationship between the audit committee and the internal audit function enables the committee to meet its responsibilities and carry out its functions. An audit committee establishes the importance and executive direction for an internal audit function, and ensures that the council achieves maximum value from the internal audit function.

According to the DLG's guidelines the audit committee will achieve its independence by having a majority of independent members external to council and its operations. In addition, it is highly desirable that all members chosen exhibit an independence of mind in their deliberations and do not act as a representative of a particular area of council, or with conflicts of interests. Regular rotation of some or all members is also desirable to keep a fresh approach. The guidelines suggest that independent external member shall be the majority (either two or three with one or two Councillors, other than the Mayor). The Audit Committee should consist of at least three and not more than five members.

Independent members should have the following attributes:

- Knowledge of local government;
- Strong communication skills;
- High levels of personal integrity and ethics;
- Sufficient time available to devote to their responsibilities as a committee member; and
- High levels of financial literacy and, if possible accounting; financial; legal compliance and/or risk management experience or qualifications.

The Audit Committee as a whole should have:

- At least one member with financial qualifications and experience; and
- Skills and experience relevant to discharging its responsibilities, including experience in business, financial and legal compliance and risk management.

The Chair of the Audit Committee is critical to the overall effectiveness of the committee. The Chair of the Committee should be independent and should not be the Mayor or a member of council.

The Audit Committee must be chaired by an independent member. For Lismore an Audit Committee would best be made up of two independent members and one Councillor.

The DLG recommends that a budget be allocated to pay the independent members. An amount of \$1,000 per day per external member should be used.

### **Audit Plan**

The Committee should prepare an audit plan that identifies its objectives and strategies, and the audit work they will undertake. Good practice internal audit plans will be based on a risk assessment of the council's key strategic and operational areas to determine an appropriate timing and frequency of coverage of each of these areas. Best practice will also include audit judgment of areas that should also be reviewed despite not appearing as a high priority in the council's risk profile. The annual plan will generally be developed with input from the General Manager, senior management and the internal auditor and approved by the audit committee.

As mentioned the DLG offers three options for implementation of the guidelines.

### **A Full-Time or Part-Time Internal Auditor**

This option employs a skilled staff member to conduct Internal Audit. This person would become familiar with Council processes. This person would have adequate time to conduct a high audit load. This person would have the ability to not only identify risk but to also conduct business process reviews and complete the implementation of the improvements.

Under this model the auditor would report to the Audit Committee. The Audit Committee would control the audit plan and would sign off on any audit reports. However under the Local Government Act the only person who can employ staff is the General Manager. This presents something of a weakness via the possibility for the General Manager to influence the auditor.

The DLG recommend that an Internal Auditor has the following skills and experience:

- Proficiency in applying internal audit standards, procedures and techniques;

- Proficiency in accounting principles and techniques when working extensively with financial records and reports;
- An understanding of management principles required, recognising and evaluating the significance of deviations from good business practices;
- An appreciation of fundamental concepts in areas such as accounting, economics, commercial law, taxation, finance, quantitative methods and IT;
- Effective interpersonal skills;
- Skills in oral and written communication;
- Ability to identify key issues in any area under review;
- Ability to influence senior management as and when required; and
- Knowledge of key information systems technology risks and controls and available technology-based audit techniques.

These skills are highly sought after in the labour market. An Internal Auditor is likely to be an expensive staff acquisition. From speaking to other councils it is estimated that the full cost of employment and overheads would be around \$140,000. It would also be appropriate for the audit function to have a small operational budgets; \$20,000 should be allowed thus giving a total cost of this option of \$160,000 per annum.

Of course Council has the option of appointing a part-time auditor. The cost and the scope of the Internal Audit function would be reduced on a pro-rata basis.

### Outsourced or Co-Sourced Function

In this model councils contract their internal audit functions to private sector firms practicing as internal audit service providers.

This model provides good flexibility. Service is paid for on an hourly or daily basis and Council can do as much or as little in a year as suits circumstances and shop around for auditors with particular skills. Under this model there is no direct reporting line to the General Manager so influence cannot be exerted.

On the negative front this option does not offer good value for money. External contractors are likely to be very expensive with daily rates between \$1000 and \$1500. In addition when a contract finishes the corporate knowledge is lost.

It is difficult to put a price on this option without knowing the scope of the Internal Audit function. As an example, if Council had a budget of \$100,000 this would translate to between 67 and 100 days work. According to the DLG, other Councils spend between \$20,000 and \$300,000 on this model.

This is the model that both Ballina and Richmond Valley Councils use. These Councils joined together to conduct a joint tender to procure the services of a particular audit company. Ballina and Richmond Valley spent \$40,000 and \$60,000 per year on this function respectively and the emphasis is on risk management. The current budget and scope of this model does not allow a focus on business improvements.

A co-sourced approach is a combination of this model and the one above. The staff internal auditor supplements audit services with an outsourced internal audit service provider.

### Regional or Inter-Council Sharing Of Internal Audit Resources

This model is where a Regional Organisation of Councils (ROC) or other strategic alliance agrees to jointly employ or contract an appropriately qualified internal auditor.

The benefits of this model are economies of scale and cross council benchmarking. Unfortunately, this function was not supported by NOROC as a resource sharing initiative and there are no plans to change this. This effectively rules out this option for LCC.

## Lismore City Council Status Quo

Lismore City Council currently implements the principles of the DLG's guidelines in two ways. Firstly Council conducts periodic independent reviews of its operations. In recent times Council has conducted the Westing review of the planning area and the Infrastructure Services review. In both cases the Council identified a function that required review and directed the General Manager to recruit a suitably qualified external resource to conduct the review. There have been a number of other examples where this approach using independent advisors has occurred (waste strategies, quarry business planning, library services) and has worked well.

In addition, the Executive Committee has recently signed off on a system of internal compliance and review. This process collects ideas from customers, staff, management and our Sustainable Innovations Group to improve the efficiency and effectiveness of our operations. This process which is driven by senior management is constantly ensuring best business practice and compliance with legislation. Whilst recognising the merit of an internal audit function, the fundamental reason for Council applying this methodology is that the cost implications are manageable and importantly the underlying objectives of the guidelines are achieved. It should be noted that following DLG guidelines is not mandatory for Councils.

It should also be noted that this option is not without costs. This option does not as a matter of course provide resources for the audits. These are funded through discreet budget approvals. To provide an example the Westing and Infrastructure Services reviews cost Council a total of \$70,000.

## Sustainability Assessment

### Sustainable Economic Growth and Development

The proposal provides an opportunity to achieve cost reduction in its processes.

### Best-Practice Corporate Governance

The Internal Audit function has been identified by the Division of Local Government as a best-practice approach. The report details the preferred approach by the Division.

## Comments

### Finance

There is no mandatory requirement to have an internal audit function in NSW councils, but it is strongly supported by the NSW Division of Local Government.

If Council supports the introduction of an internal audit function, like many other NSW councils, then inclusion of sufficient funding to meet expectations in the draft 2011/12 Operational Plan is required.

## Councillor input

The DLG Guidelines and the options for implementing an Internal Audit function at Lismore City Council were considered at a workshop for Councillors on 22/3/2011. The workshop was attended by nine of the eleven Councillors and facilitated by Pamela Westing. The facilitator has more than 25 years' experience in local government and is not an Internal Auditor. The workshop explored the issues outlined in this report. The Councillors then identified the following advantages and disadvantages of establishing a formal internal audit function at Lismore City Council, as recommended in the DLG Guidelines.

### The Advantages of Establishing a Formal Internal Audit Function at LCC

- More accountability regarding implementation of recommendations for improvement;
- More transparency;
- More systematic and regular review of risks and processes;

- Better financial monitoring;
- Potential financial savings;
- Improved external and internal confidence in Council processes;
- Independent and external expertise;
- Develops internal process expertise and operational knowledge;
- Improved processes;
- Improved risk management; and
- More focus on improvements in the organisation.

#### The Disadvantages of Establishing a Formal Internal Audit Function at LCC

- Costs – of the Audit Committee, the Internal Auditor, and possibly of the recommendations arising from audit projects;
- Potential negative impact on staff and relationships;
- Increased staff and Councillor workloads;
- Potentially difficult to implement recommendations; eg due to costs;
- Planned approach to reviews may reduce responsiveness;
- External audit committee members may not be genuinely independent;
- Reduced staff initiative and responsibility to improve processes;
- Would not add value compared to current process reviews;
- Potential for political influence [via the Audit Committee]; and
- Would still need external reviews.

Following consideration of the advantages and disadvantages of establishing a formal internal audit function, Councillors identified some of the advantages and disadvantages of the two basic models for resourcing an internal audit function: staff vs. outsourcing.

#### Advantages of employing a staff Internal Auditor

- Would get to know the organisation better.

#### Disadvantages of employing a staff Internal Auditor

- May lose objectivity;
- May become too close to other staff and to the processes being reviewed; and
- Difficult to recruit the required skills.

#### Advantages of an Outsourced Internal Auditor

- Costs more flexible;
- Independent;
- Options to share costs with other Councils; and
- Broader perspective and potential for benchmarking with other organisations.

#### Disadvantages of an Outsourced Internal Auditor

- Perhaps not as responsible or available as a staff member.

The discussion concluded that if Lismore City Council wishes to establish a formal Internal Audit function, using an outsourced Internal Auditor would be more suitable to the Council's circumstances than seeking to employ a staff Internal Auditor.

### Alternative Approach

Whilst the abovementioned comments represent the position reached at the workshop, there was a sense from Councillors that they were not entirely happy with this position. There was general support for the concept of an Internal Audit function but not the model offered by the Guidelines.

An alternative approach would be to make the function of Internal Audit a Performance Criteria within the General Manager's Annual Performance Agreement. In this manner, Council through the General Manager's Performance Review Panel would effectively become the Internal Audit Committee. Council would still need to develop a three year Internal Audit Plan and negotiate with the General Manager about the best method for conducting the audit.

### Conclusion

As with everything, the quality of the Internal Audit function depends on cost. If Council wishes to merely comply with the DLG's requirements then \$20,000 for an external contractor would be sufficient. This would however, provide a very limited business benefit.

Should Council wish to use an Internal Audit function to properly manage risk then it could use either the outsourced or co-sourced model and pay between \$40,000 and \$60,000, or it could employ a part-time Internal Auditor under the full-time or part-time Internal Auditor model for approximately two days per week. This would cost approximately \$60,000.

If Council wishes to manage risk and have a permanent resource improving Council's business processes then the most cost effective way to achieve this is to employ a full-time Internal Auditor under the full-time or part-time Internal Auditor model.

This report outlines five options for the implementation of an Internal Audit function. The options represent various possibilities for Council to implement a function that suits its objectives and budget. When making the decision Council should consider firstly whether it wishes to change from the status quo, which has achieved success, to a model that better reflects the guidelines. Council is not obligated to implement DLG guidelines, only to consider them. Secondly, Council should consider whether the Internal Audit function should merely meet the guidelines; manage Council's risk; or manage Council's risk and make improvements to business processes.

Council could demonstrate its recognition of the importance of an internal audit function by developing a three year plan and build this into the performance agreement of the General Manager, which of course involves six monthly reporting to the Council.

This approach whilst not in accord with the Division's guidelines is likely to be just as effective and allow the Council rather than an independent committee to sit and monitor the audit agenda.

This would be a reasonable first step in establishing a more formal audit process, which Council could subsequently vary to more closely align with the Division of Local Government guidelines should future experience deem necessary.

### Attachment/s

There are no attachments for this report.

### Recommendation

That:

1. Council establish a more formal internal audit process by incorporation into the General Manager's Annual Performance Plan.
2. An amount of \$50,000 be included in the draft 2011/12 Operational Plan to fund internal audit processes.

**EXTRACT OF MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY, 12 APRIL 2011 AT 6.00PM.**

**12.9 Internal Audit**

A MOTION WAS MOVED that Council delay a decision on accepting this report until the appointment of the new General Manager and he/she has commenced their appointment.

(Councillors Marks/Meineke) (BP11/127)

AN AMENDMENT WAS MOVED that:

1. Council establish a more formal internal audit process by incorporation into the General Manager's Annual Performance Plan.
2. An amount of \$50,000 be included in the draft 2011/12 Operational Plan to fund internal audit processes.

On submission to the meeting the AMENDMENT was DEFEATED.

(Councillors Yarnall/Graham) (BP11/127)

**Voting for:** Councillors Marks, Yarnall and Ekins

**Voting against:** Councillors Houston, Meineke, Clough, Chant, Battista, Dowell, Graham and Smith

350/11

**RESOLVED** that Council delay a decision on accepting this report until the appointment of the new General Manager and he/she has commenced their appointment.

(Councillors Marks/Meineke) (BP11/127)

**Voting for:** Councillors Houston, Meineke, Clough, Chant, Marks and Battista

**Voting against:** Councillors Dowell, Graham, Yarnall, Ekins and Smith



## Notice of Motion

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

That:

1. Council prepare a report on the methods by which council address the funding shortfall of:
  - a) \$940,000pa on rural sealed roads; and
  - b) Approx \$1,000,000pa on unsealed roads.
2. The report on the above methods be included in the 2011/12 Operational Plan (Budget).

### ***Councillor Comment***

Council's Asset Management Plan has established that Council's urban roads will remain at the current standard with current expenditure over the next 10 years. However, rural roads will deteriorate from the current standard with the current expenditure by approx \$940,000pa. Addressing the shortfall is part of a prudent Asset Management Plan. To date Council has not established how this will be done. Rural ratepayers and other road users need to be assured that Council is addressing this shortfall and that rural roads will not deteriorate further. This planning is essential given the current wet period is likely to continue for the foreseeable future.

Similarly, Council staff has established that Council's gravel road network is chronically under funded by approximately \$1,000,000pa. Council currently spends approximately \$1,000,000pa on 455klms of gravel roads. Heavily trafficked gravel roads receive one or two maintenance grades per year instead of the recommended three gradings, while other lightly trafficked roads wait 18 months to two years to receive a maintenance grade.

No resheeting or table drain maintenance is carried out under the current budget. Rural roads are essential infrastructure for rural ratepayers, tourists, rural workers and service delivery in the rural economy and cannot be allowed to deteriorate further or the rural economy will suffer. Council needs to demonstrate it's commitment to our rural residents and to the rural economy by improving our rural roads to the basic standard as outlined above.

### ***Staff Comment***

#### **Manager - Finance**

Council considered a report on how additional funding for roads (\$500,000) and the environment (\$200,000) could be achieved at its 9 November 2010 meeting. Three options were suggested being: - 1) Full Budget Review; 2) Special Rate Variation; and 3) Strategic Plan. It was resolved (242/10) that the objective to finance an extra \$500,000 for roads and \$200,000 for the environment is considered during the review of the Lismore Community Strategic Plan 2008-2018 in 2012.

Other than the amounts requested for roads and the exclusion of an amount for the environment, the report requested by the Notice of Motion would simply be a repeat of the report considered by Council at its 9 November 2010 meeting (copy attached).

# Notice of Motion

The core intent of the Notice of Motion relies on a fundamental change to the structure of the Council budget to allocate significant additional funds to roadworks, at the expense of other existing Council programs. This is a major change to current policy and why the report to Council in November 2010 recommended this task be undertaken in conjunction with the review and community consultation processes of the 2008-2018 Community Strategic Plan in 2012. As it is not simply possible to achieve the Notice of Motion within the timeframe, it is not supported.

## **Executive Director –Infrastructure Services**

Council's road funding has been fairly static for several years. This uniform funding allows the demonstration of the level of service which can be provided to the community for the current budget. Without additional funding there will be a continuation or slight decline in the current standard of our road network. To clarify a comment made in the Notice of Motion, some resheeting and table drain maintenance is undertaken under the current budget however it is not to the level desired by the community.

Certainly the recent prolonged wet weather has highlighted the vulnerability of our road network. Attendance at Rural Contact Forums and other community meeting demonstrates that the community desires a higher level of service for roads. The completion of the sealed roads asset management plan has demonstrated additional funds are required for roads. The completion of further Asset Management Plans is likely to introduce further challenges for Council to contemplate at the next Strategic Plan review in 2012.

## **General Manager**

In recognition of the comments by the Manager-Finance this Notice of Motion is not supported for the reason that Council's financial limitations are unchanged from five months ago and the available staff resources are focussed on delivering the funded works program.

## **Attachment/s**

1. Additional Funding for Roads and Environment - 9 November 2010

**TRIM Record No:** BP11/300:EF10/363

## Report

## Report

<b>Subject</b>	Additional funding for Roads and the Environment
<b>TRIM Record No</b>	BP10/580:EF09/631
<b>Prepared by</b>	Manager - Finance
<b>Reason</b>	Report required by Council Resolution 82/10 from the 10 May 2010 meeting
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

#### Overview of Report

A report on extra funding for roads and the environment was requested by Council at its 10 May 2010 meeting.

Three (3) process options have been reported for consideration. These include full budget review, special rate variation and strategic planning processes.

The strategic planning process is recommended as it coincides with the extensive community engagement envisaged as part of the review of the Lismore Community Strategic Plan 2008-2018 and the 2012 council elections.

#### Background

At its 10 May 2010 meeting, Council resolved that staff prepare a report on the means by which Council can finance an extra \$500,000 for roads and \$200,000 for the environment.

The purpose of this report is to inform Council on the process by which this objective could be achieved.

#### Process Options

##### 1. Full Budget Review

Council undertook a full budget review in 2009/10. This review realised savings of approximately \$445,400 with potential sale of properties still being investigated.

The review involved Councillors and Management working through the 2009/10 Budget in detail and identifying potential savings. It was quite comprehensive and highlighted the implications of redirecting resources away from established services, programs and projects.

Based on the experience from this review, it is unlikely that savings of \$700,000 from the 2010/11 Operational Plan could be readily achieved without significant change to recurrent operations.

A Full Budget Review process is not recommended.

##### 2. Special Rate Variation

Council considered a special rate variation to increase funding for roads, environment and business promotion for 2010/11. An extensive community consultation process was undertaken earlier this year and based on the response from the community, Council resolved not to seek a special rate variation for roads and the environment.

Lismore City Council  
Meeting held 9 November 2010 - Additional funding for Roads and the  
Environment

1

## Report

There were many concerns raised by the community during the consultation. Council is responding to many of these, but change will take time to implement. Some of the concerns, like affordability, require more consideration.

With the recent Special Rate Variation process in mind, going back to the community again with a similar proposal is not recommended.

### 3. Strategic Planning

To provide direction on where Council's financial resources are to be sourced and expended, a community strategic plan and delivery plan are prepared.

The community strategic plan is the overarching document which sets out the broad vision for the future with at least a 10 year planning timeframe. The delivery plan is derived from the community strategic plan and focuses on projects to be achieved to meet the vision over a four year period which coincides with a council term. The direction provided is then incorporated into the operational plan which is the detailed one year plan of all income and expenditure.

Council adopted the Lismore Community Strategic Plan 2008-2018 in 2009 and adopted the Delivery Plan 2010-2014 in 2010. These documents list Council's guiding principles, strategic community priorities and planned projects.

The review of the Lismore Community Strategic Plan is planned for 2012 to coincide with the next council elections. This will allow the next elected Council to place its own imprimatur on Council's direction. Any changes to the Lismore Community Strategic Plan would flow through to the Delivery Plan and 2013/14 Operational Plan.

With an expectation that to provide an extra \$500,000 for roads and \$200,000 for the environment will result in a significant change to recurrent works, services or programs, consultation with the community on the likely impact is considered essential. The 2012 review of the Community Strategic Plans would be the appropriate time and mechanism.

By this time Council's asset management plans will be fully developed and can be used to support Council's proposition.

The Strategic Plan process is recommended as it involves extensive community engagement to assist Council in making what are sustainable strategic decisions, bearing in mind the challenges for Council in meeting an ever increasing catalogue of community demands.

### Sustainability Assessment

#### Social Inclusion and Participation

The recommended process involves extensive community engagement to assist Council in making well informed decisions.

#### Best-Practice Corporate Governance

The approach recommended is consistent with the Integrated Planning and Reporting Framework reforms introduced by the State Government in 2009.

## Report

### Conclusion

There are three ways Council can progress the objective to finance an extra \$500,000 for roads and \$200,000 for the environment. These are a Full Budget Review, Special Rate Variation or Strategic Planning process.

Based on recent experience with a full budget review and special rate variation processes, these strategies are unlikely to meet the objective.

Accordingly, it is recommended that the objective to finance an extra \$500,000 for roads and \$200,000 for the environment should be considered during the 2012 review of the Lismore Community Strategic Plan. This will coincide with the period leading up to the 2012 council elections and so the opportunity for meaningful community engagement will be very high.

### Attachment/s

There are no attachments for this report.

### Recommendation

That the objective to finance an extra \$500,000 for roads and \$200,000 for the environment is considered during the review of the Lismore Community Strategic Plan 2008-2018 in 2012.

# Reports

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# Report

<b>Subject</b>	<b>S96 Amendment to Development Application No. 5.2010.176.2 - NightOwl, 81 Woodlark Street, Lismore</b>
<b>TRIM Record No</b>	BP11/222:EF09/1734
<b>Prepared by</b>	Development Assessment Officer (Planning)
<b>Reason</b>	For determination of Development Application by Council.
<b>Community Strategic Plan Link</b>	Provide Sustainable Land-use Planning

## Overview of Report

Development Application 2010/176 lodged with Council for a new convenience store (NightOwl) at 81 Woodlark Street originally proposed 24 hour operation of the store, but was subsequently amended by the applicant to restrict the proposed hours operation. In July 2010 Council considered a report on that Development Application (DA) and granted consent subject to conditions. Condition No. 2 of the development consent restricted the hours of operation of the convenience store to 5am to 12 midnight.

This report relates to an application to modify Condition No. 2, which seeks 24 hour trading of the NightOwl store on Friday and Saturday nights. Concerns have been expressed by NSW Police regarding anti-social behaviour in this locality, as patrons leave licensed premises in the CBD. The concerns relate to the crime prevention strategy of encouraging people to leave the CBD area as quickly as possible after licensed premises have ceased trading. Two (2) public submissions have also been received. The application has been called up by two (2) Councillors.

The recommendation of this report is that Council approve the proposed hours of operation subject to a two (2) year trial period which will enable further review of any impacts directly attributable to 24 hour trading by the NightOwl store.

## Background

The development site is at 81 Woodlark Street, Lismore. The site is an existing commercial building in the Lismore CBD.

The proposed hours of operation for the NightOwl convenience store in DA 2010/176 were originally submitted as 24 hour trading, however, following the receipt of submissions and further discussion with Council staff the application was modified on 2 June 2010 to alter trading hours to 5am to 12 midnight daily.

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

At Council's Ordinary Meeting of 13 July 2010 Council approved the Development Application for change of land use for the premises to "shop" and associated fit-out works. The hours of operation for the NightOwl convenience store approved by Council were 5am to 12 midnight, all days.

## Description of proposal

A Section 96(1A) Modification of consent has been lodged by NightOwl requesting a variation to Condition No. 2 of the DA Consent which currently states:

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

The applicant has proposed to modify the condition to read:

2 Operating hours shall be 5am to 12 midnight on Sunday to Thursday and 24 hours on Friday and Saturday.

The request is based on meeting the public demand being received from late night trade on Friday and Saturday nights, as the business is turning away a significant amount of customers after the cease of trade at midnight on these evenings. NightOwl maintains that there is a strong case to service the needs of exiting hotel patrons rather than travel on foot throughout the CBD area to access their needs at surrounding service stations offering 24 hour trade.

NightOwl is serviced internally and externally with CCTV and provides external lighting to the threshold of the entire shopfront and rear access doors to be to a minimum of 160 Lux. Details of additional security measures were provided with the original DA and they include security policies, staff training, panic switching and duress pendants, security personnel presence and fixture features in accordance with Crime Prevention through Environmental Design principles (CPTED).

Further information relating to the application was lodged by NightOwl on 14 April 2011 comprising an Incident Report relating to an incident on 7 March 2011 (before 7pm) and letters of support from Summerland Security Service and the Lismore Chamber of Commerce. The information is attached to the Report.

## Locality map





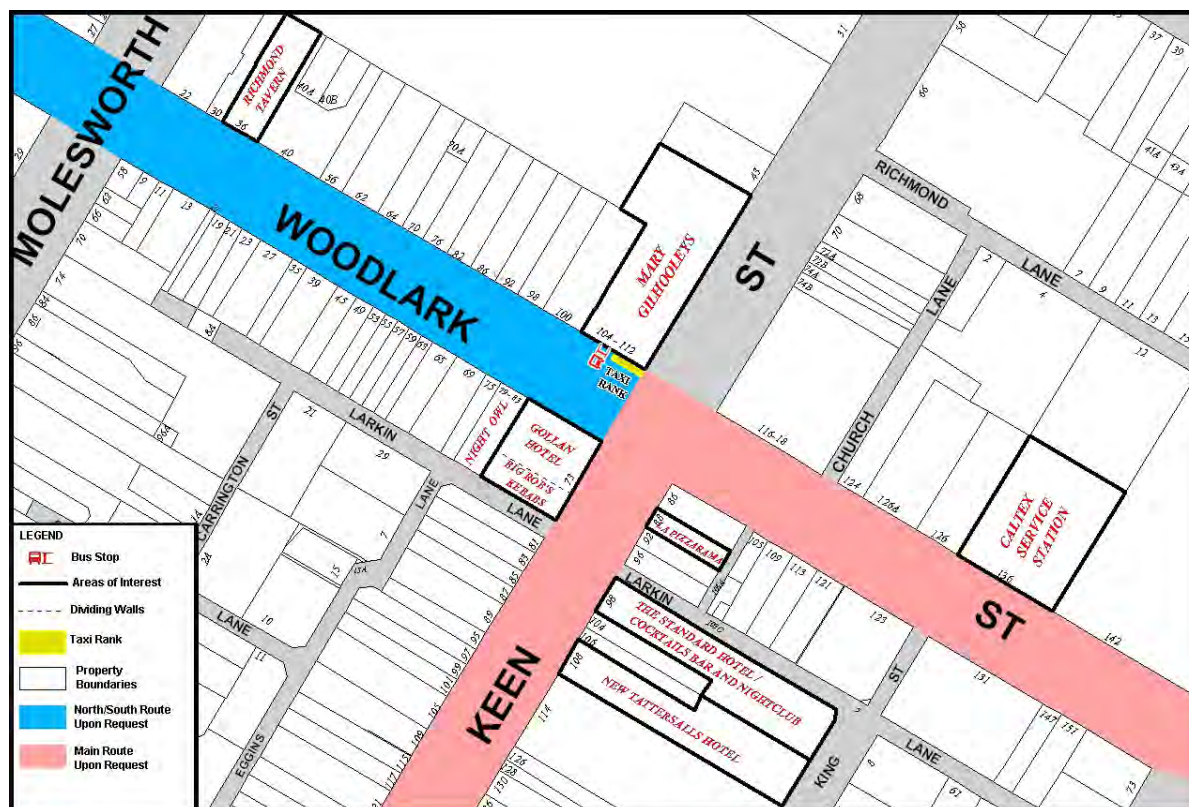
## Description of locality

The NightOwl Convenience Store is located at 81 Woodlark Street, Lismore. In the immediate vicinity of the premises are several licensed premises that have late trading hours. Next door to NightOwl is the Gollan Hotel and around the corner in Keen Street is the Standard Hotel that incorporates Cocktails Bar and Niteclub and the New Tattersalls Hotel. The secure cab rank and late nighter bus stop are on the opposite side of the street adjacent to Mary Gilhooley's Irish Pub and night club.

In Keen Street are La Pizzarama and Big Rob's Kebab Shop, and the Caltex Service Station at 136 Woodlark Street, with all premises operating for 24 hours due to no conditions of consent that restrict their operating hours.

The Lismore Late Nighter bus service provides a safe transport option on a Saturday night. The bus service operates between 11.50pm and 3.30am for the low cost of \$3.00 each way. The Late Nighter Bus stop is outside Mary Gilhooley's Irish Pub in Keen Street. A brochure with further details on the service including the travel routes and timetable is attached to this report.

A taxi rank is also located outside Mary Gilhooley's Irish Pub in Keen Street. This is a "secure" rank as it has regular patrols by security staff and is monitored by CCTV.



## Statutory controls

Lismore LEP 2000

Zoning – 3(a) Business

Item of Heritage – No

In vicinity of Heritage Item – Yes – Lismore Uniting church, corner Woodlark and Keen Streets

Conservation Area – No

Draft Lismore LEP 2010 – Proposed zone B3 Commercial Core

Local Development

Lismore City Council

Meeting held 10 May 2011 - S96 Amendment to Development Application No.

5.2010.176.2 - NightOwl, 81 Woodlark Street, Lismore

## Policy controls

Lismore DCP  
Fire Safety of Buildings

## Relevant development history

There is no relevant development history prior to the lodgement of an application for change of land use and fit out of the premises for the purposes of a NightOwl Convenience Store, that was approved by Council at its meeting on 13 July 2010.

## Internal Referrals

### Environmental Health

#### General

This modification application is for a change of operating hours to 24 hours on Friday and Saturday and 5am to midnight Sunday to Thursday. The zoning of this proposal is 3a Business, as are all surrounding properties. There are no residential dwellings in close proximity to the development.

#### Amenity - Lighting

The original proposal included the installation of external security lighting. To ensure the lighting does not impact on the amenity of the area, a condition was imposed on this consent.

### Social Planner

Community Services Department has strong reservations about the extension of trading hours requested by the NightOwl Convenience Store.

These reservations reflect the concerning rates of alcohol related assault perpetrated in the entertainment precinct of Lismore's CBD. It is also a response to the low perceptions of community safety within this area which were highlighted during recent consultations conducted to develop Council's 2011-2013 Crime Prevention Plan. It is felt that increasing the opportunities and reasons for intoxicated people to congregate within this area will, very likely, contribute to undermining the recent success of strategies delivered through Lismore's Liquor Accord. These strategies have focused upon moving patrons from the CBD as quickly as possible to avoid groups of alcohol affected people congregating and perpetrating anti social behaviour or crime.

Should a decision be taken to approve this request it is proposed that conditions be applied which:

- requires NightOwl management to collaborate with existing security coverage of the area to ensure some surveillance of their premises. This surveillance however, should not detract from the primary focus of the Summerland Security Service guards upon Lismore's secure taxi rank.
- allow this extension of hours for a trial period of 12 months.
- requires that a review of the impact of these extended hours upon rates of offending and anti social behaviour in the area be conducted at 6 months and at the conclusion of the 12 month trial period.
- that the impact upon service delivery by Summerland Security guards to the secure taxi rank be included in these reviews.

### Traffic and Emergency Services Co-ordinator

Property owners with frontage to the main block contribute to the CitySafe Program via a rates levy. This is for provision of night time security beat patrols and CCTV camera monitoring on Thursday, Friday and Saturday nights.

The main area of concern on these nights is in the vicinity of Mary Gillhooley's Irish Pub, Cocktails and the Gollan Hotel. Several other measures have been introduced in an effort to manage the impact of late night trading and the often alcohol affected pedestrian flows in the vicinity. These measures include the introduction of a 'secure taxi rank' and the 'late nighter bus service'.

From a management point of view an orderly evacuation of persons from the CBD is desirable.

## CCTV Locations in Lismore CBD



## External Referrals

### NSW Police

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

- ATM installation to comply with NSW Police Guidelines
- safe storage areas for staff personal items on site
- surveillance at the premises
- access control
- territorial reinforcement

These issues were addressed by the imposition of appropriate conditions on Development Consent dated 13 July 2010. The business commenced operations in August 2010 and at that time, all conditions of consent had been met.

An additional submission was made relating to the proposed 24 hours trading on Friday and Saturday nights and is attached separately to this report. A summary of the issues raised in the letter are as follows:

- Police believe to reduce crime in the Lismore CBD on Friday, Saturday and Sunday mornings between 12am and 4am, intoxicated persons upon leaving licensed premises should move out of the CBD as quickly as possible, so they do not become victims / offenders of crime specifically robbery, assault and street offences.
- Lismore CBD has excellent crime reduction strategies in place.
- The NSW State Plan mandates Police to reduce alcohol related crime.
- Richmond Local Area Command (Richmond LAC) encompassing Lismore is currently ranked 5<sup>th</sup> out of 80 LACs in NSW for alcohol related assaults.
- When available, Police provide a presence in CBD precinct to prevent alcohol related crime.
- Majority of the time there are 2 Police vehicles each with 2 Police officers to service the Lismore local government area and assist in Ballina, Kyogle and Richmond Valley local government areas.
- There is a significant increase in alcohol related assaults in the Lismore CBD between 12am and 3am on Friday, Saturday and Sunday mornings which is a direct correlation between increase in crime and extended trading hours of licensed premises and late night trading food outlets.
- Assaults tend to cluster around Keen and Woodlark Streets.
- Police concede there are 3 premises within Lismore with approval to trade 24 hours, including Caltex Service Station at 136 Woodlark Street, Big Rob's Kebab Shop at 73 Keen Street and La Pizzarama Pizza Shop at 92 Keen Street.
- On 29 June 2010 Lismore City Council advised they would develop a late night trading policy and Police are yet to receive any information in respect of that policy which would be relevant to this application.
- On 18 February 2011 NightOwl allegedly breached the current development consent.

Police submit that in the event this application is approved that the following conditions be imposed:

- (1) A licensed uniformed security officer be employed for the hours 12am to 4am on Saturday and Sunday mornings to monitor behaviour inside the premises and in the immediate vicinity outside the premises.
- (2) At closing time, staff or security collect rubbish attributed to NightOwl Convenience within 50 metres of the premises.

Police are opposed to approval of this application with the reasons that the application will have an adverse affect on the environment and existing or likely future amenity of the neighbourhood and there is sufficient late night trading food outlets in close proximity to the NightOwl Convenience Store.

## Notification/ Submissions

The application was notified to adjoining and surrounding property owners and advertised in the Northern Rivers Echo in accordance with the provisions of Chapter 10 of the Lismore Development Control Plan (DCP) for the notification and advertising of development applications. As a result of the notification and advertising, two submissions were received which are summarised in the table below:

Name of Submitter	Issues Raised	Comment
Bob McKenzie Snr	No objections to the change of hours and suggest that conditions of consent include that: <ul style="list-style-type: none"> <li>• footpath and shop front be very brightly lit;</li> <li>• screened by and monitored with CCTV</li> <li>• the street be kept clean of food scraps and wrappings</li> </ul>	The footpath and shop front are considered to be adequately lit. CCTV is in operation A condition can be imposed on the consent to ensure to street is kept clean of food scraps and wrappings by NightOwl staff.
Robert Bou-Hamdan provided three e-mails directly to Councillors	<ul style="list-style-type: none"> <li>• Previous DA application changed trading hours seemingly to avoid being declined</li> </ul>	Noted.

Name of Submitter	Issues Raised	Comment
and raised the points listed in those e-mails	<ul style="list-style-type: none"> <li>• NightOwl has been trading after midnight every weekend since opening in breach of their DA</li> <li>• NightOwl has involved Council and Police in a private business dispute and is now seeking to take advantage of their relationships</li> <li>• Lodgement of a S96 application is a blatant abuse of process in this situation</li> <li>• McDonalds was approved by staff for 24 hour trading in direct contravention of existing policies</li> </ul>	<p>Council was not advised of this compliance issue at the time of occurrence. Police have been following up issues relating to out of hours trading.</p> <p>Council is unaware of any private business dispute.</p> <p>A modification application is required to modify a consent in accordance with Section 96 of the EP&amp;A Act.</p> <p>There are no Council policies on trading hours in Lismore CBD. This DA was assessed on its merits and a consent issued with appropriate conditions of consent relating to crime prevention and safety.</p>

## Consideration

The proposal is required to be assessed having regard to the following matters.

Section 96(1A) of the Environmental Planning and Assessment Act 1979 enables a consent authority to modify a development consent upon application being sought by the applicant or any person entitled to act on the consent, provided that the consent authority:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with:
  - (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Therefore, Council's assessment of the application to modify the subject development consent must consider the following issues:

1. **Is the proposed development as modified of minimal impact and substantially the same development approved originally?**  
Yes – the proposed development is substantially the same development approved originally apart from modification of the operating hours to 24 hours trade on Friday and Saturday only.
2. **Whether any submissions were made concerning the proposed modification.**  
Yes – two submissions were made concerning the proposed modification and they have been dealt with separately in the body of the report and under the heading "Submitter's Concerns".

3. **Any relevant considerations under Section 79C(1) of the Environmental Planning and Assessment Act 1979.**

The proposal to increase the operating hours at NightOwl convenience store to trade 24 hours on Friday and Saturday in line with the operations of NightOwl in various major centres is considered to meet the objectives of the zone to encourage the development and expansion of retail, commercial and professional activities which strengthen the City's role as a regional centre. This is particularly relevant to the expansion of retail activities to strengthen the City's role as a regional centre. Adequate car parking is available to service the requirements of patrons and conditions were included on the DA consent to address the adverse effects of flooding in Lismore CBD.

***Likely impacts from the proposed modification of trading hours***

There is no compelling evidence to suggest that allowing extended hours of trade for the NightOwl convenience store will result in an increased risk of further crime and anti social behaviour. There are already premises in the immediate vicinity of the NightOwl store that offer take away food. Existing crime and anti social behaviour is more directly attributed to the consumption of alcohol on licensed premises in the vicinity of the NightOwl Convenience Store, rather than the operation of the convenience store itself.

NSW Police and Lismore's Liquor Accord have made significant improvements in reducing crime and anti social behaviour by encouraging people to leave the CBD area once licensed premises have been vacated, and this work should be commended. There are however, some limitations in statistics in relation to incidents, and their causes.

It should be noted that the Lismore Late Nighter bus collects late night patrons from the vicinity of Woodlark and Keen Street, and the taxi rank on the northern side of Woodlark Street also attracts people seeking to leave the CBD area in the early hours of the morning on Saturday and Sunday. Patrons from licensed premises congregate in this locality to use these transportation services.

The above situations will remain regardless of the determination of the proposed modification of trading hours for NightOwl.

Consideration needs to be given to whether the proposed extended hours of operation for this convenience store will attract more people to congregate and remain in the CBD after licensed premises have ceased trading, and if that is the case, would that result in a likely increase in anti social behaviour or crime.

There is no doubt that the consumption of alcohol can lead to anti social behaviour. Extended trading hours for licensed premises can facilitate an increased consumption of alcohol and with it the potential for anti social behaviour in the early hours of the morning. This is an issue related to the operation of licensed premises, rather than premises that provide a limited range of takeaway food or convenience products.

The NightOwl convenience store (and other late night food outlets) can be distinguished from licensed premises, and concerns in relation to anti social behaviour cannot be simply transposed to the extended hours under consideration here.

The late night bus service finishes service at 3.30am on Saturday/Sunday mornings, and it is considered that people taking advantage of this service will have departed the CBD by this time.

It is concluded that the proposed hours of operation for the NightOwl store will not, on its own, encourage people to remain in the CBD area once transportation out of the CBD is available, and therefore, the proposed hours of operation will not result in adverse social impacts.

In the event that this conclusion is wrong, it is proposed that if extended hours of operation are to be approved, any such approval should be on a trial basis to ensure that appropriate remedies can be identified if it is established within a reasonable period that there is a direct link to increased anti social behaviour and the extended hours of operation of the NightOwl convenience store.

Further comment has been provided by NSW Police regarding the need for regular cleaning/rubbish removal from the public footpath area. No condition was imposed upon the original consent to address this issue, and it is considered appropriate that such a new condition 11A be imposed in relation to the proposed extended hours of operation.

### **Crime Prevention through Environmental Design principles (CPTED)**

The original DA consent for NightOwl included appropriate CPTED measures to reduce the likelihood of crime as a result of the business. The principles that are specifically addressed are:

- surveillance
- territorial reinforcement
- access control
- space / activity management.

These measures are adequately utilised by NightOwl nationally and are considered appropriate for the nature of the business and proposed extension to trading hours.

Lismore City Council 2011-2013 Crime Prevention Plan discusses strategies for the CBD and an extract is set out below:

*“Design and Use of Public Places – the majority of after-hours economic and visitor activity in the CBD areas is in licensed premises. For this reason, many people consider the CBD to be unsafe. The project partners will work with Council to:*

- *Improve lighting in and around the CBD areas and in Nimbin’s main street. Under awning lighting has been installed on major streets in the CBD, and funding will be sought to expand this to include the outer CBD block and Cullen Street, Nimbin.*
- *Encourage the development of a greater range of after-hours economic activity in the CBD areas to attract a wider range of visitation and use.”*

Property owners (including owners of the NightOwl premises) with frontage to the main block contribute to the CitySafe Program via a rates levy which includes provision of night time security beat patrols and CCTV camera monitoring on Thursday, Friday and Saturday nights. This is considered appropriate in the circumstances, and it is not considered necessary to require any increase in this service as part of this assessment. Council funds the provision of this security patrol from rates levied, and can increase the patrol if necessary during any trial period in the event that specific issues are identified. At the expiration of the trial period, the frequency and nature of security patrols or attendance required can be reviewed relative to existing measures and impacts that are attributable directly to any approval for extended hours of trading by NightOwl.

### **The public interest**

Given the concerns raised by NSW Police and in Council’s Crime Prevention Plan 2011-2013 relating to crime and anti social behaviour in Lismore CBD a balanced approach must be given to the matter. There are two approaches that can be taken in response to these issues, the first is a “policing” or enforcement approach that focuses on the specific or targeted issues, and the second is a planning based approach that takes into account a variety of factors.

In addition to take away food, NightOwl sells other convenience goods that can be purchased by late night workers on their way home at all hours of the night. The availability of such convenience goods through the night is appropriate for a regional centre, subject to appropriate security measures being in place to discourage anti social behaviour.

Council's Outdoor Dining Policy allows dining until midnight and is seen as a way of encouraging people into the CBD. This provides passive surveillance of "the block" and discourages wrongdoing. The Policy has only recently come into effect and it will be interesting to observe the changes in dynamics of down town Lismore and whether this goes towards revitalising Lismore CBD, and changes in community behaviour. This outdoor dining approach also forms part of the strategies to be employed in the Crime Prevention Plan 2011-2013 to encourage the development of a greater range of after-hours economic activity in the CBD areas to attract a wider range of visitation and use.

On balance, the proposed modification of trading hours at NightOwl Convenience store to increase the hours of operation on Friday and Saturday night for an additional five hours complies with all legislative requirements and is considered to be in the broader public interest to provide convenient services for the Lismore community, and the lack of public submissions following a broad public notification process supports this view.

The conditions of consent as proposed by the Police, requiring a security company to patrol the premises during the hours of operation is not proposed for imposition on the basis that consent should only be granted for a 2 year trial period and during this time there would be nothing to prevent the applicant from engaging a security company to increase existing attendance or patrols to ensure that people leave the premises in an orderly manner. In the circumstances of approval of a trial period only it is appropriate that the need or otherwise for a security company to be engaged by the applicant can be assessed if necessary once the premises are operating. During or at the conclusion of the trial period if the applicant seeks to continue the extended hours of operation the necessity or otherwise for a security company may be the subject of further consideration.

## Section 94 Contributions Plan

There are no contributions applicable to the proposal and this will not change as a result of the proposed modification of consent.

## Amenity

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

## Roads Act Approvals

No approvals under Roads Act apply to the proposed shop.

## Local Government Act Approvals

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

## All Likely Impacts of the Development

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



## Environmental Appraisal

### CONSIDERED

1.	Statutory Controls	YES
2.	Policy Controls	YES
3.	Design in relation to existing building and natural environment	YES
4.	Landscaping/Open Space Provision	YES
5.	Traffic generation and Carparking provision	YES
6.	Loading and Servicing facilities	YES
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES
8.	Site Management Issues	YES
9.	ESD Principles & Climate Change	YES
10	All relevant S79C considerations of Environmental Planning and Assessment Act 1979	YES

## Sustainability Assessment

### Sustainable Economic Growth and Development

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

### Social Inclusion and Participation

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

### Protect, Conserve and Enhance the Environment and Biodiversity

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

### Best-Practice Corporate Governance

The proposed modification to the development application use has been the subject of public notification processes and the assessment of this application in light of the information provided is considered to have been managed appropriately in the circumstances.

## Comments

### Finance

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

## Conclusion

The locality around the NightOwl convenience store is monitored by CCTV and security patrols during Friday and Saturday nights. These measures are in addition to a suite of security measures implemented as part of Council's original approval of the NightOwl convenience store that accord with CPTED principles.

It is considered that the proposed 24 hour operation of NightOwl on Friday and Saturday nights will not result in adverse social impacts, however, the existing issues with anti social behaviour and efforts to address this issue should not be disregarded. In the circumstances it is appropriate, where the impacts cannot be strictly quantified at this point in time based on crime data, for the imposition of a condition limiting the extended hours of operation to a probationary or trial period. The location of the subject premises is not unsuitable and should be allowed to operate for extended trading hours for a two-year trial period.

The nature of the development application is for the use of existing premises and accordingly, adverse effects are readily reversible, a probationary or trial period is considered an appropriate exercise of Council's discretion in determining this application, where the full implications of the proposal cannot be stated with absolute certainty. That is the purpose of the probationary or trial period. The scope and purpose of the act is better served by committing experimentation, at least in certain stances where adverse affects will cease if the development consent were not, in the event, extended. The focus is then on, likely impact during the probationary period.

A condition limiting the extended hours of operation to a 2 year trial will allow the opportunity for more monitoring, statistical collection and detailed assessment of the operation and any impacts that may be generated by the subject premises operating as proposed. It would be in the public interest for a time-limited consent to review the effects of the extended hours on the amenity of the area and whether a further development consent should be issued based on the operation during the 2 year trial period. The applicant during this trial period will have the opportunity to demonstrate that the operation of the business does not have an adverse amenity impacts on either the surrounding area. If this is not demonstrated to Council's satisfaction, then a further approval for the continuation of the premises to be open for extended hours on weekends may not be granted on the basis of the trial period outcomes.

Fear or concern of antisocial behaviour does not warrant refusal of the application without first understanding whether there is a real basis or demonstrable facts to support those concerns, and a trial period will enable these issues to be further explored.

At the end of the 2 year trial period, the proprietor will be required to lodge an application to modify condition 2 of the consent to formalise the hours of operation and delete the trial period references. Upon receipt of such an application, Councillors will be advised and provided with the opportunity to call up the application to a meeting of Council for determination (or it may referred to Council by staff), dependent upon the issues that have arisen during the trial period. This is consistent with Council's current policy for DA determination.

## Attachment/s

1. Submission from NightOwl Convenience requesting S96 modification
2. Submission from Bob McKenzie Senior
3. Email correspondence from Robert Bou-Hamdan
4. Email correspondence from Robert Bou-Hamdan
5. Email correspondence from Robert Bou-Hamdan
6. Letter from Lismore Police Richmond Local Area Command
7. Incident report from NightOwl Convenience store
8. Letter from Summerland Security Service
9. Letter from Lismore Chamber of Commerce
10. Lismore Late Nighter brochure
11. Statistics on Late Nighter bus usage for the previous 12 months
12. Information on trading hours for licensed premises from NSW Police

## Recommendation

That

1. Council resolve to modify its consent dated 13 July 2010 in respect to a proposal for a Convenience Store (NightOwl) at 81 Woodlark Street, Lismore under the provisions of Section 96 of the Environmental Planning and Assessment Act only in so far as will provide for the following.

To delete condition 2 of the consent and insert in lieu there of the following new condition namely:

**Hours of Operation**

2. The hours of operation are regulated as follows:

- (a) The hours of operation of the premises shall be restricted to 5am to 12 midnight from Sunday to Friday.
- (b) Notwithstanding (a) above, the premises may operate on a 24 hour basis on Friday and Saturday nights for a **trial period** of twenty four (24) months from the date that consent is granted.

A further application may be lodged before the expiration of the twenty four (24) month **trial period** for Council's consideration of the continuation of the above extended hours of operation, or any further extension. Such consideration will be based upon, inter alia, the performance of the operator in relation to compliance with development consent conditions, any complaints received and any views expressed by the Police.

The proprietor is to maintain an incident register for the duration of the trial period referred to above which shall be available for review by any officer authorised under the Environmental Planning & Assessment Act 1979.

***Reason:** To preserve the environment and existing or likely future amenity of the neighbourhood.*

To add a new condition 11A namely:

- 11A. The proprietor is to ensure that at all times when the premises are open and at the end of each day after the premises have closed, all rubbish including loose papers, cigarette butts, bottles etc which may be left on the subject area or immediately adjacent (within 50m of the premises) is picked up and placed in the proprietor's rubbish bins.

***Reason:** To ensure waste generated by the approved use or activity is properly managed by the person acting upon this consent, to prevent unsightly build up of waste material.*



**Monday, 29 November 2010**

**Mrs S Thatcher**  
Development assessment officer (planning)  
Lismore City Council  
Via Email

Dear Sue

Pursuant to Development Application No. **5.2010.176.1** conditions of consent item 2. Hours of Operation, please accept our attached S96 application consent modification.

Our application is based on meeting the public demand we are receiving from our late night trade on Friday & Saturday nights, as we are turning away a significant amount of customers after the cease of trade at midnight on these evenings. We believe we have a strong case to service these needs as currently exiting hotel patrons are having to travel on foot throughout the CBD area to access their needs at surrounding service stations offering 24 hr trade. The extension to the trading hours would help in eliminating the need for patrons to move about outside the CBD hotels and clubs precinct and access to taxi services.

To date we have traded without any incidents in breach of security or social violence issues and we ask that the hours of operation be revised to service the public demand. The pairing of the NightOwl & EagleBoys Express business models has provided 'niche' convenience solutions to the community who live, work, meet, and play in Lismore's CBD, catering for 'top up shopping' to 'Food to Go' solutions, helping sustain a vibrancy in the central 'Hub' of Lismore.

With over 60 sites spread along the east coast of Australia & over 30 years experience servicing local communities in convenience retailing, Nightowl is well skilled in the safely operating business over 24hrs in CBD entertainment precincts and the challenges that these areas can at times present.

We look forward to having the city of Lismore review this consent condition and help us further service the local community.

Kind Regards

**Jay Golledge**  
Store Development Co Ordinator  
NightOwl Franchise Support Centre

**Think Convenience Pty Ltd**  
**t/a NightOwl Convenience Stores**

Springwood Towers Hotel  
Level 1, Unit 7, 9 Murrabung Road  
Locked Bag 3020 Springwood QLD 4127  
Ph 07 3387 8787 Fax 07 3387 8788  
nightowl.com.au

ABN 58 728 922 687

Gellan Building  
 Box 988  
 Lismore 2480  
 17<sup>th</sup> March 2011

General Manager  
 Lismore City Council  
 Dear Sir

With regards to application by  
 Night Owl store I have no objections to the change  
 of hours. However I would respectfully suggest to you  
 the following for your consideration

One of the conditions of consent should be that  
 the footpath & shop front should be very brightly  
 lit & screened by & monitored with CCTV & the street  
 be kept reasonably clean of food scraps & wrappings

Yours faithfully  
 Bob McKenzie, SNR.

RECEIVED  
 18 MAR 2011  
 06

**From:** Robert Bou-Hamdan [mailto:bou-hamdan@hotmail.com]  
**Sent:** Monday, 28 February 2011 11:44 AM  
**To:** Records  
**Cc:** David Yarnall; Vanessa Ekins; Isaac Smith  
**Subject:** RE: Clr Ekins Clr Request 86/10, Clr Yarnall Clr Request 88/11FW: Night Owl Lismore

*In line with a recent meeting I had with Council staff, I am sending this to the general Council email address. I hope it can be forwarded to all Councillors as well as Brent McAlister, Casie Hughes, Garry Hemsworth, Paul O'Sullivan, Simon Adcock and Sue Wade as they have been included in earlier correspondence in this email thread. I have already included Clrs Yarnall, Ekins and Smith.*

Thankyou Councillor Yarnall.

Is it possible to have the name of the person who wrote the response so I can note my opposition to the s96 application?

It is correct that Council staff were never previously advised of the issue with late night trading or footpath signage by me regarding Night Owl. I have refrained from making a complaint about this in relation to that business because I felt bad about delaying their opening even though it has cost me in excess of \$15,000 in lost takings after midnight over the last six months. I stopped feeling bad the moment the operator of Night Owl contacted the police and the Council to try and stop me expanding my business. However, regarding the footpath signage issue, I have notified Council many times over the past year and a half and nothing has ever been done. I have attached a photo taken on Saturday 26-02-2011 just to demonstrate the ridiculous abuse of Council regulations by some operators.

I am still concerned about Night Owl being allowed to operate as they have been. When their initial DA was called up, the issue was 24 hour trading. It was not to stop Night Owl but to change the existing no 24 hour trading policy and to simplify the compliance process for all small business operators as opposed to having policies in place making it only something the likes of large operators / franchise models like McDonald's and Night Owl can comply with.

McDonald's was approved by staff for 24 hour trading in direct contravention of the existing policies at the time. This was done without the general public knowing it was happening. I made many enquiries and was consistently told there was no DA application and then there was an approval. Approval was also about to be given to Night Owl. This is why I had it called up to Council. Changing the policy was something only the Councillors should be able to do which was something I supported and wanted and I am the one with the most to lose if new businesses open up late at night. However, I strongly believe that more businesses will bring safer streets, better offerings, more people and we will all make more money. Unfortunately, Night Owl changed their DA and Councillors did not have the opportunity to properly decide the matter in Chambers.

As I stated when the initial Night Owl DA was called up, I was concerned that they would circumnavigate the process when they changed their DA to times that would be approved and then come back later and try for an s96 application when it would be missed by anyone opposing it at which point it would just be approved by staff. Fortunately, this application was submitted at a time when I am making enquiries and I would like my opposition to it noted on the record. I believe it is a blatant abuse of process in this situation. This is supported by the constant breaches of their existing DA being trading outside permitted times and placing signage on the footpath every day.

The comment about it being problematic to enforce footpath signage policies as there are new policies being written also discriminates against me. The exact situation applies to 24 hour trading. New policies were requested by Councillors when the Night Owl DA was being considered but the old policies are being enforced against me. Such a comment would suggest that anyone can do anything they like whenever a new policy is being considered for a particular issue. This is just absurd. Existing policy should not only be enforceable, it should be enforced until such time as policy is changed. Enforcement does not cease when new policies are being considered as they may never be changed. I refrained from opening my business on the weekend just passed as advised by planners but I am now seriously considering changing this view for the coming weekend if the signboards are left on the street. I do not like being treated differently to other business operators.

I will submit a request to Clrs Ekins and Smith to call up the Night Owl s96 application as I believe it is the same issue that was previously called up and has not been properly decided. A lot has also occurred since the initial DA and it would be not only unfair to me to not have this considered properly, it would establish a precedent for other operators who are looking to circumnavigate process and obtain benefits following many breaches of Council regulations.

I also hope a Councillor makes a request for all CCTV footage before last week showing Night Owl after midnight as it clearly demonstrates hours and hours of illegal trading after midnight every weekend since they opened and signage on the footpath every day. No-one will have to take my word for it. I also believe the police have decided to finally get involved in relation to the after midnight trading after more than six months even though they have no power to enforce Council trading hours against a business. Remarkably, it only took about four hours of trading by Big Rob's Mobile for them to come after me – AGAIN!!!

Kind regards,

Robert Bou-Hamdan JP

**From:** David Yarnall [mailto:davidyarnall@bigpond.com]  
**Sent:** Monday, 28 February 2011 9:52 AM  
**To:** 'Robert Bou-Hamdan'  
**Subject:** FW: Clr Ekins Clr Request 86/10, Clr Yarnall Clr Request 88/11FW: Night Owl Lismore

Robert, a reply to your queries regarding Night Owl.  
Cheers  
David



**David Yarnall**  
Councillor - Lismore City Council

1050 Terania Creek Rd  
The Channon, NSW 2480

phone: 0429 886 206  
email: david.yarnall@lismore.nsw.gov.au

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**From:** Graeme Wilson  
**Sent:** Monday, 28 February 2011 9:35 AM  
**To:** \_Councillors  
**Cc:** Brent McAlister; Casie Hughes; Garry Hemsworth; Paul O'Sullivan; Simon Adcock; Sue Wade  
**Subject:** Clr Ekins Clr Request 86/10, Clr Yarnall Clr Request 88/11FW: Night Owl Lismore

#### Question

Clr Ekins

Could I have a response to the claims below and in particular,

1. night owl in breach of trading hours
2. requirements for market food stall

Clr Yarnall

Please supply an answer to this concerned citizen.

*From: Robert Bou-Hamdan [mailto:bou-hamdan@hotmail.com]*

*Sent: Tuesday, 22 February 2011 4:48 PM*

*To: vanessa.ekins@lismore.nsw.gov.au; 'john.chant@lismore.nsw.gov.au'; 'peter.graham@lismore.nsw.gov.au'; 'graham.meineke@lismore.nsw.gov.au'; 'jenny.dowell@lismore.nsw.gov.au'; 'david.yarnall@lismore.nsw.gov.au'; neil.marks@lismore.nsw.gov.au; 'isaac.smith@lismore.nsw.gov.au'; simonclough@internode.on.net; gianpiero.battista@lismore.nsw.gov.au; 'ray.houston@lismore.nsw.gov.au'*

*Subject: Night Owl Lismore*

*So the favouritism continues...*

*I am just wondering if any of the Councillors are aware that Night Owl Lismore has been in breach of their DA every day since they opened. The photo below shows a signboard that is on the footpath every day in the position shown. Not only are signboards illegal, to have them within two metres of the facade of the building is against policy if they are approved as part of a footpath dining area. I am also advised they breach State mobility legislation which may or may not have been implemented yet requiring 2.4 metres to be clear on main roads. Woodlark Street is one such road.*

*Take note of the second sign standing almost to the height of the awning near the parked vehicles which is a fixture on Sundays when there are no Council staff working and regularly appears on Friday and Saturday nights.*

*Regarding the trading hours approved in the DA to midnight, I have personally witnessed Night Owl Lismore remaining open well after midnight every weekend since they opened and have not concerned myself with it. Not only have they been remaining open, the police are supporting them as regular customers after midnight. It was not until I decided to set up Big Rob's Mobile next door to Night Owl on the weekend just passed that the police decided to approach Night Owl Lismore about trading after midnight. They also approached me on my first weekend of Big Rob's Mobile in Woodlark Street which trades after midnight. I wonder if I will get arrested this time around.*

*It intrigues me that nothing was done to stop Night Owl Lismore breaching their DA every day for many months but something is being done immediately when police think I am doing something wrong. I had no problem with Night Owl Lismore taking business away from me even it was being done illegally, however, I do have a problem when that business seemingly sends the regulators in after me when I decide it is time to compete more.*

*I explained to police who approached me during busy trading that Big Rob's Mobile was approved and regularly sets up for events at the Unibar. It is a stall setup like a market food stand and must meet various health requirements clearly stipulated by Council. These were all met. The actual shop location is going to open as a gallery. The food sales are done through a temporary after hours setup that operates for about four hours on busy nights.*

*The result has been that I have attempted to make repeated contact with staff at Council in the last two days regarding the police approaching me yet again to see if it is in fact a problem and, if so, how I would go about remedying the situation. As usual, no-one is returning my calls about this matter. There is no doubt in my mind that Night Owl Lismore has also made some calls and his DA will be promptly varied to allow him to trade after midnight. I intend to oppose any such application as he has shown no respect for Council rules and regulations since opening and no respect for other businesses.*

*Kind regards,*

*Robert Bou-Hamdan JP*

## **Response**

Council staff have met with Mr Bou-Hamdan since his email was sent, regarding a number of concerns that he has raised and queries that have been made in relation planning requirements for a new premises he wishes to establish, application of Council's outdoor dining policy, and the visitor information centre operation.

He was advised that if he has concerns regarding compliance matters, the proper channel for lodging those concerns with Council for proper investigation and follow up were through Council's Customer Service staff so that the matter could be



properly recorded and referred to relevant staff. Council had not been previously advised of the matters that are raised in his email.

As Councillors may recall, there are amendments to Council's DCP currently being finalised relating to footpath signage to reflect Council's Outdoor Dining Policy provisions. It is problematic to enforce footpath signage in the absence of clear (or otherwise conflicting) criteria that are in the process of being changed, and are ultimately dependent upon final adoption by Council. Once this regulatory process/pathway is finalized, it will be appropriate for Council to undertake enforcement activities in relation to unauthorised signage on footpaths.

Council has not been made aware previously that Night Owl has been trading outside of its approved hours of operation. Night Owl lodged a s.96 application modification to their DA on 21 February 2011 which seeks approval to trade 5am-12am Sun-Thur and 24 hours on Friday and Saturday. The out of hours trading concern will be considered and followed up as part of the determination of that application.

Councillors will be further advised of the application once an initial assessment has been undertaken

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[www.lismore.nsw.gov.au](http://www.lismore.nsw.gov.au)

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No virus found in this message.

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Version: 10.0.1204 / Virus Database: 1435/3470 - Release Date: 02/26/11

**From:** Robert Bou-Hamdan [mailto:bou-hamdan@hotmail.com]  
**Sent:** Monday, 28 February 2011 12:07 PM  
**To:** Vanessa Ekins; Isaac Smith  
**Cc:** Records  
**Subject:** Night Owl s96 Application

Councillors Ekins and Smith,

I am formally requesting that the s96 Application submitted by Night Owl Lismore on 21 February 2011 seeking to extend trading hours on Friday and Saturday nights be called up for consideration in Chambers so that Councillors may discuss the same issue that was the subject of my previous request. The following points should be noted:

- The previous DA Application was changed to restrict trade to before midnight before Councillors met seemingly to avoid being declined.
- Night Owl Lismore has been trading after midnight every weekend since opening in breach of their DA.
- Night Owl Lismore has been placing signage on the footpath every day since opening in breach of their DA.
- Night Owl Lismore has involved Council and Police in a private business dispute and is now seeking to take advantage of their relationships.
- Councillors requested a new policy be formulated regarding 24 hour trading when the initial DA Application was being considered. This has not yet happened so the current stated policy is still to refuse trading after midnight. This stated policy apparently came about following a request by Police to restrict trading in the CBD to midnight which Councillors accepted and have implemented for some time even though McDonald's was somehow approved. Only Councillors should be able to change such policy.

I look forward to a prompt and favourable response.

Kind regards,

Robert Bou-Hamdan JP

**From:** Robert Bou-Hamdan [mailto:bou-hamdan@hotmail.com]  
**Sent:** Monday, 28 February 2011 1:55 PM  
**To:** Vanessa Ekins; Isaac Smith  
**Cc:** Records  
**Subject:** FW: Night Owl s96 Application

Councillors Ekins and Smith,

Further to my previous email, I am advised that time may be of the essence in relation to calling up the Night Owl s96 Application as it was submitted one week ago and they do not take as long as a standard DA Application. If it is possible, could you please advise me when you do call it up or if you choose not to so that I may pursue other means?

No-one has been able to tell me an actual time so I am flying blind on this one.

Kind regards,

Robert Bou-Hamdan JP

**From:** Robert Bou-Hamdan [mailto:bou-hamdan@hotmail.com]  
**Sent:** Monday, 28 February 2011 12:07 PM  
**To:** 'vanessa.ekins@lismore.nsw.gov.au'; 'isaac.smith@lismore.nsw.gov.au'  
**Cc:** 'council@lismore.nsw.gov.au'  
**Subject:** Night Owl s96 Application

Councillors Ekins and Smith,

I am formally requesting that the s96 Application submitted by Night Owl Lismore on 21 February 2011 seeking to extend trading hours on Friday and Saturday nights be called up for consideration in Chambers so that Councillors may discuss the same issue that was the subject of my previous request. The following points should be noted:

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- Night Owl Lismore has been placing signage on the footpath every day since opening in breach of their DA.
- Night Owl Lismore has involved Council and Police in a private business dispute and is now seeking to take advantage of their relationships.
- Councillors requested a new policy be formulated regarding 24 hour trading when the initial DA Application was being considered. This has not yet happened so the current stated policy is still to refuse trading after midnight. This stated policy apparently came about following a request by Police to restrict trading in the CBD to midnight which Councillors accepted and have implemented for some time even though McDonald's was somehow approved. Only Councillors should be able to change such policy.

I look forward to a prompt and favourable response.

Kind regards,

Robert Bou-Hamdan JP

**NSW POLICE FORCE**

Richmond Local Area Command  
Licensing Office  
Lismore Police Station  
5 Zadoc Street, Lismore NSW 2480  
Ph (02) 66260624 Fax (02) 66260566

**POLICE SUBMISSION REGARDING DEVELOPMENT APPLICATION NUMBER 10/0176/2  
81 WOODLARK STREET, LISMORE  
NIGHTOWL CONVENIENCE STORE**

General Manager  
Lismore City Council  
Oliver Avenue  
Goonellabah

Applicant: NightOwl Convenience

Proposal: Section 96(1A) modification to change hours of operation to 24 hours Friday and Saturday and from 5.00am to midnight, Sunday to Thursday.

Police are opposed to the approval of this application on the following grounds:

As documented in attached submission by Richmond Local Area Command Crime Prevention Officer Senior Constable Hogan regarding Crime Prevention through Environmental Design assessment, dated 7 June 2010.

Police believe to reduce crime in the Lismore Central Business District (CBD) Entertainment Precinct on Friday, Saturday and Sunday mornings between 12am and 4am, intoxicated patrons upon leaving licensed premises should move out of the Lismore CBD as quickly as possible, so they do not become victims/offenders of crime specifically robbery, assault and street offences.

Lismore CBD has excellent crime reduction strategies, the City Safe Programme, Secure Taxi Rank and Lismore Late Nighter Bus Service which impacts significantly on the reduction of crime in the Lismore CBD.

The break in the chain is when intoxicated people congregate on the street after they leave licensed premises to obtain food or beverage. Police believe as intoxicated people congregate on the street and around late night trading food outlets they are at risk to become and some do become victims/offenders of crime.

On the 23<sup>rd</sup> August 2010 NightOwl Convenience Store opened at 81 Woodlark Street, Lismore. The Computerised Operational Policing System records indicate between 23<sup>rd</sup> August 2010 to 28 February 2011 between the hours of 12am and 6am in Woodlark Street, Lismore there were the following reports:

- 3 assault incidences

- 12 street fighting incidences
- 4 intoxicated person incidences
- 1 Robbery incident

A most basic right for people is the 'right to safety'. The NSW State Plan mandates Police to reduce alcohol related crime. Richmond Local Area Command encompassing Lismore is currently ranked 5<sup>th</sup> out of 80 Police Local Area Commands in NSW for alcohol related assaults. Police when available provide a presence in the entertainment precinct to prevent alcohol related crime, however a majority of the time there are 2 Police vehicles, each containing 2 Police Officers who service the large geographical area of the Lismore Local Government area and assist in Ballina, Kyogle and Richmond Valley local government areas.

There is a significant increase in alcohol related assaults in the Lismore CBD between 12am and 3am on Friday, Saturday and Sunday mornings which is a direct correlation between increase in crime and extended trading hours of licensed premises and late night trading food outlets. Assaults tend to cluster around Keen and Woodlark Streets.

Unfortunately when large groups of people come together, patrons from licensed premises, persons refused entry to licensed premises and persons that congregate on the street, and alcohol is involved, violence can be the end result. In 2009 deaths occurred outside late night trading food outlets in Coogee and Coolangatta. Lismore is not immune to violence at late night trading food outlets. On the 2<sup>nd</sup> December 2010 a patron left Mary Gilhoolleys' Irish Pub after midnight to go to Pizzarama in Keen Street, when outside the pizza shop the patron was punched over cigarettes, he was later knocked to the ground, punched and kicked three times to the head by a group of males. There is a real risk of a homicide occurring at a Lismore CBD late night trading food outlets.

Alcohol is most frequently associated with those deaths involving physical altercations, blunt force injuries and stab wounds (Carcach & Conroy 2001; Darke & Duflou 2008; Dearden & Payne 2009). Research using the AIC's National Homicide Monitoring Program's (NHMP) database concluded around half (47%) of all homicides in Australia between 2000 and 2006 were alcohol related (Dearden & Payne 2009). Homicides occurring on weekends and in the hours between 6 pm and 6 am are more likely to involve alcohol.

In relation to alcohol related violence in late night trading licensed premises, the patrons are mostly stringently monitored by employees and security officers, who adhere to responsible service of alcohol guidelines and take the appropriate action. Licensed premises by law are required to have food available and provide free drinking water.

As people remain on the street after licensed premises are closed to purchase food/beverage some people urinate on business premises, which affects the visual amenity of the area. I refer to Lismore City Safe Programme minutes dated 11 December 2001 "If we want to attract tourists, businesses, investors and more residents, then further improvements to the perception and the reality of the people's safety and security in the CBD, is of primary importance".

At 11pm on 23 September 2010 following Lismore Cup Races, Police observed adjacent to the front door of the NightOwl Convenience a bench seat with empty Eagle Boys pizza boxes, drink containers and other items littered around and under the seat, which appeared to have been purchased from the NightOwl Convenience. Police later that evening observed from the corner of Woodlark and Keen Streets litter strewn across Woodlark Street footpath up to the NightOwl Convenience. On the garden wall outside the Gollan Hotel was a half eaten chook, half a loaf of bread and a BBQ sauce bottle. It appeared the litter had been purchased from NightOwl Convenience.

Police on other occasions and on particular the 18<sup>th</sup> February 2011 observed Eagle Boys pizza boxes and a 4 litre orange juice container littered on the street in the vicinity of NightOwl Convenience. The approval of this application will contribute to street littering and the visual amenity of the area.

Police concede that there are 3 premises within the entertainment precinct with Lismore City Council approval to trade 24 hours.

- Caltex Service Station, 136 Woodlark Street, Lismore approximately 200 metres from 81 Woodlark Street, sell the same products as NightOwl Convenience, except takeaway pizza's, and in addition sell petroleum products an essential service for Lismore City.
- Big Rob's Kebab Shop, 73 Keen Street, Lismore approximately 70 metres from 81 Woodlark Street and sell food and beverage
- Pizzarama Pizza Shop, 92 Keen Street, Lismore approximately 80 metres from 81 Woodlark Street and sell food and beverage.

It is the Police understanding these 3 commercial premises hours of trade can not be re-visited until such time as a further development application is lodged, and Police would lodge a similar objection regarding hours of trade after midnight. None of these premises engage security and all have been hotspots for violence.

On the 29<sup>th</sup> June 2010 Lismore City Council advised they would develop a late night trading policy and Police are yet to receive any information in respect of that policy which would be relevant to this application.

On 18<sup>th</sup> February 2011 the applicant in this matter allegedly breached the current development consent, which most likely has triggered this application. On that occasion customers purchased drinks, Eagle Boys pizza and other items. Police are concerned that NightOwl convenience does not allegedly abide by the current development consent and question whether it would be in the public interest to approve this application.

Police submit that in the event this application is approved that the following conditions be imposed:

- 1) A licensed uniformed security officer is to be employed for the hours 12am to 4am on Saturday and Sunday mornings to monitor the behaviour inside the premises and in the immediate vicinity outside the premises.
- 2) At closing time, staff or security to collect rubbish attributed to the NightOwl Convenience within 50 metres of the premises, this would be working with the community and council to ensure a positive environment.

In summary, Police are opposed to the approval of this application with the reasons for the objection outlined in detail above and are as follows:

- That the application will have an adverse affect on the environment and existing or likely future amenity of the neighbourhood.
- There is sufficient late night trading food outlets in close proximity to the NightOwl Convenience.

  
W.M. Crotty

Licensing Sergeant

Richmond Local Area Command

18<sup>th</sup> March 2011

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**NEW SOUTH WALES POLICE**  
RICHMOND LOCAL AREA COMMAND  
CRIME MANAGEMENT UNIT  
CRIME PREVENTION OFFICE  
SENIOR CONSTABLE MICHAEL HOGAN



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Lismore Police Station  
5 Zadoc Street  
Lismore NSW 2480  
Phone: (02) 66260599  
Email: hoga2mic@police.nsw.gov.au

**Crime Prevention Through Environmental Design  
Assessment.  
Night Owl  
81 Woodlark Street Lismore. NSW 2480.**

**Attention: Ms Sue Thatcher.**

This assessment is done using line drawings, CCTV layout and "Night Owl" internal security arrangements and protocols as supplied. This application did not have a Statement of Environmental Effects relating to the development under section 79c of the Planning and Assessment Act pertaining to crime prevention.

Due to the short time frame allocated from notification to council of the shortcomings of the application (24th May) and the provision of some internal layout design (4<sup>th</sup> June), a formal/complex Risk Assessment is unable to be completed.

Police highly recommend the following:

- **Hours of operation be restricted to 12 midnight only**  
Basis for condition: State Plan 1 & 3. Recent crime statistics of weekend of 27, 28 & 29 May 2010 of brawl of 10 persons within Woodlark & Keen Streets, male glassed outside takeaway food outlet in Keen Street 12.05am and 1.15am respectively
- **Installation of the ATM to comply with NSW Police guidelines**

2.

Basis for condition: NSW has one of the highest recorded robbery rates from, at and of ATM's. Lismore has recorded numerous robberies of persons using or having just used ATM's

- **Safe storage areas for staff personal items on site**

Basis for condition: Crime statistics show the theft of personal items belonging to staff in on the increase.

There are several other recommendations within the summary below.

### **Executive Summary.**

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from the intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating social and environmental conditions that:

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension)
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards), and
- Minimise excuse-making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

CPTED employs four key principles surveillance, access control, territorial reinforcement and space/activity management.

Natural surveillance (NS) is achieved when normal space users can see and be seen by others. NS highlights the importance of building layout, orientation and location; the strategic use of street design;

2



3

landscaping and lighting. Natural surveillance is a by-product of well-planned, well-designed and well-used space.

Technical/mechanical Surveillance is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels. Technical/mechanical surveillance is commonly used as a 'patch' to supervise isolated, higher risk locations. Formal (or organised) surveillance is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors at higher risk locations.

#### SURVEILLANCE

##### RECOMMENDATIONS:

- Automatic doors should be free of any promotional material or hazard that may reduce the line of sight for tellers to view incoming customers.
- All windows should be free of promotional material and allow employees to view incoming customers and/or suspicious activity occurring outside the premises.
- Automatic closing switches for front doors should be accessible for tellers in case of an emergency and placed near the teller's desk.
- Appropriate lighting should be provided outside under the awning and vandal proof lighting on external walls.
- Ensure lighting around the ATM does not affect the quality of the camera operating within ATM and the CCTV surveillance. Strong florescent lights can often blind cameras and distort photos of footage obtained.
- CCTV is implemented as depicted in drawings supplied. Identification pads should be used on all access doors to non public areas.
- Duress/alarms should be placed in a conveniently near teller areas and money counting rooms. These should be checked for operational competence and staff education on a weekly basis.

#### ACCESS CONTROL

Access control measures restrict, channel and encourage people, bicycles and motor vehicles into, out of and around targeted sites. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations.

3

4.

**RECOMMENDATIONS:**

- Time delated locks on all safes should be implemented.
- Any waiting areas should be well signed and distinctive. Areas should not be placed near entry or exit areas.
- Designates cues to direct customers to teller areas.
- It is advised that no chairs/benches be allowed outside the shopfront, be removed in order to reduce 'excuse making' opportunities.

**TERRITOTIAL REINFORCEMENT.**

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

**RECOMMENDATIONS:**

- Designated Customer and employee areas should be clear to reduce excuse making opportunities.
- The ATM should be securely fixed to a specifically designed anchoring system or a concrete base. If the ATM is placed on street level within an enclosed shopping mall, ensure bollards are placed around the machine; it is bolted to the floor and remains under CCTV surveillance.
- Internal CCTV positioned at eye level should be installed to the ATM, facing any users.

The New South Police have a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained within this document, any person who does so acknowledges that:

- o It is not possible to make areas evaluated by NSW Police absolutely safe for the community and their property.

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- o Recommendations are based upon information provided to, and observations made by NSW Police at the time the document was prepared.
- o The evaluation/report is a confidential document and is for use by the person/organisation referred to on page one.
- o The contents of this evaluation/report are not to be copied or circulated otherwise than for the purposes of the person/organisation referred to on page one.

NSW Police hopes that by using the recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.'

If you feel that you require any further advice and or information please feel free to contact me at Coffs Harbour Police Station on 6652 2090.

Kind Regards,

Michael Hogan

Senior Constable

Crime Prevention Officer

7 June 2010.

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On the 7<sup>th</sup> March 2011 an incident happened between me and a male individual known to the NightOwl Lismore store. This male is well known to the local Police here in the Northern Rivers and they are familiar with his behaviour.

On this particular week night, before 7pm, the individual entered the shop stumbling in with his guitar. He approached the counter where I was serving two young ladies. He asked these ladies if they would buy him something to eat. I informed him 'no you don't ask our customers for food or money'. While standing there he put a white pill in his mouth and left the store to sit outside on a bench.

While serving customers I was observing this individual from our security monitor and also watching him through the front door. He re-entered the store totally a different person within minutes. As I was already on the floor performing my duties, we approached each other and this individual asked if I would look after his guitar as he was getting frustrated with it because he couldn't tune it. I replied with 'sorry but we don't hold onto personal items, you will have to take it with you'. He was verbally abusive and as he left the first time he tried to leave it at the front entrance of the store. I then took the guitar and placed it on the bench outside where he was and I repeated myself for him to take his guitar as it wasn't my responsibility. He came back into the store again with his guitar and he was extremely verbally abusive and threw the guitar at my feet. I asked this customer to leave with his guitar and I advised him that it wasn't fair for him to treat me like that. The individual left his guitar in the shop and walked out. I placed his guitar out to the back of the store. This incident made me feel very shaky and worried what this individual might do next. I called the Police on their PAL (Police Assistance Line 131 444) number. I reported my incident and the lady who took down my details advised me that because it wasn't urgent, I agreed also, that a Police Officer would respond to my call as soon as they could. During my shift that night a police officer did not respond to me.

I was informed the next morning from my husband that the Police called and we both agreed to monitor the situation and the individual if he enters the store. The next day this individual tried to enter our store again and I instructed him he's no longer allowed to enter our store because of last night's behaviour and he told me in return repeatedly that 'it was my pills'. I informed our staff of this incident and instructed them not to allow this individual into the store again. Since this incident the individual has abided by my instructions and not entered the store.

Yours sincerely,

Roz Woodham  
NightOwl Lismore  
Woodlark Street NSW 2480

Lismore City Council  
Meeting held 10 May 2011 - S96 Amendment to Development  
Application No. 5.2010.176.2 - NightOwl, 81 Woodlark Street,  
Lismore



# SUMMERLAND SECURITY SERVICE



Alarcop Pty Ltd

**Local Family Owned Business**

A.B.N 19 003 349 184 Lic No 402 684 636

2 De Re Drive, GOONELLABAH. N.S.W. 2480

Phone (02) 6625 5900 24hrs Fax (02) 6625 5909

email [admin@summerlandsecurity.com.au](mailto:admin@summerlandsecurity.com.au) [www.summerlandsecurity.com.au](http://www.summerlandsecurity.com.au)

Security Service & Patrols – Shops, Home & Business Alarm Installation,  
24hr Back to Base GRADED MONITORING & MAINTENANCE Medi Alarms - Static Guards –  
Crowd Control –Armed Money Escort

5<sup>th</sup> April 2011

## TO WHOM IT MAY CONCERN

Summerland Security Service supports Night Owl Lismore's application for extended hours on Friday, Saturday and Sunday based on their professionalism, offer to the community and best practice security system in place for a convenience store in the Northern Rivers. Since opening Nick Roz and the team have built strong relationships with my self and my team and they have shown that they want to be part of the business community and work closely with the street beat and the taxi rank staff to make it safe for everyone in the community. The relationships built with my staff and the night club staff is a testament to their commitment to creating a safe environment for all workers and party goers in the CBD. Night Owl Lismore is committed to making a difference. We have not seen one incident occur in the store since they opened the shop in late August last year.

Again I support the application because the limited offer currently available in the CBD and what the Night Owl represents, We believe this will assist our team in reducing incidents in the CBD and give the consumer better choices late at night from a professional run business that is committed to making a difference. I wish Night Owl Lismore all the best and look forward to working with them closely in the near future.

Yours faithfully

A handwritten signature in black ink that reads 'Ray Bryant'.

Ray Bryant  
Director Manager



Lismore Chamber of Commerce Inc  
PO Box 1312  
Lismore NSW 2480  
E: [admin@lismorechamber.com.au](mailto:admin@lismorechamber.com.au)  
ABN: 50 492 412 415

14 April 2011

Lismore City Council  
PO Box 23A  
Lismore NSW 2480

Dear Mayor & Councilors,

**Development Application for NightOwl Lismore – Mr & Mrs Woodham**

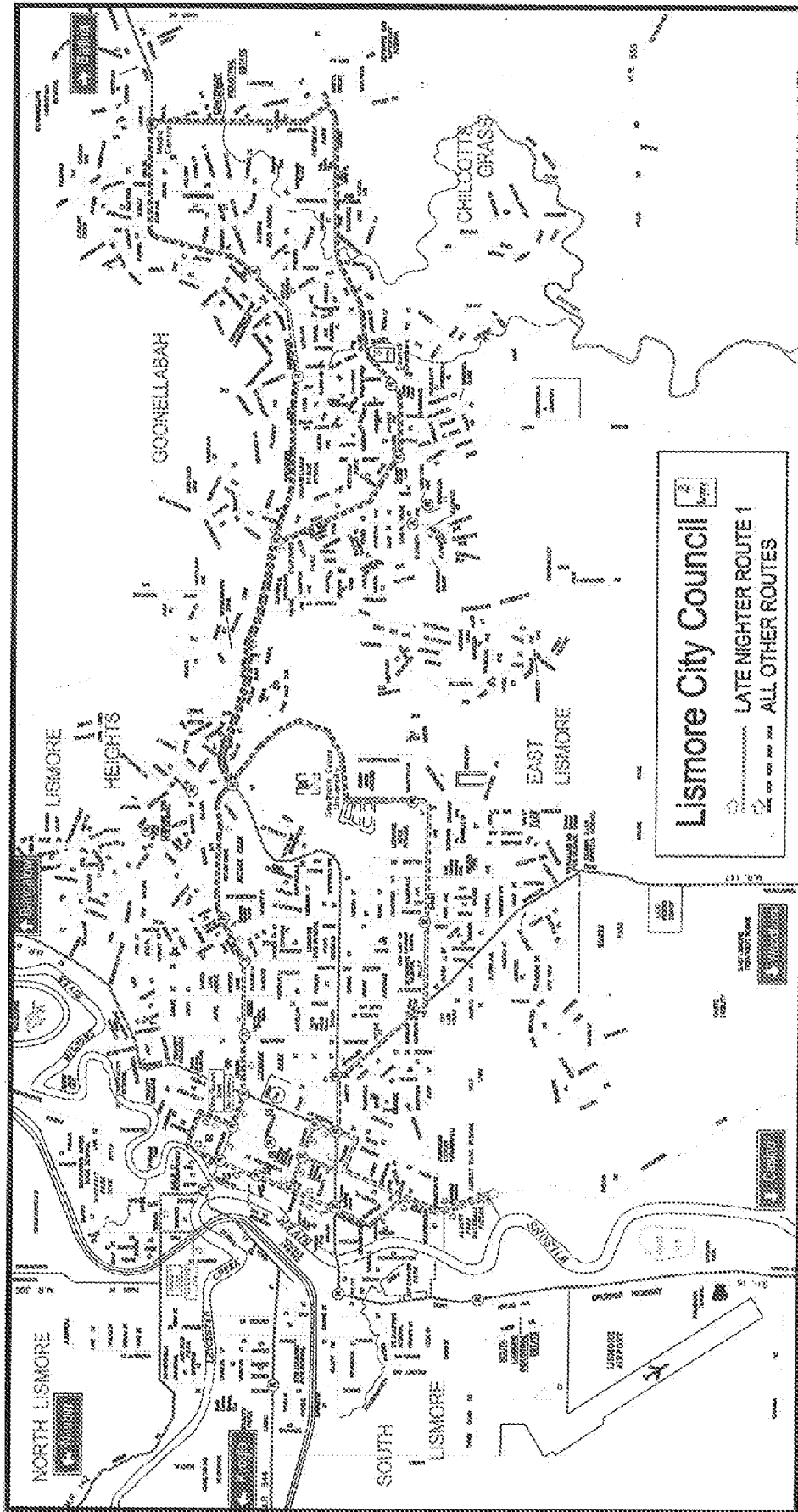
The Lismore Chamber of Commerce is in support of NightOwl Lismore Development application.

The NightOwl Lismore’s application to extend trade is an exciting addition to their already rapidly growing business. This addition will be an asset to the Lismore District.

Yours truly,  
Lismore Chamber of Commerce

Brenton Shalders  
Chairman



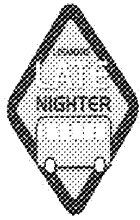




## Every Saturday Night

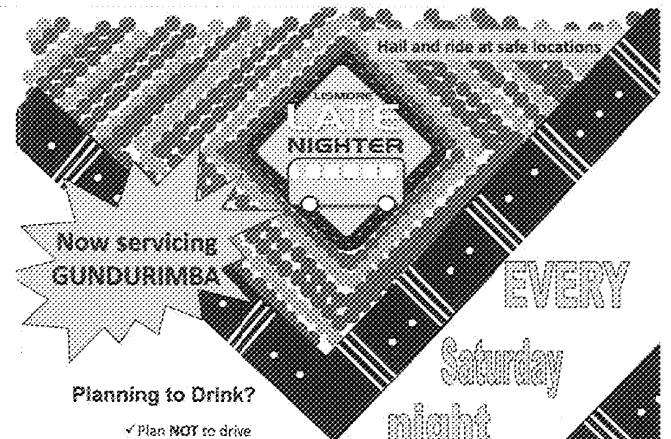
Mary Gilhooleys – Keen Street
Zadoc Street
Molesworth Street
Gundurimba (Albert Park)
Wyrallah Rd
Military Rd (Southern Cross University)
Ballina Rd
Holland St
Oliver Ave
Rous Rd
Ballina Rd
Rotary Dr
Uralba St
Woodlark Street
Mary Gilhooleys – Keen Street

*Route One includes pick up at the Italo Club and pick up at Lismore Workers Club*



## Every Saturday Night

ROUTE ONE	ALL OTHER ROUTES			
Borrow Lane (pick up at Italo Club)		11.50		
Keen St (Mary Gilhooleys and pick up in front of Cinemas)	Keen St (Mary Gilhooleys and pick up in front of Cinemas)	12.06	1.50	2.30 3.30
Zadoc St (past Police Station)	Zadoc St (past Police Station)	12.06	1.05	2.35 3.40
Molesworth St (pick up opposite Transit Centre)	Molesworth St (pick up opposite Transit Centre)	12.07	1.07	2.57 3.42
Loop to Keen St (pick up at the Workers Club)		12.13		
Loop to Conway St and out to Gundurimba Rd / Keen St (Albert Park)	Gundurimba Rd / Keen St (Albert Park)	12.18	1.13	2.43 3.48
Loop to Parkes St onto Dawson Rd and onto Ballina Rd leading to Wyrallah Rd	Loop to Parkes St onto Dawson Rd and onto Ballina Rd leading to Wyrallah Rd	12.28	1.20	2.50 3.57
Military Rd ( through Southern Cross University)	Military Rd ( through Southern Cross University)	12.25	1.25	2.55 4.00
Ballina Rd	Ballina Rd	12.26	1.26	2.58 4.03
Holland St	Holland St	12.32	1.32	3.02 4.07
Oliver Ave	Oliver Ave	12.35	1.35	3.05 4.10
Rous Rd	Rous Rd	12.37	1.37	3.07 4.12
Ballina Rd	Ballina Rd	12.39	1.39	3.09 4.15
Rotary Dr	Rotary Dr	12.42	1.42	3.12
Uralba St	Uralba St	12.43	1.43	3.13
Keen St (Mary Gilhooleys)	Keen St (Mary Gilhooleys)	12.45	1.45	3.15

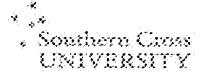
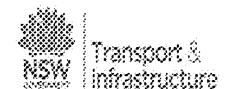
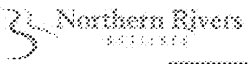


Now servicing GUNDURIMBA

Planning to Drink?

- ✓ Plan NOT to drive
- ✓ Leave the car at home
- ✓ Grab a cab or
- ✓ Catch the Lismore Late Nighter

**ONLY \$3.00**  
**each way**



An initiative of the Local Government Road Safety Program



**Statistics on Late Nighter bus use for the previous 12 months**

Date	Number of patrons
3/07/2010	38
10/07/2010	53
17/07/2010	37
24/07/2010	44
31/07/2010	29
7/08/2010	42
14/08/2010	33
21/08/2010	62
28/08/2010	20
4/09/2010	28
11/09/2010	60
18/09/2010	35
23/09/2010	138
25/09/2010	6
2/10/2010	34
9/10/2010	72
16/10/2010	36
23/10/2010	26
30/10/2010	34
6/11/2010	44
13/11/2010	34
20/11/2010	25
27/11/2010	12
4/12/2010	30
11/12/2010	54
18/12/2010	93
24/12/2010	34
31/12/2010	43
1/01/2011	NO SERVICE
8/01/2011	56
15/01/2011	43
22/01/2011	40
29/01/2011	23
5/02/2011	22
12/02/2011	54
19/02/2011	30
26/02/2011	45
5/03/2011	21
12/03/2011	30
19/03/2011	47
26/03/2011	22
2/04/2011	40
9/04/2011	10
16/04/2011	40

Licence Name: Cocktails Bar and Niteclub

### Trading Hours

Consumption on premises

Day	Start Time	End Time	Start Date	End Date	Description
Monday	5:00AM	3:00AM	01/07/2008		
Tuesday	5:00AM	3:00AM	01/07/2008		
Wednesday	5:00AM	3:00AM	01/07/2008		
Thursday	5:00AM	3:00AM	01/07/2008		
Friday	5:00AM	3:00AM	01/07/2008		
Saturday	5:00AM	3:00AM	01/07/2008		
Sunday	10:00AM	10:00PM	01/07/2008		

Generally does not open Monday Tuesday, Sunday. Other nights closes about 2-3am. Largest crowd Friday nights.

Licence Name: Richmond Hotel

### Trading Hours

Consumption on premises

Day	Start Time	End Time	Start Date	End Date	Description
Monday	5:00AM	5:00AM	01/07/2008		Area: Upper Ground Floor.
Monday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Tuesday	5:00AM	5:00AM	01/07/2008		Area: Upper Ground Floor.
Tuesday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Wednesday	5:00AM	5:00AM	01/07/2008		Area: Upper Ground Floor.
Wednesday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Thursday	5:00AM	5:00AM	01/07/2008		Area: Upper Ground Floor.
Thursday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Friday	5:00AM	5:00AM	01/07/2008		Area: Upper Ground Floor.
Friday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Saturday	5:00AM	5:00AM	01/07/2008		Area: Upper Ground Floor.
Saturday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Sunday	10:00AM	10:00PM	01/07/2008		Area: Upper Ground Floor.
Sunday	10:00AM	10:00PM	01/07/2008		Other areas within the licensed premises.

Note some area of hotel can trade 5am to 5am ( 24hour trade ) But generally only trades to about 1.am Friday and Saturdays

Licence Name: Mary Gilhooley's Irish Pub & Restaurant

### Trading Hours

Consumption on premises

Day	Start Time	End Time	Start Date	End Date	Description
Monday	5:00AM	5:00AM	01/07/2008		Area: Whole of licensed premises excluding the Function Room.
Monday	5:00AM	12:00AM	01/07/2008		Function Room.
Tuesday	5:00AM	5:00AM	01/07/2008		Area: Whole of licensed premises excluding the Function Room.
Tuesday	5:00AM	12:00AM	01/07/2008		Function Room.
Wednesday	5:00AM	5:00AM	01/07/2008		Area: Whole of licensed premises excluding the Function Room.
Wednesday	5:00AM	12:00AM	01/07/2008		Function Room.
Thursday	5:00AM	5:00AM	01/07/2008		Area: Whole of licensed premises excluding the Function Room.
Thursday	5:00AM	12:00AM	01/07/2008		Function Room.
Friday	5:00AM	5:00AM	01/07/2008		Area: Whole of licensed premises excluding the Function Room.
Friday	5:00AM	12:00AM	01/07/2008		Function Room.
Saturday	5:00AM	5:00AM	01/07/2008		Area: Whole of licensed premises excluding the Function Room.
Saturday	5:00AM	12:00AM	01/07/2008		Function Room.
Sunday	5:00AM	12:00AM	01/07/2008		Area: Whole of licensed premises excluding the Function Room.
Sunday	5:00AM	12:00AM	01/07/2008		Function Room.

Again note 5am to 5am trading hours. Generally closes 1.00 – 1.30 Friday and 3.00 – 3.30 Saturday

Licence Name: Gollan Hotel

### Trading Hours

Consumption on premises

Day	Start Time	End Time	Start Date	End Date	Description
Monday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Monday	5:00AM	12:00AM	01/07/2008		Ground floor
Tuesday	5:00AM	12:00AM	01/07/2008		Ground floor
Tuesday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Wednesday	5:00AM	2:00AM	01/07/2008		Ground floor
Wednesday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Thursday	5:00AM	2:00AM	01/07/2008		Ground floor
Thursday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Friday	5:00AM	2:00AM	01/07/2008		Ground floor
Friday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Saturday	5:00AM	2:00AM	01/07/2008		Ground floor

Saturday	5:00AM	12:00AM	01/07/2008		Other areas within the licensed premises.
Sunday	10:00AM	10:00PM	01/07/2008		Ground floor
Sunday	10:00AM	10:00PM	01/07/2008		Other areas within the licensed premises.

Generally closes 1.30 – 2am Friday Saturdays.

Licence Name: Tommy's Tavern

## Trading Hours

### Consumption on premises

Day	Start Time	End Time	Start Date	End Date	Description
Monday	5:00AM	5:00AM	01/07/2008		
Tuesday	5:00AM	5:00AM	01/07/2008		
Wednesday	5:00AM	5:00AM	01/07/2008		
Thursday	5:00AM	5:00AM	01/07/2008		
Friday	5:00AM	5:00AM	01/07/2008		
Saturday	5:00AM	5:00AM	01/07/2008		
Sunday	10:00AM	10:00PM	01/07/2008		

Again note 24hour trade. Generally closed by midnight but does trade late some Tuesday nights for uni students. This premises are NOT members of the liquor accord and does NOT abide by the 12.30 Curfew. Not really an issue as he is usually closed.

Licence Name: New Tattersalls Hotel

## Trading Hours

### Consumption on premises

Day	Start Time	End Time	Start Date	End Date	Description
Monday	5:00AM	3:00AM	01/07/2008		Area: Ground Floor excluding Bottle Shop.
Monday	5:00AM	12:00AM	01/07/2008		Other areas within licensed premises.
Tuesday	5:00AM	3:00AM	01/07/2008		Area: Ground Floor excluding Bottle Shop.
Tuesday	5:00AM	12:00AM	01/07/2008		Other areas within licensed premises.
Wednesday	5:00AM	3:00AM	01/07/2008		Area: Ground Floor excluding Bottle Shop.
Wednesday	5:00AM	12:00AM	01/07/2008		Other areas within licensed premises.
Thursday	5:00AM	3:00AM	01/07/2008		Area: Ground Floor excluding Bottle Shop.
Thursday	5:00AM	12:00AM	01/07/2008		Other areas within licensed premises.
Friday	5:00AM	3:00AM	01/07/2008		Area: Ground Floor excluding Bottle Shop.
Friday	5:00AM	12:00AM	01/07/2008		Other areas within licensed premises.
Saturday	5:00AM	3:00AM	01/07/2008		Area: Ground Floor excluding Bottle Shop.
Saturday	5:00AM	12:00AM	01/07/2008		Other areas within licensed premises.
Sunday	10:00AM	10:00PM	01/07/2008		Other areas within licensed premises.
Sunday	10:00AM	10:00PM	01/07/2008		Area: Ground Floor excluding Bottle Shop.

Usually closed by 1.00am Friday and Saturdays

# Report

<b>Subject</b>	<b>North Woodburn Wastewater Scheme</b>
<b>TRIM Record No</b>	BP11/121:EF09/2351
<b>Prepared by</b>	Strategic Engineer-Water & Wastewater
<b>Reason</b>	To obtain several resolutions from Council to facilitate construction of the proposed North Woodburn wastewater scheme.
<b>Community Strategic Plan Link</b>	Integrated Waste Cycle Management

## Overview of Report

This report seeks several resolutions from Council necessary to progress construction of the proposed North Woodburn wastewater scheme. This includes resolutions to:

- enter into an agreement with Richmond Valley Council which would enable the proposed Broadwater (Richmond Valley Council) and North Woodburn (Lismore City Council) wastewater schemes to be constructed under a single contract;
- define the demarcation of responsibility between Council and property owners with respect to the construction and future operation of works located within private properties; and
- define future charges payable by property owners in North Woodburn.

Making of these resolutions would enable construction of this scheme to proceed in the next calendar year. The proposed combining of the Broadwater and North Woodburn projects within a single contract provides several significant benefits and this arrangement is considered the most advantageous way of advancing construction of the North Woodburn project.

## Background

In order to address significant environmental and public health concerns, Lismore City Council has been investigating the possible connection of North Woodburn to sewerage since 1992. These concerns relate to the close proximity of this community to the Richmond River, and the poor performance of existing onsite wastewater management facilities. This poor performance is related to: small lot sizes, the predominant soil types in this locality, high water table, and susceptibility to flooding. Consequently, this project is considered to be a high priority.

Since 1999 Council has been negotiating with Richmond Valley Council (formerly Richmond River Shire Council) regarding the possibility of connecting North Woodburn to the existing Woodburn-Evans Head Sewerage Scheme. This sewerage scheme is operated by Richmond Valley Council. Over the same period, Richmond Valley Council has been investigating and planning the connection of Broadwater to the same sewerage scheme. Broadwater is located within the Richmond Valley local government area.

In 2009 Lismore City Council and Richmond Valley Council entered into a Memorandum of Understanding (MoU) allowing the connection of North Woodburn to the existing Woodburn wastewater scheme. Under the terms of this MoU, Lismore City Council would be responsible for all capital costs associated with the North Woodburn wastewater scheme and would pay annual wastewater charges to Richmond Valley Council. Richmond Valley Council would be responsible for the operation and maintenance of the scheme. The terms of the MoU were drawn up to ensure North Woodburn would be connected to sewerage under equivalent terms to those applicable to Broadwater's planned connection.

A copy of the existing Memorandum of Understanding between the two Councils is attached to this report (refer Attachment 1).

## Proposed Construction Agreement with Richmond Valley Council

Richmond Valley Council is now planning to proceed with construction of the Broadwater wastewater scheme and has offered to Lismore City Council for Broadwater and North Woodburn wastewater schemes to be constructed under a single contract.

Under this arrangement, Richmond Valley Council would be the Principal for the contract and would be responsible for construction of both schemes. Lismore City Council would be responsible for making payments to Richmond Valley Council to cover its share of the costs of the contract. Having Richmond Valley Council act as the Principal for the combined contract is considered most appropriate, given that the majority of the works to be constructed under this contract are located within the Richmond Valley local government area.

The proposed timeline for completion of the combined project is:

April – June 2011	Tendering
July – December 2011	Approval / Design
January – December 2012	Construction

The timing of construction of the North Woodburn scheme would be dependent on the order in which the contractor chose to undertake the work. It is conceivable that North Woodburn's connection could occur prior to June 2012.

Under the terms of the existing MoU, Lismore City Council is free to construct the North Woodburn wastewater scheme independently of Richmond Valley Council. However, combining the two projects under a single contract is considered to provide several significant advantages. These include:

- Economies of scale should lead to overall cost savings for both Councils. For example, establishment costs would be shared between the schemes.
- Connection of North Woodburn can be completed with only a minimum commitment of limited staff resources by Lismore City Council.
- Construction as a single contract ensures that the Broadwater and North Woodburn schemes will both be constructed to a common standard using common technology. Given that Richmond Valley Council will be responsible for the maintenance and operation of both schemes, this is an important consideration. The arrangement has the further advantage that the Council responsible for the operation of both schemes will also be responsible for their construction.

Staff of both Councils have drawn up a draft agreement to enable the combined project to proceed. This draft agreement is attached to this report (refer Attachment 2). The agreement is not yet finalised and there may be some further minor amendments required prior to its execution.

The estimated cost of the North Woodburn project is \$1.2 million. This project is included in Council's *Strategic Business Plan for Water Supply and Wastewater Services and 2010-14 Delivery Plan*, and funding has been allocated for its completion.

## Overview of Proposed Pressure Sewerage Scheme

Both North Woodburn and Broadwater are proposed to be sewered using pressure sewer technology. Using this technology, each property is serviced by a small pumping unit connected to a network of common pumped pipelines which convey wastewater to the chosen discharge point. This contrasts to a conventional sewerage scheme in which properties drain by gravity to a network of gravity pipelines which discharge to a much larger sewage pump station which then pumps wastewater to the discharge point.

The use of pressure sewer systems has been chosen for North Woodburn and Broadwater due to site constraints, particularly the flat terrain and susceptibility of the areas to flooding. A diagram of a typical pressure sewer installation on a property is included as Attachment 3 to this report.

## Proposed Demarcation of Responsibilities for Construction and Maintenance of Works on Private Property

During construction of the scheme it shall be necessary for works to be undertaken on private properties, in addition to the construction of pumping units and pumped pipelines. These works include:

- Diversion of plumbing from existing onsite systems to the new pump unit.
- Decommissioning of existing onsite systems.
- Upgrading of existing plumbing, if required. This relates to upgrading of plumbing external to dwellings only, and may include upgrading venting and overflow relief gullies to bring existing plumbing up to relevant standards.
- Upgrading or replacement of existing electrical switchboards, if required.

Council previously made a resolution on 12 May 2009 that individual property owners be responsible for the above works. However, it is recommended that Council now accept responsibility for undertaking all works necessary to connect individual properties to the new sewerage scheme. These works would be undertaken by the contractor constructing the project. This change is recommended for the following reasons:

1. Having all necessary work undertaken by the one contractor is likely to lead to cost savings.
2. It ensures connection of properties to the new scheme will be undertaken in a timely manner.
3. It is considered more equitable as it prevents individual property owners, who may face additional expense or hardship in connecting to the scheme, being disadvantaged.
4. The additional cost of undertaking these works is small in comparison to the total cost of the scheme.

It is further recommended that no up-front contribution be sought from property owners. The following section of this report outlines suggested charges to be levied from property owners.

Following construction, Council shall retain ownership of the following items on each property, and shall be responsible for their maintenance, operation and replacement (if required):

- package pump station,
- pressure pipeline (including 'boundary kit'),
- electrical control cubicle controlling the pump station,
- the electrical connection from the electrical switchboard for the property to the control cubicle for the pump station. (Responsibility shall extend to the separate circuit breaker installed within the electrical switchboard.)

Following connection, individual property owners will be responsible for the following items on their property:

- all plumbing within the property up to the inlet of the package pump station,
- the electrical switchboard,
- payment of ongoing electrical power costs of running the package pump station. These costs will be incorporated within the property's electrical account. Typical costs are estimated at less than \$50 per annum.

The above demarcation of responsibilities following connection remains unchanged from Council's resolution of 12 May 2009.

## Proposed Charges

### Connection Charge (Recovery of Capital Costs)

As stated above, the estimated capital cost of the North Woodburn wastewater scheme is estimated at \$1.2 million. In addition, Council has already paid approximately \$180,000 to Richmond Valley Council in wastewater charges in accordance with the MoU. To date, approximately \$45,000 has been received from wastewater charges, levied from residents of North Woodburn since 2009/10.

Council has several options for recovering the above capital costs. These include:

#### 1. Full Cost Recovery

Under this approach Council could levy a connection charge from property owners of between \$20,000 and \$25,000 per lot.

#### 2. Full Subsidisation

This option would involve no connection charge for North Woodburn residents, with capital costs shared by all wastewater customers within the Lismore City local government area. Full subsidisation would result in an approximate increase of \$9.00 (over 20 years) in the annual wastewater charge.

#### 3. Partial Cost Recovery/ Part Subsidy

This option involves levying a partial connection charge from North Woodburn residents, with the majority of costs subsidised by other wastewater customers.

The above options were reported to Council on 12 May 2009 and subsequently presented to a Council Workshop on 19 May 2009. To date, Council has not made any resolution with respect to this issue. However, a clear preference to partial cost recovery has previously been indicated.

It is recommended that a connection charge of \$4,000 apply to existing connected properties in North Woodburn payable over ten years. Payment of this would be in addition to the standard annual wastewater charges and both payable quarterly with normal Council rates and charges. It is further recommended that this amount be indexed, pegged to Council's annual rate capping index. The figure of \$4,000 has been calculated to ensure parity between residents of Broadwater and North Woodburn. A summary of proposed charges is provided within Attachment 4 to this report.

Special consideration needs to be given to existing vacant lots. The proposed policy with respect to vacant blocks is also included in Attachment 4.



## Annual Wastewater Charge (Operational Charges)

Following connection, residents of North Woodburn will pay annual wastewater charges in the same manner as all existing customers of Council's sewerage schemes. The payment of these charges is in addition to connection charges referred to above.

Under the terms of the existing MoU with Richmond Valley Council (RVC), Lismore City Council (LCC) is required to pay wastewater charges to RVC for each rateable assessment in North Woodburn. These charges are equal to RVC's annual wastewater charge levied from properties in Woodburn. However, LCC is free to determine the charges it levies from residents in North Woodburn.

At present, RVC's annual wastewater charge (\$840) is significantly higher than LCC's annual charge (\$607). The discrepancy between charges levied by the two Councils can be addressed in the following ways:

- By applying a uniform annual wastewater charge to all customers within the Lismore City local government area. This involves a small subsidisation of North Woodburn, equivalent to an increase of \$0.85 on the annual charge per connection.
- By applying a differential charge to North Woodburn. Under such an arrangement, residents in North Woodburn could be required to pay an annual charge equal to that levied by RVC.

The above options were reported to Council on 12 May 2009 and subsequently presented to a Council Workshop on 19 May 2009. To date, Council has not made any resolution with respect to this issue. However, a clear preference to adopt a uniform charge for all customers has previously been indicated.

It is recommended that Council continue its policy of applying a uniform annual residential wastewater charge to all its wastewater customers.

## Sustainability Assessment

### Sustainable Economic Growth and Development

The provision of reticulated sewerage to North Woodburn may provide some scope for economic growth and development of this locality. These benefits are considered to be the same regardless of whether these services are to be constructed as a single contract administered by one Council, or constructed as two separate contracts each administered by a separate Council.

### Social Inclusion and Participation

Construction of the North Woodburn wastewater scheme will provide residents of North Woodburn with a high quality wastewater service and resolve public health concerns over the performance of existing onsite sewerage management systems. This will lead to improved standard of living and health for these residents. These benefits are considered to be the same regardless of whether these services are to be constructed as a single contract administered by one Council, or constructed as two separate contracts each administered by a separate Council.

### Protect, Conserve and Enhance the Environment and Biodiversity

Construction of both schemes is subject to preparation of a Review of Environmental Factors and relevant environmental controls. The impacts of the projects are considered to be the same regardless of whether they were to be constructed as a single contract administered by one Council, or constructed as two separate contracts each administered by a separate Council.

## Best-Practice Corporate Governance

The proposed agreement between the Councils is compliant with the *Local Government Act*. The North Woodburn wastewater scheme is included within Council's *Strategic Business Plan for Water Supply and Wastewater Services and 2010-14 Delivery Plan*. Having the two projects constructed under a single contract administered by Richmond Valley Council is considered to be the most efficient manner in which to complete the North Woodburn scheme and constitutes good corporate governance.

## Comments

### Finance

The proposal to combine the two projects under a single contract with Richmond Valley Council as the Principal for the contract is supported due to the advantages listed in the report. Indicative funding of \$1.2 million was included in the 2010/11 Budget and can be carried forward to the 2011/12 Budget to allow this project to proceed.

Council has collected an unconnected North Woodburn wastewater charge from all North Woodburn properties since 1 July 2009. The charge for 2010/11 is \$446.30 and it is proposed to increase it by the same percentage as the Lismore Wastewater charge for 2011/12. In regards to the proposed connection charge and wastewater charge regime beyond 2011/12, the partial cost recovery model for the connection charge and the current policy of applying a uniform annual residential wastewater charge to all its wastewater customers is supported.

### Other staff comments

Not required.

### Public consultation

A public information session regarding the issues referred to in this report was held on 11 April 2011 at the CWA Hall in Woodburn. This meeting was advertised through a letter to all affected property owners in addition to a notice in local papers. This follows an earlier consultation process, following the signing of the MoU between the two Councils in 2009. Consultation with affected residents and property owners will continue throughout the project.

## Conclusion

Construction of the proposed North Woodburn wastewater scheme is a high priority given significant environmental and public health concerns regarding the poor performance of existing onsite wastewater management systems.

The proposed agreement with Richmond Valley Council is considered the most efficient means of completing the North Woodburn wastewater scheme and has several clear advantages. Having the contractor undertake all necessary work to connect properties to the new scheme is also considered an effective means of achieving an optimal outcome. Proposed charges are considered equitable and have been the subject of significant community consultation.

## Attachment/s

1. Existing Memorandum of Understanding with Richmond Valley Council
2. Draft Construction Agreement with Richmond Valley Council
3. Cross sectional view of typical pressure sewer installation
4. Summary of Future Charges and Treatment of Vacant Lots

## Recommendation

That:

1. Council delegate authority to the General Manager to negotiate and make minor amendments as required to finalise the draft construction agreement between Lismore City Council and Richmond Valley Council prior to its execution.
2. Upon finalisation, Council execute under seal the agreement between Lismore City Council and Richmond Valley Council.
3. Council endorse the proposed demarcation of responsibilities for future maintenance of the North Woodburn Wastewater Scheme as outlined in the section of the report titled *Proposed Demarcation of Responsibilities for Construction and Maintenance of Works on Private Property*.
4. Council endorse the methodology to be applied when calculating future charges for users of the North Woodburn Wastewater Scheme (listed in the section of this report titled *Proposed Charges and Attachment 4*) with the recommended charges to be reported as part of future annual Operational Plans.

Council's Reference:  
**BW/AP**

Telephone Enquiries to:  
**Brian Wilkinson**

28 May 2009



The General Manager  
Lismore City Council  
PO Box 23A  
LISMORE NSW 2480

Dear Sir

Reference is made to your correspondence dated 18 May 2009 regarding the proposed connection of North Woodburn to the Woodburn-Evans Head Wastewater Scheme.

Please find enclosed a copy of the Memorandum of Understanding, executed under seal by Richmond Valley Council as requested.

Council also looks forward to working in co-operation with your Council to see the project come to fruition.

Yours faithfully

A handwritten signature in black ink, appearing to read "Brian Wilkinson".

Brian Wilkinson  
**GENERAL MANAGER**

Enc

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*All correspondence should be addressed to:*

**The General Manager,  
RICHMOND VALLEY COUNCIL**

*Administration Office: Cnr. Walker St. & Graham Place (Locked Bag 10) CASINO NSW 2470*

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Telephone: (02) 6660 0300 Facsimile: (02) 6662 5198 email: [council@richmondvalley.nsw.gov.au](mailto:council@richmondvalley.nsw.gov.au) [www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au)  
ABN 54 145 907 009

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**LISMORE CITY COUNCIL AND RICHMOND VALLEY COUNCIL**  
**RELATING TO THE**  
**CONNECTION OF NORTH WOODBURN TO WOODBURN-EVANS HEAD WASTEWATER**  
**SCHEME**

**Preamble:**

This document records an agreement between Lismore City Council and Richmond Valley Council, enabling properties located in North Woodburn to connect to the Woodburn-Evans Head Wastewater Scheme.

**Background:**

Richmond Valley Council owns and operates the existing Woodburn-Evans Head Wastewater Scheme. This wastewater scheme currently serves the towns of Woodburn and Evans Head.

North Woodburn is a small community, consisting of approximately 50 existing dwellings, and is located on the northern banks of the Richmond River immediately adjacent to the town of Woodburn, which is located on the southern banks of this river. North Woodburn is located within the Lismore City Council local government area (LGA); whereas Woodburn is located within the Richmond Valley Council LGA. North Woodburn is currently served by on-site wastewater treatment facilities located on each property. The performance of these wastewater treatment facilities is poor and is causing environmental and public health concerns. The most feasible solution to this problem is to provide for the connection of properties within North Woodburn to the nearby Woodburn-Evans Head Wastewater Scheme. Lismore City Council and Richmond Valley Council have been seeking to negotiate an agreement enabling this connection to be made.

Broadwater is a separate small community located on the banks of the Richmond River, approximately 11 kilometers to the north-east of Woodburn. The community is located within the Richmond Valley Council LGA. Broadwater is currently served by on-site wastewater management facilities located on each property. Richmond Valley Council has been planning to connect Broadwater to the Woodburn-Evans Head Wastewater Scheme and has reached an agreement with the residents of Broadwater under which residents have been paying wastewater charges to Richmond Valley Council since the 2006/07 financial year. It is planned that work to connect Broadwater to the Woodburn-Evans Head Wastewater Scheme will commence in the 2009/10 financial year (subject to State Government funding).

In recent negotiations between Lismore City Council and Richmond Valley Council, it is proposed that properties located within North Woodburn connect to the Woodburn-Evans Head Wastewater Scheme on the same terms as those under which properties within Broadwater will connect to this scheme.

**Memorandum of Understanding**

Lismore City Council and Richmond Valley Council agree as follows:

1. During the 2009/10 financial year, Lismore City Council will commence paying wastewater charges to Richmond Valley Council, for each rateable assessment located within the sewerage area of North Woodburn (area as determined by Lismore City Council), in accordance with Richmond Valley Council's charges for wastewater. Lismore City Council will also remit to Richmond Valley Council, backdated wastewater charges from 06/07 to 09/10. Charges paid will be equivalent to those paid by residents within Broadwater for the same period.
2. In future years (post 09/10), Lismore City Council will pay Richmond Valley Council, wastewater charges for the North Woodburn scheme, equivalent to those paid by properties located within Richmond Valley Council scheme areas and in accordance with Richmond Valley Council's rating systems.
3. It is proposed that North Woodburn be constructed in conjunction with the construction of the Broadwater scheme. If the Broadwater scheme is delayed and there remains capacity within the existing Woodburn scheme or capacity is created by the augmented Woodburn scheme, then Lismore City Council may seek to construct the North Woodburn scheme ahead of Broadwater.
4. Lismore City Council is responsible for the payment of all construction (design, capital, project management, works as executed etc) and connection costs of the North Woodburn Scheme to Woodburn.
5. Following the commissioning of wastewater infrastructure within North Woodburn, Richmond Valley Council shall be responsible for the ongoing operation and maintenance of this infrastructure. This responsibility shall continue until an alternative arrangement is agreed to between Lismore City Council and Richmond Valley Council. Lismore City Council and Richmond Valley Council agree to put in place any legal or administrative requirements to enable Richmond Valley Council to undertake maintenance within the Lismore City Council local government area.
6. Lismore City Council will determine the actual value of wastewater charges it levies properties within North Woodburn in any given year; provided that the value of wastewater charges paid by Lismore City Council to Richmond Valley Council, for properties located in North Woodburn, is consistent with Clause 2. above.
7. Richmond Valley Council will maintain the North Woodburn Scheme generally in accordance with protocols adopted for the Broadwater scheme. Lismore City Council will require scheme participants of North Woodburn to agree to the protocol if required by Richmond Valley Council.

Executed under the Common Seal of  
Richmond Valley Council on ...*28 May*... 2009  
pursuant to a resolution of Council passed on  
April 21, 2009



*L. J. Sullivan*  
.....  
Mayor

*B. M.*  
.....  
General Manager

Executed under the Common Seal of  
Lismore City Council on ...*14 May*... 2009  
pursuant to a resolution of Council passed on  
May 12 2009



*J. Howell*  
.....  
Mayor

*Paul Sullivan*  
.....  
General Manager

LCC Logo

RVC Logo

**AGREEMENT BETWEEN**  
**LISMORE CITY COUNCIL & RICHMOND VALLEY COUNCIL**  
**REGARDING CONSRUCTION OF**  
**BROADWATER & NORTH WOODBURN WASTEWATER SCHEMES**

**1.0 Background:**

Lismore City Council is planning to construct a pressure sewer scheme serving the locality of North Woodburn. Richmond Valley Council is planning to construct a pressure sewer scheme serving the township of Broadwater. The two localities of North Woodburn and Broadwater are located in close proximity to each other (approx 12 kilometres by road).

The purpose of this agreement is to enable the two pressure sewer schemes to be constructed as a single contract. It is considered that construction in this manner will provide benefits to both Councils.

**2.0 Responsibilities of Each Party:****2.1 Richmond Valley Council**

Richmond Valley Council (RVC) will be responsible for calling tenders for the combined project. Following consideration of a recommendation from the Tender Assessment Panel, RVC will be responsible for engaging a contractor to undertake this work and executing the associated contract. RVC will act as Principal with respect to this contract and shall be responsible for all related payments to the contractor.

RVC will engage NSW Public Works to provide project management services for the contract. They shall act as client to NSW Public Works and shall be responsible for all related payments to NSW Public Works.

RVC will be responsible for all site supervision for the construction works and commissioning of the work.

RVC will be responsible for issuing invoices to Lismore City Council in accordance with Sections 3.0 and 4.0 below.

RVC will provide monthly progress reports on the construction of the project to Lismore City Council and shall provide a commissioning report on completion of commissioning of the North Woodburn project. RVC shall also provide to Lismore City Council all relevant certification of the works and relevant warranties.

## 2.2 Lismore City Council

Lismore City Council (LCC) will be responsible for making payments to RVC to cover the apportionment of all costs for which they are responsible. Details of the apportionment of costs is given in Section 3.0. Other details regarding issuing of invoices and timing of payments are given in Section 4.0.

LCC may choose to undertake inspections of construction work at North Woodburn. However no instructions are to be given by LCC staff to the contractor or the contractor's employees or sub-contractors. Any concerns regarding the works are to be directed to RVC's nominated contact person.

## 2.3 NSW Public Works

NSW Public Works will be responsible for providing project management services for this project as directed by Richmond Valley Council. They shall ensure that all tender documentation and fee proposals they prepare are drafted in a manner which allows the necessary apportionment of costs between Richmond Valley Council and Lismore City Council to be readily made.

## 2.4 Tender Assessment Panel

The Tender Assessment Panel shall be responsible for the assessment of all tenders received and for making a recommendation to Richmond Valley Council as to the Panel's choice of preferred tenderer.

The Tender Assessment Panel shall be made up of two representatives from Richmond Valley Council, two representatives from NSW Public Works and one representative from Lismore City Council.

## **3.0 Apportionment of Costs:**

Costs for the project shall be apportioned between Richmond Valley Council and Lismore City Council as follows.

Item	Method
Calling and Assessment of Tenders. Awarding of contract.	Costs to be apportioned on a pro-rata basis, based on the proportion of the capital costs of the project for which each Council is responsible. (Cost apportionment to be calculated when tender costs are known).  Note: Preparation of tender documentation covered under Project Management Costs.
Construction Costs	Costs to be apportioned between Broadwater and North Woodburn in accordance with separate tender schedules within documentation.



Project Management Costs	Costs to be apportioned between Broadwater and North Woodburn in accordance with schedules and information contained within NSW Public Works fee proposal.
Site Supervision	LCC to reimburse RVC the costs of undertaking inspection of works on North Woodburn wastewater scheme. Details of the method to be used to calculate inspection costs are to be determined and subject to agreement between the parties.

#### 4.0 Invoicing and Timing of Payments:

Richmond Valley Council will submit monthly invoices to Lismore City Council, itemising costs associated with construction of the North Woodburn wastewater scheme in accordance with this agreement.

Lismore City Council will pay invoices within 14 days of the receipt of each invoice.

#### 5.0 Resolution of Disputes:

- 5.1 If a dispute arises out of or in relation to this Agreement (including any dispute as to breach or termination of the Agreement or as to any claim in tort, in equity or pursuant to any statute) a party to the Agreement may not commence any court or arbitration proceedings relating to the dispute unless it has complied with the following paragraphs of this clause except where the party seeks urgent interlocutory relief;
- 5.2 A party to this Agreement claiming that a dispute (“the Dispute”) has arisen under or in relation to this Agreement must give written notice to the other party to this Agreement specifying the nature of the Dispute;
- 5.3 On receipt of that notice by that other party the parties to this Agreement (“the parties”) must endeavor to resolve the Dispute expeditiously using informal dispute resolution techniques such as mediation, expert evaluation or determination or similar techniques agreed by them;
- 5.4 If the parties do not agree within seven (7) days of receipt of the notice (or such further period as agreed in writing by them) as to:
- the dispute resolution technique and procedures to be adopted;
  - the timetable for all steps in those procedures; and

- the selection and compensation of the independent person required for such technique,

the parties must mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and the President of the Law Society of New South Wales or the President’s nominee will select the mediator and determine the mediator’s remuneration.

**6.0 Contacts:**

The following people are nominated as contact persons with respect to this agreement. Parties may advise of a change of contact person in writing.

Lismore City Council	Rod Haig	Strategic Engineer (Water and Wastewater)
Richmond Valley Council	Mark Hesse	Planning Development Engineer Water and Sewer Services
NSW Public Works	Mark Stalhut	Project Manager

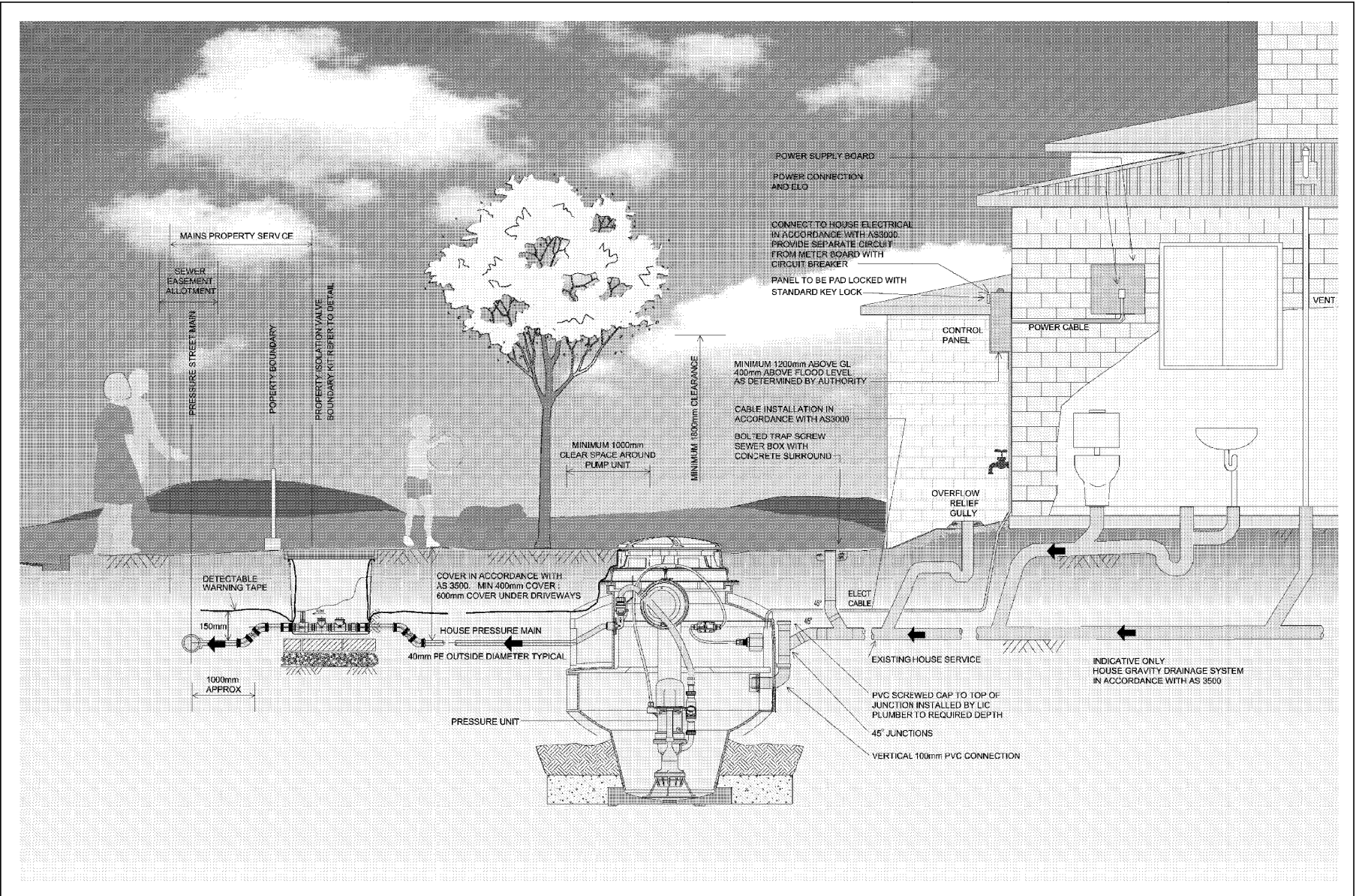
**7.0 Execution of Agreement:**

Executed under the Common Seal of  
 Richmond Valley Council on ..... 2011  
 pursuant to a resolution of Council passed on  
 2011

.....  
 Mayor  
 .....  
 General Manager

Executed under the Common Seal of  
 Lismore City Council on ..... 2011  
 pursuant to a resolution of Council passed on  
 2011

.....  
 Mayor  
 .....  
 General Manager



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GENERIC INSTALLATION CROSS SECTION

## NORTH WOODBURN WASTEWATER SCHEME

### Summary of Future Charges and Treatment of Vacant Blocks

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#### Future Charges - Summary

2011/12	Approx \$500 pre-construction charge (approx \$125 quarterly instalment)
2012/13**	Annual operational charge (approximately \$725) + \$400 Connection Charge (Approximately \$280 quarterly instalment)
2013/14 to 2021/22	Annual operational charge + indexed \$400 Connection Charge
2022/23 onwards	After 10 years, annual operational charge only.

Note: \*\* Subject to completion of wastewater scheme.  
Onsite sewerage management charges will also be discontinued once properties are connected to sewer.

#### What Happens with Vacant Lots?

2011/12	Approx \$500 pre-construction charge (Approx \$125 quarterly instalment)
2012/13**	Annual unconnected charge (approximately \$435) (Approximately \$110 quarterly instalment)
2013/14 Onwards	Annual unconnected charge until connected (60% of annual operational charge)
On connection	Full cost of connection
Following connection	Annual operational charge only

Note: \*\* Subject to completion of wastewater scheme.

#### What happens with vacant lots which form part of a combined rateable assessment?

Whilst combined	No additional charge
Once separated	Treated as vacant lot
On connection	Full cost of connection
Following connection	Annual operational charge only

# Report

<b>Subject</b>	<b>Integrated Waste and Resource Recovery Strategy</b>
<b>TRIM Record No</b>	BP11/282:EF09/1618
<b>Prepared by</b>	Manager - Commercial Services
<b>Reason</b>	To gain Council endorsement of the Draft Integrated Waste Strategy
<b>Community Strategic Plan Link</b>	Integrated Waste Cycle Management

## Overview of Report

A new ten year integrated waste strategy has been developed and is presented here to seek Council's endorsement of the directions outlined in the strategy. Activities identified in the strategy are aimed at reducing waste to landfill volumes in line with State Government targets and providing Lismore residents with longer term local waste disposal options. It is recommended that Council exhibit the draft Integrated Waste and resource Recovery Strategy for a period of 28 days.

## Background

A five year waste strategy was originally developed in 2002 with a review in 2005. Action items from that strategy have been enacted. In addition a significant number of initiatives have been developed during that period, all with the aim of reducing waste volumes going to landfill and increasing resource recovery levels.

In recent times a number of developments have led to the need to build a new waste strategy. These developments have included:

1. Implementation of the NSW Waste Levy to the northern coastal region
2. A review of the NSW Waste Avoidance and Resource Recovery (WARR) Strategy
3. A slow down in the rate of increases in diversion capabilities from existing operations (diminishing returns)
4. An increase in the move to investigate regional approaches to waste issues.

Research into options has been extensive and included a recent EOI for provision of information regarding latest available technologies. Based on this research, a new waste strategy has been developed to encompass the various aspects of the waste operations into the next ten years (copy attached). The main focus areas of the strategy are:

- ❖ Review of current activities and areas for improvement, including collection, education and public interaction
- ❖ Development of new avenues for waste diversion, including glass crushing and waste sorting activities
- ❖ Improving and expansion of organic processing facilities (including biosolids) to cope with changes to current contract arrangements and future regional needs
- ❖ Development of a new landfill cell for residual waste
- ❖ Capping of old landfill cells using non-conventional methods
- ❖ Investigation of future alternatives for disposal of the remaining waste.

All of the strategies outlined in the document have been developed to achieve the NSW WARR targets and maintain Lismore at the forefront of waste management practices in the State.

At this stage a detailed costing has not been made for each of the strategies, although estimates based on costs at other locations and from industry input have been made. Once the strategic direction is set timelines and financial planning can proceed as part of the project management procedures, followed by tender development and reporting of individual projects to Council for approval.

Finance may also be possible for some of the projects from State and Federal grants and from the waste levy rebates. Council already has approval to use \$140,000 of the 2010/11 levy rebate as a contribution to the glass processing plant and has a commitment for a similar portion of the 2011/12 rebate to be available for this project.

Regional commitment to the glass processing plant has been indicated from Ballina and Richmond Valley Councils as they already use the Lismore facility for their recyclable disposal location. Recent discussions with Ballina staff indicate that they would be very willing to look at utilisation of a waste sorting MRF to reduce their waste to landfill volumes.

## Sustainability Assessment

### Sustainable Economic Growth and Development

The establishment of the activities outlined in the Waste Strategy will provide cost recovery and reduction opportunities for Council over an extended period while providing improved environmental outcomes for the area. Increased facility capacity will promote Lismore as the major waste processing centre of the region.

### Social Inclusion and Participation

The improvement and introduction of new activities and assets will enhance the opportunity for residents to partake of up to date resource recovery and reuse facilities. Improved environmental education facilities will allow increased communication and education of the public across a broad range of Council's environmental activities and strategies.

### Protect, Conserve and Enhance the Environment and Biodiversity

Resource recovery is the prime focus of Council's waste activities and the Waste Strategy specifically targets improvements in this regard. Additionally, activities such as the capping of old cells and the development of a new cell with state of the art leachate collection systems are aimed at improvements in local groundwater quality. The proposed capping program using phytocap principles will expand the Botanical Gardens and provide significant habitat improvement in the area as well as minimising methane gas emissions from the landfill.

### Best-Practice Corporate Governance

The Waste Strategy is aimed at bringing Lismore's waste activities into line with the State's WARR targets and DECCW guidelines. Improved customer service delivery and community interaction should also result from implementation of the various programs.

## Comments

### Finance

The new Integrated Waste Strategy lists nine (9) programs to achieve its objective. Some of the programs involve significant additional investment while others can be accommodated with little additional investment. While indicative costings are available, the approach to prepare detailed costings and timeframes once the Strategy is adopted is supported.

It is important to note that as waste is a 'user pays' service, it is envisaged that all costs will be passed onto users. This would include waste collection services (residential and non-residential) users and waste disposal facility users. As such, the impact on pricing needs to be considered. This should be completed when detailed program costing are prepared.

### Other staff comments

Not required.

### Public consultation

It is recommended that the draft Integrated Waste Strategy be placed on public display for a period of 28 days.

### Conclusion

The expiration of the previous waste strategy and changes to legislation has necessitated the development of a new strategy. The attached document provides a new strategic direction for waste activities until 2020 which will keep Lismore at the front of waste management practices in New South Wales.

### Attachment/s

1. 2011 Integrated Waste and Resource Recovery Strategy (Over 7 pages)

## Recommendation

That Council endorse the public exhibition of the Draft Integrated Waste and Resource Recovery Strategy for a period of twenty eight days and report back to Council for final adoption.

# Report

<b>Subject</b>	<b>Richmond River Estuary Study and Coastal Zone Management Plan</b>
<b>TRIM Record No</b>	BP11/239:EF09/1734
<b>Prepared by</b>	Environmental Strategies Coordinator
<b>Reason</b>	For Council to understand the management issues associated with the Richmond River estuary and the implications of endorsing the Estuary Management Plan and Coastal Zone Management Plan.
<b>Community Strategic Plan Link</b>	Protect, Conserve and Enhance the Environment and Biodiversity

## Overview of Report

Richmond River County Council, Lismore City Council, Ballina Shire Council and Richmond Valley Council have prepared the draft Estuary Management Study (EMS) and Coastal Zone Management Plan (CZMP) for the Richmond River Estuary. The EMS and CZMP were on public exhibition from 16 March 2011 to 6 May 2011, with a Councillor briefing session delivered on 15 March 2011. Upon endorsement of these documents by the constituent Councils and subsequent sign off by the State Government they will form part of Lismore City Council's management responsibilities. It is therefore important Council understands the issues affecting the health of the estuary and implications of adopting the EMS and CZMP from a governance and resourcing perspective.

The Richmond Estuary has a complex array of management issues requiring a range of management actions. Council is listed as the lead organisation, with other constituent Councils for four management actions. Delivery on these actions will only have a minor additional impact on finances (\$10,000) given they are already in part actioned through Delivery Plan activities. Council is listed as a support organisation for numerous other actions; however it is recognised a range of funding sources will be needed and projects can only proceed as far as funding will allow. To acknowledge contributions already made by Council to estuary management and potential future contributions it is recommended that implementation of the CZMP be included in Council's Delivery Plan.

The completion of the EMS and CZMP represents a major achievement and the culmination of the Estuary Planning Process. It is recommended that as part of the public consultation process Council make a submission to Richmond River County Council (RRCC) expressing general support for the draft EMS and CZMP and that matters outlined in this report be considered in finalising the EMS and CZMP (see recommendations below). Final drafts of the EMS and CZMP will be presented to Council for endorsement prior to being sent to the relevant NSW Minister for approval.

## Background

Richmond River County, Lismore City, Ballina Shire and Richmond Valley Councils have prepared the draft Estuary Management Study (EMS) and Coastal Zone Management Plan (CZMP) for the Richmond River Estuary. The Richmond River estuary is defined by the tidal limit, which extends up to Boatharbour on the Wilsons arm and Casino on the Richmond arm. The EMS and CZMP were on public exhibition from 16 March 2011 to 6 May 2011, with a Councillor briefing session delivered on 15 March 2011. Once these documents are endorsed by the constituent Councils and signed off by the State Government they will form part of Lismore's Council's management responsibilities. It is therefore important that Council



understands the issues affecting the health of the estuary and implications of adopting the EMS and CZMP from a governance and resourcing perspective.

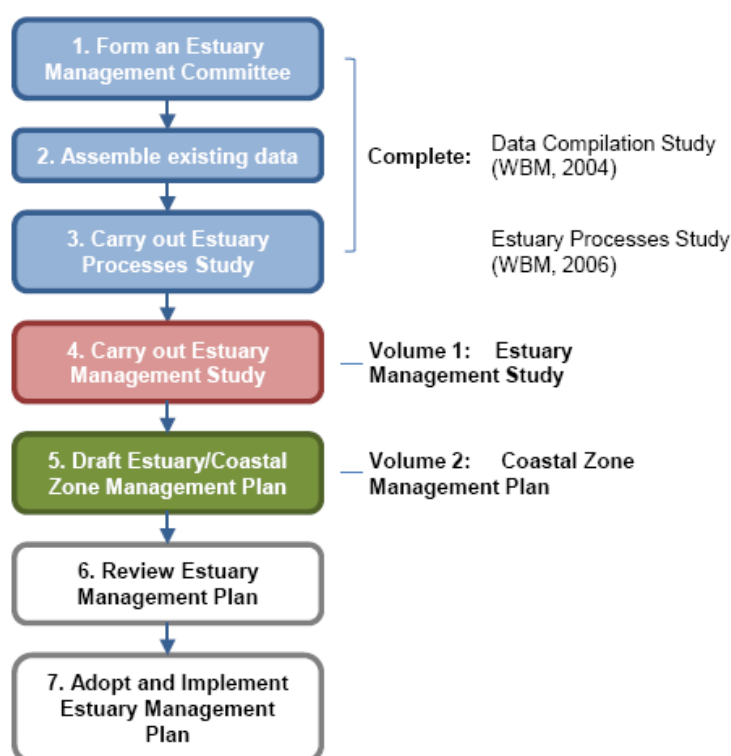
## Development of the Estuary Management Study (EMS) and Coastal Zone Management Plan (CZMP)

The development of the EMS and CZMP follows a process outlined within the NSW Estuary Management Program. The program encourages local stakeholders to responsibly manage their local estuaries through the formation of an Estuary Management Committee and the development of an Estuary/Coastal Zone Management Plan that reflects the needs of the local community and the environment, identifying issues, possible solutions and methods to implement them.

The Estuary Management Process consists of seven steps as shown in Figure 1 below. The EMS achieves Step 4 of the process. It is a culmination of the Data Compilation Study (Step 2 - completed in 2004) and Estuary Processes Study, Step 3 - completed in 2006. It brings together the latest scientific knowledge and goals of the community and government agencies to identify estuary values, issues and objectives; it then goes on to develop management options with the aim of improving estuary health and providing for the various uses of the estuary.

The CZMP, the equivalent of an Estuary Management Plan, achieves Step 5 of the estuary management process. It has been developed from the outcomes reported in the EMS and supported by the scientific knowledge from the Estuary Processes Study (Step 3). The CZMP is synonymous with an Estuary Management Plan; however the CZMP terminology has been adopted to provide consistency with amendments to the Coastal Protection Act 1979 and new guidelines for preparing CZMPs.

Steps 1 to 5 of the planning process for the Richmond Estuary have taken approximately ten years. The completion of the draft CZMP is the culmination of the Estuary Management process and represents a major achievement for the Councils involved.



**Figure 1 - The Richmond River Estuary Management Process**

## Estuary Management Study (EMS) Summary

The EMS brings together the latest scientific knowledge and goals of the community and government agencies to identify estuary values, issues and objectives and develops management options to improve the health of the estuary and provide for the various uses of the estuary. The great value of the EMS is that it essentially 'puts to bed' the science of the complex issues which affect the health of the estuary. The management issues identified for the Richmond River Estuary are summarised below:

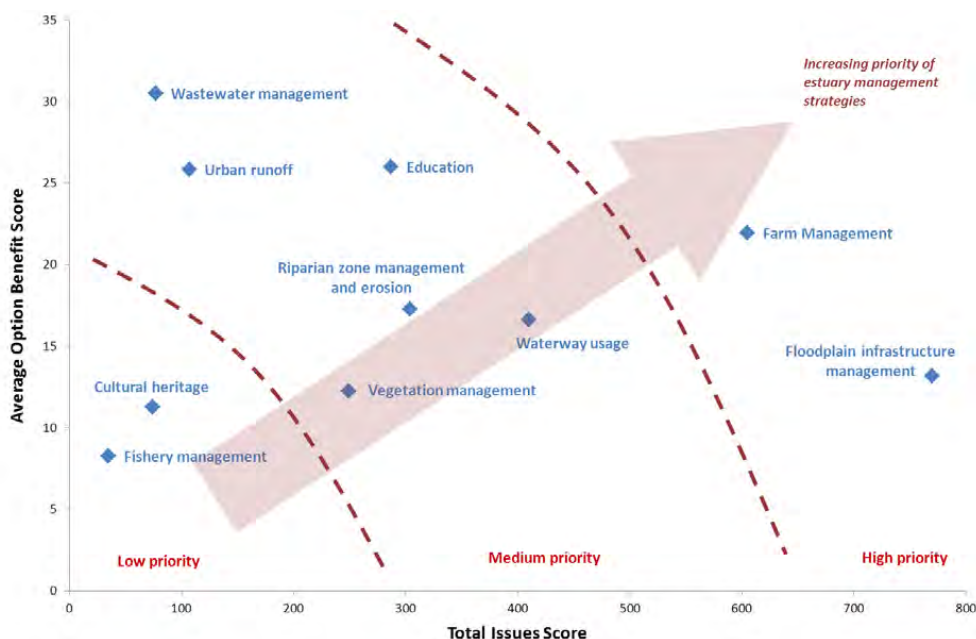
- Administration and Governance – the existing model has limitations and needs improvement
- Climate Change Adaptation – includes a range of impacts due to sea-level rise
- Monitoring and Evaluation – current monitoring is inconsistent and needs improvement
- Poor Water Quality Episodes and Fish Kill Events – flooding has major impacts on water quality and often results in fish kills
- Floodplain Vegetation Clearing and Modification – the replacement of flood adaptive vegetation with exotic grasses and crops which decompose during floods, stripping oxygen and creating 'blackwater'
- Floodplain Drainage Infrastructure – extensive modification of natural drainage patterns have caused exposure of Acid Sulphate Soils (ASS), formation of monosulphidic black ooze (MBO) and disruption of tidal flushing regimes
- ASS and MBO – exposure of naturally occurring ASS by drainage and excavation has resulted in chronic and acute discharges of sulfuric acid, iron, aluminium and heavy metals. MBO's, created by rotting organic matter in ASS environments, when disturbed and transported during floods, rapidly de-oxygenate water and severely disrupt the ecology of waterways
- Diffuse Pollutant Loadings from Agricultural Land – Agricultural land use and practices are causing diffuse loads of sediment, nutrients and chemicals to the estuary during rainfall events
- Poor Condition of Riparian Zone – degraded riparian vegetation has caused loss of function and amenity values
- Vegetation Management – the majority of the catchment is extensively cleared, resulting in reduced biodiversity and fragmentation of habitats, increased sediment and nutrient loads and morphological changes (erosion, accretion) in the estuary
- Waterway Usage – the management of recreational uses on the estuary
- Wastewater and Urban Inputs – the impacts of STP's and stormwater outlets on water quality
- Cultural Heritage – the need for recognition and protection of cultural heritage sites
- Fisheries and Aquaculture Management – the management of recreational and commercial fishing and oysters.

The list above clearly demonstrates the complexity and sheer number of issues affecting the estuary. To address these the EMS includes a suite of potential management options. The options are provided in detail in the EMS and cover the potential choices available to manage estuary issues. These options have been evaluated by:

- ranking the issues to focus management on those regarded as a high priority in achieving the objectives of the plan
- individual management options are given a "Option Benefit Cost Ratio", and
- total option scores for each category of option considered against the associated issues priority.

Thirteen strategies have been developed from the full list of prioritised options. Figure 2 shown below shows the output of this evaluation and the resulting relative priority of the management strategies. Administration and Governance, Climate Change Adaptation and Monitoring and Evaluation are considered to be fundamental strategies that influence all management areas. For this reason these three strategies have not been prioritised in the same way as the other strategies and do not appear in Figure 2.

The classification of strategies as low priority is not a reflection of the level of importance of these factors, but rather an indication of the capacity of the actions contained in these strategies to achieve the defined objectives in terms of overall estuary health.



**Figure 2: Relative Priority of Management Strategies**

It should be noted here that the two strategies where Council has core responsibility, wastewater management and urban runoff, have been given a medium priority.

## Coastal Zone Management Plan (CZMP) Summary

The CZMP provides a scheduled sequence of recommended actions based around the 13 strategies presented in the EMS. Table 2 of the attachment (enclosed separately) provides an overview of the recommended strategies, listing the key actions, responsibilities, location and indicative costs estimated over the ten year implementation period. The total cost of the CZMP implementation is estimated to be approximately \$16.4 million over ten years.

## Council responsibilities for implementation of the CZMP

Once the EMS and CZMP are endorsed by the constituent councils and signed off by the State Government they will form part of Lismore's Council's management responsibilities. The CZMP Implementation Program nominates a 'lead organisation' and 'support organisations' for each recommended action. Lismore City Council is listed with Ballina Shire and Richmond Valley Councils as the lead organisation in implementing the following four actions:

#	Description	Key Performance Indicators (KPIs):	Cost (over 10 years):
<b>Action 6.2</b>	Riparian buffer establishment (Planning).	Review planning controls to ensure adequate protection of riparian areas by June 2013	\$30,000
<b>Action 7.1</b>	Retain, rehabilitate and conserve existing native floodplain vegetation	<ul style="list-style-type: none"> <li>Stage 1: prioritisation study to identify existing vegetation by Dec 2012</li> <li>Stage 2: rehabilitation of 2 Ha target area per year</li> </ul>	Stage 1 - \$30,000 Stage 2 - \$100,000 pa
<b>Action 10.2</b>	On-going onsite sewerage management inspections and improvements.	<ul style="list-style-type: none"> <li>Council on-site Wastewater Management Strategies are fully implemented</li> <li>Review of all un-sewered areas completed by 2015</li> </ul>	Not estimated
<b>Action 11.1</b>	Stormwater management	Stormwater Management Plans are reviewed every 3 years	Not estimated

Regarding Action 6.2 it is reasonable to assume Lismore City Council would be responsible for jointly funding one third of the \$30,000 estimated to complete this task. It is possible that this could be achieved by an internal cross-council staff working group which would reduce costs.

Regarding Action 7.1 Lismore City Council will achieve Stage 1 through the development of its Biodiversity Management Strategy, which is already funded through the Delivery Plan. The rehabilitation target of 2Ha per year from 2013 across the three council areas is regarded as a modest target which should again be achieved through ongoing funding to implement Council's Biodiversity Management Strategy and/or environmental grants.

Regarding Actions 10.2 and 11.1, neither of these actions has a cost estimate within the CZMP and there is no specific financial target to be met by Councils in delivering these actions. In other words, the CZMP recognises that these actions are part of Council's core business and therefore the CZMP will not require Lismore City Council to commit additional resources to these areas.

Due to a number of factors, such as local government's statutory responsibilities relating to natural resource management (e.g. landuse planning, community education and cultural heritage) and Council's existing contributions to RRCC for floodplain management services, Lismore City Council, with other constituent councils, is listed as a 'support organisation' for the majority of actions within the CZMP (see Table 2 of the attachment (enclosed separately)). As in the past, a range of funding sources will be required to implement the CZMP over the next 10 years, including:

- Council and State Government contributions
- grants
- industry contributions
- in-kind contributions
- levies.

Whilst constituent Councils are listed as support agencies, and the current level of overall investment to manage the estuary is insufficient, it is recognised that a range of funding sources is needed and projects can only proceed as far as funding will allow. Importantly, the CZMP will put the region in a much better position to attract funds and provide an impetus for improvements in State government funding for the estuary. From Council's perspective it is recommended that implementation of the CZMP be included in council's delivery plan to acknowledge contributions already made by Council to estuary management and potential future contributions.

## Future governance of the Richmond River Estuary

A fundamental and high priority of the CZMP is a review of the estuary governance and administration structure. To quote from the CZMP "*Determining efficient and effective administrative arrangements for estuary management is important in order to minimise lack of coordination, administrative gaps or overlaps and to streamline decision making. Improved governance arrangements will rely on clearly defined responsibilities and adequate funding to implement these responsibilities.*"

Now that the CZMP is complete, the actions and strategies required to manage the estuary are clearly defined. An assessment of who is best placed to undertake these tasks and the partnerships required for implementation will be a necessary and major step forward. Some of the factors to consider are:

- the existing Estuary Management Committee, developed to oversee development of the CZMP, has fulfilled its function and a new implementation committee will need to be formed, potentially following the model of the Tweed River Committee or Clarence Floodplain Network.
- the abolishment of, or reduced resourcing to, RRCC would transfer significant responsibility for the management of aging floodplain infrastructure back to constituent Councils, as well as other responsibilities such as Section 355 Committees and general land management.

The current draft CZMP lists the Estuary Management Committee (EMC) as the lead organisation for a number of actions. Due to the fact this committee has fulfilled its function in overseeing development of the CZMP it is recommended that Council request references to the EMC in the CZMP implementation schedule be replaced by inserting 'CZMP Implementation Committee (to be formed)'. It is also recommended that RRCC, Northern Rivers Catchment Management Authority and constituent Councils be the lead organisation for Strategy 1 – Administration and Governance Review, which will review options and direct formation of a CZMP Implementation Committee.

## Sustainability Assessment

### Sustainable Economic Growth and Development

The actions within the CZMP direct specific effort towards more sustainable growth and development, especially within the rural and agricultural sector.

### Social Inclusion and Participation

Extensive community consultation was undertaken during the development of the EMS. The Draft EMS and CZMP have been on public exhibition since 16 March 2011 and a public meeting was held in Ballina on 28 March 2011.

### Protect, Conserve and Enhance the Environment and Biodiversity

Once adopted the EMS and CZMP will be the main strategic documents for managing these values on the floodplain and estuary.

### Best-Practice Corporate Governance

The EMS and CZMP reflect best-practice natural resource management consistent with the NSW Estuary Management Policy.

## Comments

### Finance

The total cost to implement the Coastal Zone Management Plan (CZMP) is estimated to be \$16.4 million over 10 years. While grant funding may be available, it is not clear exactly how the CZMP is to be financed. Experience suggests that most grant funding will require a contribution from the constituent council. Assuming a one third contribution is required and each constituent council contributing an equal share, Lismore City Council's (Council) share would be \$1.822 million over a 10 year period.

Funding to meet this commitment is not included in Council's 2010-2014 Delivery Plan. To include would require the Delivery Plan to be reviewed as it is not possible to fund all approved projects and simply add the implementation of the CZMP. What would assist Council to determine if it could fund its share of the implementation of the CZMP is a detailed financial plan that showed the timing and amount required.

While Council would have the above shared responsibilities, it also has 'lead organisation' responsibilities for four tasks:

- Action 6.2 is estimated to cost Lismore City Council approximately \$10,000 to implement. This funding is not currently provided in the annual budget.
- Action 7.1 – Council has \$60,000 per annum for 2010/11 and 2011/12 to develop a Biodiversity Management Strategy, and \$60,000 per annum for 2012/13 and 2013/14 to implement the Biodiversity Management Strategy, included in the current 2010-2014 Delivery Plan. The adoption of the EMS and CZMP will require an ongoing funding commitment from Council beyond 2013/14 which is not quantified.

- Action 10.2 – Council already collects an onsite sewage management charge from all properties with an onsite system to meet this requirement.
- Action 11.1 - Council already collects a stormwater management services charge from properties in the Lismore urban area. This may be sufficient to meet this requirement depending on whether action needs to be taken in villages and other centres of population. If required, broadening the application of the stormwater management services charge may need to be considered.

In regards to the review of the future estuary governance and administration structure, for the reason provided for in the CZMP reported above, the recommendation is supported.

## Public consultation

The draft EMS and CZMP were on public exhibition from 16 March 2011 until 6 May 2011. Extensive consultation was also undertaken during the development of the EMS. Appropriate Council staff were consulted in relation to council's core responsibilities in stormwater and on-site sewage management. The SEPAG were advised of the public exhibition of the EMS and CZMP and provided a summary document at their meeting of 13 April 2011. The SEPAG agreed to provide submissions on an individual voluntary basis.

## Conclusion

The completion of the EMS and CZMP represents a major achievement for the three constituent Councils of the Richmond River estuary and the culmination of the Estuary Planning Process. Overall, Council staff representatives involved in the completion of the EMS and CZMP are very satisfied with the quality and comprehensiveness of these documents. It is recognised, however, that more hard work and consultation is required to establish a governance and administration structure that will see the effective implementation of the CZMP.

It is recommended that as part of the public consultation process Council make a submission to RRCC expressing general support for the draft EMS and CZMP and that matters outlined in this report be considered in finalising the EMS and CZMP (see recommendations below).

Final drafts of the EMS and CZMP will be presented to council for endorsement prior to being sent to the relevant NSW Minister for approval.

## Attachment/s

1. Richmond River Estuary Summary Document (Over 7 pages)

## Recommendation

That:

1. Council note the content of the Richmond River Estuary Summary Document as attached in particular Table 2 ('Overview of the Coastal Zone Management Plan implementation schedule').
2. Council Lodge a formal submission to the draft Estuary Management Study and Coastal Zone Management Plan to the Richmond River County Council expressing support for the draft documents subject to the following changes namely:
  - a) References to the Estuary Management Committee in attached Table 2 ('Overview of the Coastal Zone Management Plan implementation schedule') be replaced by inserting the words the 'Coastal Zone Management Plan Implementation Committee (to be formed)' for the reasons outlined in the report.
  - b) The Richmond River County Council, Northern Rivers Catchment Management Authority and constituent Councils be responsible for the formation of the newly to be established Coastal Zone Management Plan Implementation Committee as outlined in 2.1.
3. Council include a project entitled 'Implementation of the Coastal Zone Management Plan for the Richmond River Estuary' into the 2010-2014 Delivery Plan to acknowledge contributions already made by Council to estuary management
4. Prior to considering the inclusion of future funding commitments for this project into the 2010-2014 Delivery Plan, Richmond River County Council be requested to develop a detailed financial plan that shows the timing and funding amount required to implement the CZMP that is acceptable to Council.

# Report

<b>Subject</b>	<b>Telecommunications Contract</b>
<b>TRIM Record No</b>	BP11/218:EF09/772
<b>Prepared by</b>	Manager - Information Services
<b>Reason</b>	To inform Council of the proposed arrangements for the procurement of Telecommunications Services for Lismore City Council.
<b>Community Strategic Plan Link</b>	Efficient Use of Council Resources

## Overview of Report

Telecommunications Services to Lismore City Council including Richmond Tweed Regional Library are currently provided by Telstra Corporation under NSW State Government contract number ITS2630. This three year arrangement concludes in August 2011. The extent and complexity of the telecommunications services required, suggests that the most appropriate procurement option is through an existing agreement based on significant buying power and extensive research of the market.

## Background

At the 9 November 2010 Ordinary Council Meeting, Council resolved that '*Prior to entering a new service contract which may be procured through either a tender process or by utilising existing Contracts available from NSW Government, the proposed future arrangements be reported to Council for endorsement.*'

Council (incorporating Richmond Tweed Regional Library) uses a range of telecommunications services that can be broken down under four headings:

1. Fixed Telephony
2. Mobile Services - voice and data
3. Managed Networking Services
4. Internet Services.

### 1. Fixed Telephony

Council has 327 fixed telephony services which include standard telephones, faxes, security lines, Closed Circuit Television (CCTV) control and services used for PABXs in some of the larger sites. All of these services are provided by Telstra Corporation with the average monthly spend over the last twelve months for these services being \$19,000.

Council has a contract through the NSW State Government Contract number ITS2360 for three years. Council utilises Category 3 Fixed Voice Services of the contract with Option J4 for services over three years. This commitment ends in August 2011.

### 2. Mobile Services – voice and data

There are currently 220 mobile (wireless) telephone services used by Council. These services are used for a variety of purposes including Telemetry and process control, Internet Access/Remote Access, voice communications, networking and device control such as speed advisory signs. The monthly spend on mobile services is around \$3,900. All of these services are provided by Telstra Corporation utilising their Next G and digital networks.



Council utilises Category 4 Mobile, Satellite and Paging products and Services of the GTA ITS 2360 contract with Option J4 for services over three years. The commitment ends in August 2011.

Included within Option J4 of the contract is a \$182 exclusive GST credit towards mobile handsets bought from Telstra. Council has acquired 183 handsets to date through this process saving \$34,000 on the cost of purchase. A typical handset suitable for business use costs between \$250 - \$450.

### **3. Managed Networking Services**

Council's data network extends across four Local Government Areas (LGA) and incorporates 31 sites. Connecting some of these sites together is Telstra's Connect-IP network. The Connect-IP service supports secure access to sites that are not feasibly connected by any other means.

The average monthly cost Networking Services is around \$10,000.

### **4. Internet Services**

Council uses a number of Internet services and providers. It has a large business grade internet service that is delivered to 250 users. This service is provided by Telstra. It also has a number of broadband services at some sites for the purpose of remote access to Council's network and for public use (e.g. Airport Internet Café) as well as CCTV control.

Richmond Tweed Regional Library makes extensive use of the Internet for both Public Access and staff access. The Internet services for Public Access are provided and managed through the State Library. Library staff access to the internet is managed by Council. Internet services are provided by Telstra Corporation, Internode Pty Ltd and Verizon Pty Ltd.

The average monthly cost Internet Services is \$900 of which \$550 is from Telstra Corporation.

### **Service integration**

It is important to understand that to deliver its services in the way it does, Lismore City Council takes advantage of the integration of Telstra's services. For example to provide access to Blakebrook Quarry we utilise Telstra's Next G Mobile data network and its Connect IP service to allow staff at the Quarry to directly connect to Lismore City Council's own private data network. That level of connectivity is unlikely to be available with different vendors providing different component services. For example choosing one vendor for mobile telephones and another for managed networking will most likely not provide the same integrated facility described above at Blakebrook Quarry.

### **Billing**

The billing structures for our many services of voice, data, internet and managed networking is complex and extensive. At present under ITS2630 over 95% of our services are managed using a single billing interface. This significantly reduces the cost to Council in auditing the invoices and making payments.

### **Integrated voice and data**

As technology moves on, the traditional copper wire based voice communications is being phased out and replaced by fibre-optic infrastructure utilising data networks and the internet for both voice and data. Lismore City Council is moving its ISDN services at its Corporate Centre to Telstra's fibre optic service. Council has committed around \$16,000 in installation costs for this technology and positions us well for future communications strategies. Changing service provider for this will require re-investing.

## Procurement options

There are three options available to Council to acquire telecommunications services: Open tender or existing contracts.

There are two existing contracts suitable that provide the comprehensive range of services required by Lismore City Council. They are:

1. Contract number ITS2630 developed by NSW State Government.
2. Contract number LGP407 developed by Local Government Procurement (LGP)

Both contracts have recently been revised and final pricing and details are expected shortly. Advice from LGP is that Deeds are being signed now between providers and Councils will be notified shortly. Similarly the GTA contract is also under revision and advice from the Department of Commerce is that the existing contract will continue to operate until the new one is finalised.

Discussions with our current Provider have indicated that their pricing under LGP407 and IT2630 are essentially the same. In fact the pricing for LGP407 is derived from the GTA pricing. Both contracts support no access fees for mobile telephones and include the handset subsidy for choosing the three year option.

The primary difference between the two of them is that the NSW Department of Finance and Services receives a commission from business based on ITS2630 whereas LGP receives commissions for using their contract. This in turn returns to Council through an annual rebate.

## Summary of current telecommunications expenditure

	Monthly	Annual
Fixed Telephony	\$19,000	\$228,000
Mobile Services - voice and data	\$3,900	\$46,800
Managed Networking Services	\$10,000	\$120,000
Internet Services	\$900	\$10,800
<b>Totals</b>	<b>\$33,800</b>	<b>\$405,600</b>

## Regional considerations

On 11 January 2010 the Northern Rivers Information Technology Group (NRITG, a sub-group of the General Manager's Group) held a Special meeting to discuss the following resolution of NOROC:

*"That the General Managers receive a report from the respective Sub-Group following the investigation of options, to ascertain various ramifications of the options presented, including the potential for a regional procurement of telecommunications services, for subsequent advice to NOROC member Councils as well as the next General Meeting of NOROC."*

The meeting resolved the following:

- *"While possible, there is little evidence that a joint regional procurement of telecommunications would achieve better prices, terms and conditions than are available under the GTA or LGP arrangements; and that*
- *Efforts would best be directed at liaising directly with GTA and LGP to ensure that they are aware of the specific needs and concerns of NOROC members so that they can take appropriate account of these in their negotiations with Telecommunications Suppliers."*

Overall the view of the NRITG was that attempting to procure services ourselves would not attract improved consideration. It was also concluded that Telstra continues to provide the most comprehensive single solution for telecommunications in this region for voice, data and managed networking.

## Sustainability Assessment

### Sustainable Economic Growth and Development

Lismore City Council is one of the biggest consumers of telecommunications services in the region. By demanding the services forces providers to make them available and consequently make them available to other smaller businesses.

### Social Inclusion and Participation

Much of the telecommunications services used by Lismore City Council are for communicating with customers. The managed networking services are used to deliver internet services and system to vast array of customer including the Richmond Tweed Regional Library network.

### Protect, Conserve and Enhance the Environment and Biodiversity

Lismore City Council's reliance of telecommunications continues to reduce the dependence on traditional paper based communication systems.

### Best-Practice Corporate Governance

The incorporation of managed networking services using a large National Service Provider as part of our network, reducing the risk of failure and disruption. This risk mitigation is consistent with best practice methodologies used by large Corporate and Government organisations.

## Comments

### Finance

The cost of telecommunications is significant (\$405,600 per annum) for Lismore City Council. It is reasonable to assume that generally telecommunication costs for all State and Local Government organisations are significant. The fact there are many State and Local Government organisations requiring these services and incurring these costs explains why both the NSW Department of Finance and Services and Local Government Procurement undertake such comprehensive contract processes.

Considering the buying power associated with the State Government and Local Government Procurement contracts and the costs associated with procuring these contracts, it is highly unlikely that a separate tender process will achieve a better financial outcome than these contracts.

### Other staff comments

Not required.

### Public consultation

Not required.

### Conclusion

The telecommunications services required by Lismore City Council are extensive, complex and integrated. Extensive work in the identification of suitable Providers for Local Government Authorities in NSW has been done by both the NSW Department of Finance and Services and Local Government Procurement resulting in two comprehensive contracts.

The most cost effective mechanism to procure the necessary services is to utilise one of these contracts. The pricing for the particular services Council requires is essentially the same from both contracts however the LGP contracts offers additional financial benefits to Council through an annual rebate.

## Attachment/s

There are no attachments for this report.

## Recommendation

That Council procure its telecommunications services under Contract number LGP407 developed by Local Government Procurement for a period of three years from August 2011.

# Report

<b>Subject</b>	<b>March 2011 Quarterly Budget Review Statement</b>
<b>TRIM Record No</b>	BP11/236:EF09/2202
<b>Prepared by</b>	Principal Accountant
<b>Reason</b>	In accordance with Clause 203, Local Government (General) Regulation, Council approval is required to amend the 2010/11 Budget to reflect actual or anticipated results.
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

A review of all budgets has been undertaken based on actual results to 31 March 2011, anticipated trends and any additional information. Budget variations that can be reliably quantified have been reported.

The 2010/11 Budget has moved from an opening deficit of (\$11,800) to an accumulated deficit of (\$226,500) as at September 2010 and an accumulated deficit of (\$19,700) as at December 2010. The operating deficit for the March 2011 quarter was (\$121,100) hence an accumulated deficit of (\$140,800) as at March 2011.

Major items that have contributed to the March operating deficit are:

- Legal Expenses Champions Quarry – (\$302,700)
- Memorial Baths operations – (\$98,400)
- Lismore Tourism Guide – (\$20,000)
- Consultancy McLean's Ridges Traffic Study – (\$10,000)

These have been offset by:

- Estimated net cash from sale of Koala Child Care Centre - \$238,800
- Insurance rebate incentives - \$42,000
- Interest on investments revised estimates - \$31,900
- Revenue from project managing storm repairs - \$20,900

The ability of Council to fund the deficit (\$140,800) from within the approved 2010/11 Budget without either a reduction in planned works, or significant additional revenues being received, is considered low. As such, Management will need to proactively reduce costs or generate additional income where possible. In addition, it is likely that Council will be required to increase dividends from business units or reduce reserves to offset the deficit. A report on options to fund the anticipated deficit will be submitted to Council in September 2011.

For Water Fund, water consumption revenues are lower than anticipated by \$1.166 million due most likely to the continued wet weather. This equates to a 16.5 % reduction in consumption compared to initial estimates. This reduction in revenue has been offset by a reduction in capital works and the utilisation of reserves/unexpended loans rather than revenue for works already completed in 2010/11.

Other than the above variances, all other budgets are being closely monitored and are generally within the approved budget. There are changes to the 2010/11 Budget reported and these are funded from reserves and grant revenues.

## Background

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

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

### General Fund

This review details a deficit of (\$121,100) for the March 2011 quarter, with the accumulated deficit at 31 March 2011 being (\$140,800)

The following summary highlights all changes impacting the result for the March 2011 Quarter:

<b>Budget Movements for Quarter Summary</b>	<b>Amount \$</b>
<b>Adopted Budget - (Deficit)</b>	<b>(19,700)</b>
Add – Estimated net cash from sale of Koala Child Care Centre (Note 1)	238,800
Add – Insurance incentives	42,200
Add – Project Management Fee	20,900
Add – Interest on investments (General Fund component)	31,900
Add – Sale of small parcel of land (net of disbursement costs)	1,700
Less – Legal expenses (Note 2)	(302,700)
Less – Memorial Baths operations (Including Council resolution 326/11) (Note 3)	(98,400)
Less – Tourism Guide	(20,000)
Less – Consultants McLean's Ridges Traffic Study	(10,000)
Less – Contribution to NSW Rural Fire	(7,700)
Less – Reduction in revenue estimates from Planning Proposal (Rezoning Fees)	(7,000)
Less – Gasworks remediation additional cost to complete works	(5,800)
Less – Queensland flood appeal (Council resolution 291/11)	(5,000)
<b>Closing Budget – 31 March 2011 (Deficit)</b>	<b>(140,800)</b>

#### Note 1: Sale of Koala Child Care Centre

The estimated net cash from the sale of the Koala Child Care Centre is \$238,800. Details on this calculation have been provided to Councillors separately.

Council resolved in part at its 11 May 2010 meeting that '4. All money received from the sale of Koala Child Care Centre is isolated from the budget for a future decision by Councillors'. It is recommended that the due to the amount of the 2010/11 Budget deficit, the net cash from the sale of Koala Child Care Centre be applied to part fund it.

#### Note 2: Legal Expenses

Based on available information, net costs for development related legal actions are estimated to be \$955,700 (Original Budget \$345,000) in 2010/11. The majority of these costs relate to the Champions Quarry cases.

Final net costs will not be known for sometime and the amount will depend on the Court's decision.

**Comment: Manager- Development and Compliance**

*Throughout these protracted appeal proceedings, the proponent has been allowed by the Court to amend the quarry expansion proposal and provide additional late plans, reports and documents on numerous occasions. These decisions by the Court have been favourable to the proponent, despite the repeated strong objections of Council's legal representatives on the grounds of lateness, cost and unreasonable delay. This has resulted in Council incurring additional costs in having its legal representatives and experts reviewing what have become a constantly evolving application, including large volumes of additional plans and new supporting documents that must be responded to by Council. Hearing dates have been deferred by the Court on several occasions due to late evidence, frustrating any attempt to have the hearing of evidence concluded within any reasonable timeframe. It should also be noted that in the conduct of the proceedings, the number, involvement and attendance of experts in court has been limited by Council to that considered necessary.*

*Some of the costs unreasonably incurred by Council as a result of the above actions by the proponent over the last 12 months have been reimbursed to Council as a result of court orders (\$136,000), and further cost recovery actions are being pursued in relation to other cost orders. Conversely, there have been no costs awarded against Council for any unreasonable actions or non-compliance with court requirements throughout the course of the proceedings. The costs incurred by Council to date would most likely have been 70 -75% less, and the appeal finished around the middle of last year, if the proponent had allowed the court to consider and determine the same application that Council considered and determined in February 2009, instead of continually seeking leave to amend the proposal under consideration throughout the proceedings.*

*The appeal hearings have now been concluded, and it is expected that a judgement on the appeal will be available in May 2011.*

**Note 3 – Lismore Memorial Baths**

Council resolved in March 2011 to keep the Lismore Memorial Baths (LMB) open in a limited capacity for May 2011. It was acknowledged that the LMB financial position at that time was in deficit and the limited opening in May would cost in total \$41,000. Based on an assessment of the financial position as at the end of April 2011, the total deficit for 2010/11 is estimated to be \$98,400.

Reasons for the deficit include:

**Income:** The 2010/11 Budget anticipated \$279,200 in revenues. It is estimated that approximately \$212,200 will be received. This is an unfavourable variance of \$67,000 and makes up two thirds of the overall LMB deficit. As LMB is an outdoor facility, the persistent cool and wet weather has adversely affected visitations and subsequent revenues.

**Expenditure:** The 2010/11 Budget anticipated \$549,000 in expenses. It is estimated that approximately \$580,400 will be expended. This is an unfavourable variance of \$31,400.

Although a range of cost cutting measures have been employed at LMB over the entire season, a base level of ongoing costs has had to be maintained to meet regulatory requirements. These include staff wages, electricity, chemicals and maintenance. The most significant variance relates to staff costs and despite active and sustained measures to minimise costs, it has not been possible to achieve.

**Program Summary**

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

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

## Corporate Management

Sponsorship revenue and expenses of \$11,400 associated with the 2010 Carols by Candlelight has been recognised.

## Finance

Operating revenues have increased by \$38,000 being insurance refunds received. This revenue has been used to partially fund the part replacement of the Nimbin CCTV network (refer Traffic and City Safe).

Interest revenue on S94 funds held has been revised as at 31 March. An additional \$37,300 is anticipated to be received. These funds are required to be applied to S94 works and have therefore been transferred to Unexpended Developer Contributions.

## Asset Management and Support

The 2010/11 Operational Plan included \$60,000 for investigations into the Lismore Tourist Caravan Park with funding of \$40,000 from grants. As no grant funds have been received, the budget has been reduced to \$20,000. This requires a compensating adjustment for both income and expenditure.

## Caravan Parks and Nimbin Pool

Operating revenue has been reduced by \$15,000 to reflect the lower than anticipated patronage in 2010/11. Sufficient savings have been identified within operating expenses to offset the lower income.

## Lismore Wastewater

The 2010/11 loan borrowing program for Wastewater included provision of \$1,000,000 in new borrowings to fund its capital works program. It is proposed that these works be funded from Wastewater reserve in 2010/11 and that no new borrowings be sourced. This is consistent with Council's approach in other Programs for 2010/11.

Interest revenue on Wastewater investments held has been revised as at 31 March with an additional \$69,700 anticipated to be received. These funds are required to be applied to Wastewater works and therefore have been transferred to Lismore Wastewater reserves.

## Parks and Recreation

Capital works of \$30,000 have been included. These works relate to the Lismore Swans AFL ground with funding from contributions received of \$15,000 and a \$15,000 transfer from the Parks and Recreation Reserves (Urban Sports Facility Fund).

There has been a reduction in operating expenses being a transfer of budget for the Lismore Master Plan (\$16,400) from Parks and Recreation to Community Services. This is to reflect the correct Program area of responsibility for this project.

## Roads

Total operating expenses for roads have been increased by \$748,500 with a corresponding reduction in capital works \$267,500, increased operating revenue \$559,500, a transfer from reserves \$82,500 and a transfer to reserves of \$139,900

The major movements in operating expenses for the period being:

Bridge Street works increased by \$350,000 - funded from reducing capital works (Elizabeth/College Street reduced by \$250,000 and Bellevue Avenue reduced by \$100,000).

Miscellaneous Private works expense increased by \$376,300 - there has been a corresponding increase in operating revenues of \$513,500. The net proceeds have been transferred to reserves to provide for additional costs anticipated in the June quarter \$139,900.



In addition the capital works budget for Woodlark Street has been increased by \$82,500. Funding has been sourced from the Transport Infrastructure Reserves – Roads.

## Traffic & City Safe

Capital work of \$ 48,000 has been included for works associated with the replacement of part of the Nimbin CCTV network. These works have been funded from insurance refunds \$38,000 (refer Finance Program), transfer from operating expenses - \$6,000 (CCTV monitoring) and a transfer from the Transport Infrastructure Reserves – CitySafe - \$4,000.

## Waste Services

Grant funding totalling \$164,800 has been received for Waste Performance Management projects. The projects funded within this round of funding are: Glass Crushing equipment - capital works of \$134,800 and the conduct of a waste audit - operating expenses of \$30,000.

## Art Gallery

Operating expenditure has been increased by \$90,000 to reflect additional grant funding received in the period. There has been a corresponding increase in operating expenses relating to the grant projects being: Art Funding Program \$50,000, Splendour project \$30,000 and Arts Queensland Funding \$10,000.

## Community Services

Operational expenses have been increased by \$86,000 with funding from operating grants \$58,200, a transfer from Community Services reserves \$8,700 and additional revenues received \$2,700. The major movements in operating expenses for the period were for the following projects: Living Library \$13,200 (grant funded), Changing the Tune \$30,000 (grant funded), Northern Rivers Indigenous Information Program \$15,000 (grant funded), NAIDOC week \$11,400 (reserve and revenue funded) and the Lismore Master Plan \$34,200 (transfer from Parks and Gardens and savings in other expenses).

## Development and Compliance

Operating expenses have been increased by \$59,600 for works associated with the remediation of the Gasworks site. This has been funded by a transfer from reserves – Gasworks Remediation \$53,800 and \$5,800 from the operating deficit.

## Events and Tourism

Operating expenses have been increased by \$48,300 for works associated with the Wilson River Experience Walk. This has been funded by a transfer from Leisure, Tourism and Events reserves \$25,600 and unexpended grants \$22,700.

## Information Services

Operating expenses have been increased by \$50,000 for works associated with the Upgrade of Council's corporate system. This has been funded by a transfer from Information Services reserves \$50,000.

## Integrated Planning

Operating expenses have been increased by \$69,300.

The major movements in operating expenses for the period were:

- Bank Erosion treatment \$13,700 (grant funded).
- New land release investigating \$16,500 (additional revenue)
- LEP – Acceleration Fund \$28,000 (grant funded).
- Slaters Creek regeneration \$11,300 (grant funded)

## Public Libraries

Operating Expenses have been increased by \$14,200 to reflect grant funds received in relation to the Unexpended Grants carried forward from 2009/10 - Library Development Grant funding. The funds are to complete the construction of the secure return chute.

## Richmond Tweed Regional Library (RTRL)

The operating budget for the RTRL has been revised based on actual results to 31 March 2011. There is no overall impact on the RTRL funding.

Capital purchases have been increased by \$31,200 with them being funded from RTRL reserves.

Operating expenses have been decreased by (\$55,200) and operating revenues increased by \$27,000. The net result is transfer to RTRL reserves of \$82,200 being the overall favourable impact.

## **Change in Net Assets**

The 2010/11 Operational Plan showed an Operating result from Continuing Operations of (\$155,500). The September review reduced this by (\$3,129,200) to (\$3,284,700) and the December review reported a further decline of (\$4,266,300) to (\$7,551,000). This review shows a decrease of (\$1,332,100) to report an Operating Loss from Continuing Operations of (\$8,883,100).

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

## **2010/11 Operation Plan - Additional Projects Reconsideration**

When adopting the 2010/11 Operational Plan, Council resolved that the following projects (in no priority order) be considered for inclusion in the 2010/11 Operational Plan should funding become available:

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

\*The City Hall asbestos removal has been included in the 2010/11 Budget.

\*\*Development Application Online Project – funding has been sourced from existing program budgets.

\*\*\*Council approved inclusion at the 12 April 2011 meeting.

Given the 2010/11 Budget deficit is (\$140,800) at 31 March 2011, no further projects are recommended for inclusion in the 2010/11 Budget.

## Comments

### Finance

Council endeavours to 'breakeven', excluding depreciation, each year. Historically, Council has been successful in achieving this outcome. To achieve a 'breakeven' position, it is necessary for the 2010/11 Budget deficit of \$140,800 to be addressed.

As indicated in the report, it is not possible to balance the budget from within the approved 2010/11 Budget without either a reduction in planned works, or significant additional revenues being received.

While a deficit budget at 31 March is unusual by comparison to previous years, this is not the beginning of an ongoing trend. In reality, if Council was able to control legal expenses to within the original budget, the 2010/11 Budget would have potentially been a \$460,000 surplus.

## Conclusion

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

The 2010/11 Budget has moved from an opening deficit of (\$11,800) to an accumulated deficit of (\$226,500) as at September 2010 and an accumulated deficit of (\$19,700) as at December 2010. The operating deficit for the March 2011 quarter was (\$121,100), hence an accumulated deficit of (\$140,800) as at 31 March 2011.

The ability of Council to fund the deficit (\$140,800) from within the 2010/11 Budget either by a reduction in programmed works or additional revenues is considered low. Management will proactively reduce costs or generate additional income where possible.

## Attachment/s

1. 2010/11 Estimates of Income and Expenditure
2. 2010/11 Estimates of Income and Expenditure for Quarter - Individual Programs

## Recommendation

That:

1. Council adopt the March 2011 Quarterly Budget Review Statement for General, Water and Wastewater Funds.
2. Council recognise an accumulated deficit of (\$140,800) as at 31 March 2011.
3. Council apply the net cash from the sale of the Koala Child Care Centre to funding the 2010/11 Budget.
4. This report be forwarded to Council's Auditor for information.

<b>2010/11 Estimates of Income and Expenditure To March 2011</b>					
<b>BUDGET ITEMS</b>	<b>Original 2010/11 \$'000</b>	<b>September Quarter \$'000</b>	<b>December Quarter \$'000</b>	<b>March Quarter \$'000</b>	<b>Total Budget \$'000</b>
<b>OPERATING REVENUES</b>					
General Manager/Chief Executive	27,320	282	662	165	28,430
Infrastructure Services	51,757	309	5,660	(545)	57,181
Sustainable Development	10,315	242	69	189	10,814
<b>TOTAL OPERATING REVENUES</b>	<b>89,392</b>	<b>834</b>	<b>6,391</b>	<b>(191)</b>	<b>96,426</b>
<b>OPERATING EXPENSES</b>					
General Manager/Chief Executive	4,441	195	371	316	5,322
Infrastructure Services	55,440	2,623	5,209	744	64,015
Sustainable Development	17,523	301	317	460	18,602
<b>TOTAL OPERATING EXPENSES</b>	<b>77,404</b>	<b>3,119</b>	<b>5,897</b>	<b>1,520</b>	<b>87,939</b>
<b>OPERATING RESULT BEFORE DEPRECIATION</b>	<b>11,988</b>	<b>(2,285)</b>	<b>495</b>	<b>(1,711)</b>	<b>8,487</b>
<b>Less</b>					
<b>DEPRECIATION</b>	<b>24,012</b>	<b>969</b>	<b>312</b>	<b>0</b>	<b>25,293</b>
<b>OPERATING RESULT BEFORE CAPITAL</b>	<b>(12,024)</b>	<b>(3,254)</b>	<b>182</b>	<b>(1,711)</b>	<b>(16,807)</b>
<b>Add: Capital Grants and Contributions</b>					
Non-cash Developer Contributions	750	0	0	0	750
Capital Grants and Contributions	9,061	125	(4,449)	140	4,877
Section 94 Contributions (incl. interest)	1,660	0	0	0	1,660
Gain / (Loss) on Disposal of Assets	398	0	0	239	637
<b>Operating result from continuing operations</b>	<b>(156)</b>	<b>(3,129)</b>	<b>(4,266)</b>	<b>(1,332)</b>	<b>(8,883)</b>
<b>AVAILABLE FUNDS RECONCILIATION</b>					
<b>Add Expenses Not Involving a Flow of Funds</b>					
Depreciation	24,012	969	312	0	25,293
<b>Subtract Income Not Involving a Flow of Funds</b>					
Non-cash Developer Contributions	(750)	0	0	0	(750)
<b>Add Non-operating Funds Employed</b>					
Loan Funds Used	8,550	(57)	1,380	(783)	9,089
Unexpended Specific Purpose Grants Used	1,350	2,440	(31)	6	3,765
Developer Contributions (Section 94) Used	40	0	(81)	(6)	(48)
Repayments by Deferred Debtors	46	0	0	0	46
<b>Subtract Funds Deployed for Non-operating Purposes</b>					
Acquisition of Assets	(36,618)	(7,123)	5,115	983	(37,642)
Repayment of Principal on Loans	(2,436)	0	0	0	(2,436)
<b>Subtract Unexpended Grants and Contributions Received During Year</b>					
Developer Contributions Net Movement	0	0	0	0	0
<b>Cash Surplus / (Deficit)</b>	<b>(5,961)</b>	<b>(6,901)</b>	<b>2,429</b>	<b>(1,133)</b>	<b>(11,566)</b>
<b>Equity Movements</b>					
Reserve Funds - Increase / (Decrease)	(5,949)	(6,687)	2,222	(1,012)	(11,425)
Working Capital - Increase / (Decrease)	(12)	(215)	207	(121)	(141)

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2010/11 Variation to Budgets of Income and Expenditure for Quarter Ended March 2011											
Program	Operating Revenue	Operating Expense	Capital Grants and Contributions	Loan Funds Used	Capital Purchases	Unexpended Developer Contributions	Transfers from Reserves	Transfers to Reserves	Unexpended Grants	Other Profit on Assets	Net Change
<b>General Managers /Chief Executive</b>											
Corporate Management	(11,400)	315,900	-	-	-	-	(1,800)	-	-	-	302,700
Financial Services	(111,500)	-	-	-	-	37,300	-	-	-	(238,800)	(313,000)
Organisational Development	(42,200)	-	-	-	-	-	-	-	-	-	(42,200)
<b>Total General Managers Chief Executive</b>	<b>(165,100)</b>	<b>315,900</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>37,300</b>	<b>(1,800)</b>	<b>-</b>	<b>-</b>	<b>(238,800)</b>	<b>(52,500)</b>
Asset Management	(1,000)	(35,000)	40,000	-	-	-	(4,000)	-	-	-	-
Caravan Parks and Nimbin Pool	15,000	(15,000)	-	-	-	-	-	-	-	-	-
Lismore Wastewater Services	(69,700)	-	-	1,000,000	-	-	(1,000,000)	69,700	-	-	-
Lismore Water Services	1,160,000	-	-	(216,700)	(874,000)	-	-	(69,300)	-	-	-
Miscellaneous Properties	-	2,500	-	-	-	-	-	-	-	-	2,500
Parks and Recreation	-	-	(15,000)	-	13,700	-	(15,000)	-	-	-	(16,300)
Properties & Facilities	-	7,000	-	-	(7,000)	-	-	-	-	-	-
Property Services - Commercial	-	3,600	-	-	-	-	(3,600)	-	-	-	-
Roads - Rural	-	-	-	-	(70,500)	-	-	-	-	-	(70,500)
Roads - Urban	(559,300)	398,500	-	-	(197,000)	-	(82,500)	139,900	-	-	(300,400)
RTA Works	-	350,000	-	-	-	(30,900)	-	-	30,900	-	350,000
Rural Fire Services	(200)	7,900	-	-	-	-	-	-	-	-	7,700
Traffic & CitySafe	-	(6,000)	-	-	48,000	-	(4,000)	-	-	-	38,000
Waste Services	-	30,000	(164,800)	-	134,800	-	-	-	-	-	-
<b>Total Infrastructure</b>	<b>545,800</b>	<b>778,500</b>	<b>(179,800)</b>	<b>783,300</b>	<b>(952,000)</b>	<b>(30,900)</b>	<b>(1,105,100)</b>	<b>140,300</b>	<b>30,900</b>	<b>-</b>	<b>11,000</b>
<b>Development &amp; Governance</b>											
Art Galleries	(90,000)	90,000	-	-	-	-	-	-	-	-	-
Community Services	(75,700)	104,900	-	-	-	-	(10,800)	3,000	-	-	21,400
Development & Compliance	2,800	87,900	-	-	-	-	(53,800)	-	-	-	36,900
Events and Tourism	-	68,300	-	-	-	-	(25,600)	-	(22,700)	-	20,000
Information Services	-	50,000	-	-	-	-	(50,000)	-	-	-	-
Integrated Planning	(66,300)	69,300	-	-	-	-	(17,100)	-	-	-	(14,100)
Public Libraries	-	14,200	-	-	-	-	-	-	(14,200)	-	-
Richmond Twwed Regional Library	(27,000)	(55,200)	-	-	(31,100)	-	31,100	82,200	-	-	-
Sustainable Development Administration	-	-	-	-	-	-	-	-	-	-	-
Swimming Pools	67,400	31,000	-	-	-	-	-	-	-	-	98,400
<b>Total Sustainable Development</b>	<b>(188,800)</b>	<b>460,400</b>	<b>-</b>	<b>-</b>	<b>(31,100)</b>	<b>-</b>	<b>(126,200)</b>	<b>85,200</b>	<b>(36,900)</b>	<b>-</b>	<b>162,600</b>
<b>Council Total</b>	<b>190,900</b>	<b>1,519,800</b>	<b>(139,800)</b>	<b>783,300</b>	<b>(983,100)</b>	<b>6,400</b>	<b>(1,237,100)</b>	<b>225,500</b>	<b>(6,000)</b>	<b>(238,800)</b>	<b>121,100</b>

21-Mar-11

# Report

<b>Subject</b>	<b>Sale of Koala Child Care Centre</b>
<b>TRIM Record No</b>	BP11/287:T10/39
<b>Prepared by</b>	Manager - Arts, Tourism and Leisure
<b>Reason</b>	Report back to Council on negotiations for the sale of the centre.
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

This report provides a summary of the negotiations with the preferred tenderers to date. Following the withdrawal of the preferred tenderer, it is recommended that the revised bid from Lisa Martin, the next preferred tenderer on the priority list, is accepted.

## Background

In 2010 Council resolved to proceed with the sale of Koala Child Care Centre. Accordingly tenders were called and received in October 2010. Council resolved not to accept any tenders at that stage and invited all tenderers to reconsider their offers and lodge revised bids in early November 2010. A report was tabled at the November 2010 Council meeting, and it was resolved that:

1. *Council accept the revised offer of \$520,000 from Luisa Marchant and Pierina Paron Berry to purchase the Koala Child Care Centre and business.*
2. *The General Manager be authorised to finalise negotiations and enter a contract for sale of the facility subject to completion of a satisfactory financial background check of the successful parties.*
3. *The contract for sale be executed under seal of Council.*
4. *In the event that the financial background check is not to the satisfaction of Council, or any other aspect of the negotiations cannot be resolved to the satisfaction of Council, the General Manager be authorised to conduct negotiations with the other respondents to the process in the following priority order based on prices submitted and report again to Council:*
  - (1) *Lisa Martin;*
  - (2) *Jennifer Cornell;*
  - (3) *Jennifer Morrin;*
  - (4) *Rhian Mannix and Leesa Maher.*

Council staff entered into negotiations with Luisa Marchant and Pierina Paron Berry, and a draft contract for sale was prepared. However in late March following protracted discussions regarding the sale, Ms Marchant and Ms Paron Berry withdrew their offer to purchase the Centre. As per Council's resolution above, staff commenced negotiations with Lisa Martin, the next preferred respondent on the priority list.

Ms Martin has confirmed her intention to purchase the centre as per her revised bid and a contract for sale has been drawn up. Resolution of the sale conditions and a settlement date is anticipated this month.

## Sustainability Assessment

### Sustainable Economic Growth and Development

The sale will have a positive effect on the local economy as the purchaser will hire local staff to assist in operating the centre.

### Social Inclusion and Participation

A change of ownership will ensure the continued operation of a child care centre in that location.

### Protect, Conserve and Enhance the Environment and Biodiversity

No impact.

### Best-Practice Corporate Governance

This process reflects best practice corporate governance and supports the efficient use of Council resources.

## Comments

### Finance

An assessment of the net cash result from the sale is part of the confidential attachment to this report.

Based on this assessment and the current business environment, the recommendations are supported.

## Conclusion

Negotiations with Ms Lisa Martin have progressed to contract signing stage. The purchaser currently operates a highly regarded child care centre in Alstonville and is considered to be capable and adequately qualified to operate a sustainable child care facility. Endorsement of the sale is recommended.

## Attachment/s

1. ED11/13115 - *This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business*

## Recommendation

That:

1. Council accept the revised offer of from Ms Lisa Martin to purchase the Koala Child Care Centre and business.
2. The General Manager be authorised to finalise negotiations and enter a contract for sale of the facility subject to completion of a satisfactory financial background check of the successful party.
3. The contract for sale is executed under seal of Council.
4. In the event that the financial background check is not satisfactory or any other aspect of the negotiations cannot be resolved, the General Manager be authorised to conduct negotiations with the other respondents to the process in the following priority order based on prices submitted:
  - (1) Jennifer Cornell;
  - (2) Jennifer Morrin;
  - (3) Rhian Mannix and Leesa Maher.

# Report

<b>Subject</b>	<b>Plant Replacement Program</b>
<b>TRIM Record No</b>	BP11/235:EF11/36
<b>Prepared by</b>	Manager - Commercial Services
<b>Reason</b>	To seek Council approval for the purchase of large plant items.
<b>Community Strategic Plan Link</b>	Efficient Use of Council Resources

## Overview of Report

Several tenders were advertised during March 2011. This report outlines the assessment process and results for two rollers and three trucks.

## Background

As part of the 2010/11 plant replacement plan several tenders were called in March 2011. These tenders were conducted under the Local Government Procurement process operated by the LGSA to pre-qualified suppliers. Those tenders that have so far been evaluated are reported here.

## Tender No. 2011-19 – Supply of Two Rollers

### T2011-19 (a) - One Smooth Drum Roller of 14 Tonne Gross Mass

This tender is to replace Plant Item 349, a 14 tonne smooth drum roller purchased in 2000 and used by the Works Section for road construction. This roller has 8,080 hours recorded. It is a major piece of equipment used in a range of road construction and repair situations and meets standard replacement criteria. The proposed new roller is expected to last for a similar 10 year period at current usage rates.

Submissions were received from Westrac (Caterpillar), Semco Equipment (Dynapac) (2), CJD Equipment (Volvo) and Conplant (Ammann)

### T2011-19 (b) - One Three Point Roller

This tender is to replace Plant Item 319, being a three point roller purchased in 1982. It is used by the Works Section for road construction and maintenance activities, predominately in the urban environment. This roller has 4,666 hours recorded but it is uncertain as to how accurate this reading is. Irrespective of the hours on the machine, it is now of an age where OH&S issues are becoming a problem – ergonomics and brakes in particular. The low machine hours are also attributable to the poor safety aspects of the machine with respect to plant operators.

This type of machine is essential for urban road reconstructions such as Woodlark Street and Wyrallah Road, where high point loads are required to achieve compaction and where no vibration can be used. Minimal vibration during compaction is essential in the urban environment due to the associated risk of damage to adjoining properties as a result of excessive ground vibrations. Additionally they have no parts, hoses etc protruding on the outside of the drum making them the only machine that can compact adequately where structures such as walls or fences border the construction site.



Fleet staff also reviewed the options of purchasing a second hand machine or hiring a machine as required. In the past Council has needed to hire a three point roller. None were available locally and a machine was eventually sourced from Brisbane at considerable expense. It was of a poor standard when it arrived, needing repair work undertaken prior to being used. There are no low hour, late model second hand machines available. The reason that both of these options are not a viable solution is simply that the previous makers of three point rollers – McDonald – went out of business in the 1980s and until the last couple of years there has been no quality three point rollers brought into the market. That means that the second hand and hire machines are all of a similar age to Council's machine and in similar condition.

A single submission was received for the machine from the only distributor of such machines in Australia – Semco Equipment – for a Dynapac CS142. This machine meets the specification required and is priced at slightly less than the anticipated budget price. It would be expected that the machine hours would increase considerably as a result of a new machine, due to the enhanced safety features. The life of a new machine would be at least 20 years given current usage patterns.

## Tender No. 2011-20 – Supply of Various Trucks

### T2011-20 (a) - One Waste Hook Truck

This tender is to replace Plant Item 174, a Volvo FL6 hook truck purchased second hand in May 2006. The truck is used for the collection of skip bins from the Brewster Street and Nimbin Drop Off Centres and for the emptying of skips from the RRF. This truck was purchased as a trial to evaluate requirements of the job and it has performed well in the role despite issues with spare parts availability. The hook attachment is in good condition and will be re-used.

Submissions were received from Northern Rivers Isuzu, Vanderfield Hino and Volvo Commercial Vehicles. It is intended to utilise the hook mechanism from the existing truck by mounting it onto the new truck and so it is crucial that the chassis rail configuration matches the existing truck. This was the case on the Isuzu and Volvo trucks but not the Hino.

### T2011-20 (b) - One Rear Load Garbage Collection Truck

This tender is to replace Plant Item 176, a 1989 model Volvo FL7 rear load garbage truck purchased second hand in September 2007. The truck is used for the collection of the public place CBD and park bins and the commercial waste and resource recovery collections. The existing truck is a dual drive axle 22.5 tonne GVM truck fitted with a 17 cubic metre waste compaction body. It was purchased on a trial basis to evaluate requirements when Council decided to introduce its own commercial waste collection service. Evaluation of the performance of this vehicle has suggested a smaller single drive truck of 12.2 tonne GVM fitted with an 8 cubic metre body would be more suitable to access the tight areas and smaller loads associated with this type of collection run.

Submissions were received from Northern Rivers Isuzu, Vanderfield Hino and Volvo Commercial Vehicles.

### T2011-20 (c) - One Quarry Tipper

This tender was to replace Plant Items 123, 143, 14 and 15 being two Nissan UD Truck and Dog combination units which were trialled for quarry cartage as 'hand me downs' from the last purchase of road trucks for the Works Section. The trucks were originally purchased in 1999 and the dog trailers in 1991. They have mainly been operating out of the Ballina Quarry operation for customer delivery work. A review of usage of these vehicles has indicated that one new truck only is required to conduct this work at this point in time with additional truck hire being outsourced.

Five submissions were received being from Southside Truck Centre (MAN), Volvo Commercial Vehicles, Northern Rivers Isuzu, Vanderfield Hino and Scania Australia.

## Tender Evaluation

Assessment of the tenders was conducted by fleet and operations staff in accordance with Council purchasing procedures. The tenders were evaluated using the following weighting base:

❖ Price	40%
❖ Capability	40%
❖ Quality & Safety	5%
❖ Environment and Community	5%
❖ Local Content	10%

Each of the assessment summary sheets is attached for review, but for each of the items the key criteria in conjunction with price, were:

1. **Smooth Drum Roller** – Ergonomics and weight. The Dynapac controls and steering turn with the driver's seat significantly reducing twisting of the torso during operations where reversing is 50% of the operation. This is has important efficiency and OH&S advantages.
2. **Three Point Roller** – Only one choice.
3. **Hook Truck** – Chassis width to fit current attachment.
4. **Rear Load Garbage Truck** – Availability and previous experience with operation of compactors.
5. **Quarry Tipper** – Payload.

## Replacement Plan Changes

In considering the issues relevant to these particular items the following parameters have been established and incorporated into the rolling ten year plan:

- ❖ Due to low usage hours of the three point roller an anticipated replacement life of 20 years will be set. We will also advertise this roller for hire to neighbouring councils in an attempt to increase utilisation.
- ❖ A smaller rear load garbage truck will be adequate to carry out existing duties.
- ❖ An economic base load of delivery work exists at Ballina Quarry operations for one truck only. The fleet will be reduced by one truck and two dog trailers.

## Sustainability Assessment

### Sustainable Economic Growth and Development

New equipment generally infers newer technologies and increased operational efficiency. Maintaining an up to date fleet upholds efficiency levels throughout Council's operations.

### Social Inclusion and Participation

Nil Impact

### Protect, Conserve and Enhance the Environment and Biodiversity

Regular updating of equipment means that the latest environmental standards are introduced into the fleet. The proposed new trucks meet the Euro 5 emissions standards.

### Best-Practice Corporate Governance

Council's ten year fleet replacement plan sets out approximate times for the replacement of each plant item. Staff is continuing to work towards bringing the fleet into line with this plan and these items were identified as being due or overdue for the 2010/11 replacement plan. Operating a ten year plant replacement plan is considered a key best practice activity for councils.

## Comments

### Finance

The total purchase price of the plant listed is approximately \$829,400. This investment will be partially offset by the proceeds from auctioning the plant items to be replaced.

The 2010/11 Budget anticipated these plant items being purchased as part of the 2010/11 Plant Replacement Program. Funding will be from the Fleet Operations Reserve.

### Other staff comments

Not required.

### Public consultation

Nil required.

## Conclusion

The plant items listed in this report were scheduled for replacement this year. By advertising a bulk tender we have been able to reduce workloads and turn around times, both for the tenderers and Council staff. Some of the components of these tenders have been more complicated and assessment is still proceeding with the expectation that these items will be reported to the June 2011 Council meeting.

From the assessment process the recommended purchases are:

1. Two Dynapac rollers from Semco Equipment
2. Three trucks from Northern Rivers Isuzu.

## Attachment/s

1. Tender Scoring T2011-19 - Rollers (Self Propelled) - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*
2. Tender Scoring T2011-20 - Assorted Trucks (Hook Truck) - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*
3. Tender Scoring T2011-20 - Assorted Trucks (Garbage Truck) - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*
4. Tender Scoring T2011-20 - Assorted Trucks (Quarry Tipper Truck) - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*

## Recommendation

That:

1. Council accept the following tendered offers:
  - a) Semco Equipment for a Dynapac CA362D smooth drum roller with GVM of 14,200kg at a total cost of \$163,909.00 plus GST.
  - b) Semco Equipment for a Dynapac CCS142 three point roller with GVM of 13,200kg at a total cost of \$156,058.18 plus GST.
  - c) Northern Rivers Isuzu for an Isuzu FVZ1400 cab chassis (Hook Truck) with GVM of 22,500kg at a total cost of \$151,891.71 plus GST.
  - d) Northern Rivers Isuzu for an Isuzu NQR450 Long truck fitted with an eight cubic metre Superior Pak rear load waste compactor with GVM of 22,500kg at a total cost of \$190,407.90 plus GST.
  - e) Northern Rivers Isuzu for a Isuzu FXY1500 Tandem Tipper Truck with GVM of 22,500kg at a total cost of \$167,174.88 plus GST.
2. Council sell via auction:
  - a) Plant No. 349, a 14 tonne smooth drum roller
  - b) Plant No. 319, a three point roller
  - c) Plant No. 174; a Volvo FL6 cab/ chassis truck
  - d) Plant No. 176; a Volvo FL7 rear load garbage truck
  - e) Plant Nos. 123, 143, 14 and 15; two Nissan UD Truck and Dog combination tip trucks.

# Report

<b>Subject</b>	<b>Tender No. T2011-16 - Caniaba Road Widening and Rehabilitation</b>
<b>TRIM Record No</b>	BP11/286:T11/16
<b>Prepared by</b>	Special Projects Engineer
<b>Reason</b>	To inform Council of the assessment of tenders received in respect to Tender No. T2011-16 and to award the contract.
<b>Community Strategic Plan Link</b>	Improve Roads, Cycleways and Footpaths

## Overview of Report

Council has called tenders for road widening and rehabilitation works at Caniaba Road (west of Fredericks Road). Two (2) submissions were received and these were ranked against the assessment criteria for price and non-price attributes. This report details the evaluation of the tenders received and provides a recommendation to award the tender.

## Background

This road reconstruction project was included in Council's 2010/11 Rural Roads Capital Works Program as adopted at the May 2010 Council meeting.

These works are adjacent to the Perradenya Estate development. A review of the Consent Conditions of Development Application No. 1998/07 (Amended) notes that it is a requirement of the development application to undertake roadworks within the Perradenya Estate subdivision and on the surrounding road network.

Lismore City Council has subsequently contacted Rous Water (developer of Perradenya Estate) and has negotiated a contribution of costs for these works from Rous Water to meet the relevant pavement widening consent condition of DA98/7.

Tenders were advertised for road widening and rehabilitation works at Caniaba Road (west of Fredericks Road). The request for tender (RFT) was advertised in the 'Echo', 'Weekend Star' and the 'Sydney Morning Herald', as well as "Tenderlink" through Lismore City Council's web page.

Tender documents were received from two (2) companies by the close of tender on 2.00pm, Tuesday, 12 April 2011.

## Tenderers

1. Hazell Bros-Lund Pty Ltd
2. Morgans

## Tender Examination

An evaluation committee comprising the Contracts Administration Officer, Rural Works Engineer, Rural Works Supervisor and Council's Special Projects Engineer undertook the assessment of tenders.

Tenders were invited on a schedule of rates basis for the supply of all plant, equipment and supervision necessary to complete the works as per specifications listed in the RFT document.

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

### 1. Total Cost

This project is to be completed under a schedule of rates. The schedule of rates method of procurement is commonly used where the extent of works cannot be fully determined. Therefore, to assess the total cost of the project, the theoretical quantities of works have been multiplied by the rates stipulated by the Contractor.

The completed bill of quantities for the recommended tenderer is included as a confidential attachment, however the price comparison for both tenderers is listed below:

Morgans	\$187,941.39	inclusive of GST
Hazell Bros-Lund	\$258,620.00	inclusive of GST

It should be noted that the final construction costs (paid to the Contractor) will be adjusted to reflect actual quantities of work completed, multiplied by the respective tendered rates.

The tendered rates do not include the supply of materials, cement stabilisation works, bitumen sealing or Lismore City Council project management costs. The materials for the work will be procured by Lismore City Council using its regular suppliers.

### 2. Capability and Experience

Both tenderers have demonstrated an ability to carry out road reconstruction works. Morgans and Hazell Bros-Lund have undertaken numerous projects of this size or greater in their recent work history.

Hazell Bros-Lund are currently completing the land slip repair works at Jiggi, Quilty, Rock Valley and Oakey Creek Roads. These works are scheduled for completion in June 2011 and have been completed to a satisfactory standard.

Morgans has undertaken road maintenance and construction works for Richmond Valley and Byron Shire Councils. Morgans is currently completing the subdivision works at the adjacent Perradenya Estate development and has completed a large number of other roadworks and subdivision projects in its recent work history.

### 3. Quality and Safety

Morgans and Hazell-Bros Lund have demonstrated a high level of OH&S systems within their work practices. Hazell Bros-Lund have third party certification to international and Australian standards.

### 4. Environment and Community

Both tenderers have demonstrated a high level of environmental awareness and relevant systems within their work practices. However, Hazell Bros-Lund are certified to international standards.

## 5. Local Content

Materials for these works will be sourced from Lismore City Council's local suppliers.

Morgans and Hazell Bros-Lund have noted they would be sourcing supplementary skilled labour from the region in addition to the supply of trucks for the cartage of materials. Hazell Bros-Lund have estimated the direct spend within the community during the duration of the works at \$50,000.

Morgans has its office at Ballina whilst Hazell Bros-Lund has its office at Burleigh Heads.

### Summary

The price tendered by Morgans resulted in the lowest costs for the works required. Furthermore, when assessed against the remaining evaluation criteria specified in the RFT (Capability & Experience, Quality & Safety, Environment & Community, and Local Content), Morgans were confirmed as the highest ranked tenderer. A summary of the tender assessment is attached (refer Attachment 1).

Lismore City Council has allocated \$430,000 in the 2010/11 Budget for the completion of this project. As noted previously, Lismore City Council has negotiated a contribution of costs from Rous Water to meet the pavement widening consent condition on this portion of Caniaba Road. The negotiated contribution sum is \$139,285 plus GST.

It should be noted that the supply of materials is not included within the contractors' tendered price. The additional costs for these materials such as pavement aggregate, drainage piping, cement stabilisation and bitumen sealing will bring the total cost of the project to its budgeted amount.

### Reference Check

Morgans has been operating in the Northern Rivers area for over 30 years, primarily undertaking civil construction and earthmoving. Throughout this time the company has grown to now employ over 50 full time staff.

Reference checks have confirmed the company has the capability, experience and resources to complete this project.

As part of the evaluation process, an independent assessment of the highest ranked tenderers' financial background has been requested. The results of the financial assessment were not received at the time of finalising this report. It is anticipated that Morgans would have an acceptable financial capability to undertake a project of this value. However, should the report identify an unsatisfactory level of risk to Council, increased retention and/or security amounts may be negotiated to reduce the potential risk to Council.

### Sustainability Assessment

#### Sustainable Economic Growth and Development

Caniaba Road (west of Fredericks Road) was identified as requiring repair works within Council's 2010/11 Rural Roads Capital Works Program as adopted at the May 2010 Council meeting. The repair and upgrade of the road network will contribute to improved transportation for local residents and businesses.

#### Social Inclusion and Participation

The Lismore City Council Road Safety Strategic Plan identifies the importance of providing a safe and effective road network for the Lismore local government area. The proposed road reconstruction works will rectify the damaged portion of road therefore improving road safety in the rural area of Caniaba.

## Protect, Conserve and Enhance the Environment and Biodiversity

A review of environmental factors (REF) has been undertaken by Council's Environmental and Heritage Contractor for the road reconstruction works. This document identifies existing site vegetation that may be affected during the construction works.

All construction works shall be undertaken in accordance with the safeguards identified within the REF document.

## Best-Practice Corporate Governance

In accordance with the requirements of the *Local Government Act*, an open tender process was conducted to appoint the preferred contractor. Submissions were assessed against criteria outlined within the Request for Tender Document and subsequently ranked for price and non-price attributes. The tenderer with the highest ranking has been recommended to complete the pavement widening and road reconstruction works.

## Comments

### Finance

An open tender process is likely to achieve the best value for Council for these works. As such, the recommendation is supported.

In regards to funding these works, Council has allocated \$430,000 in the 2010/11 Budget. In addition, Council has negotiated a satisfactory arrangement with the Perradenya Estate developer (Rous Water) to undertake roadworks required by the development consent at the same time.

### Manager - Works

The recommendation to engage Morgans to undertake the reconstruction of Caniaba Road, west of Fredericks Road, is supported. This company has extensive experience in undertaking civil works in the local region and has shown it has the capability to undertake the nominated works.

## Public consultation

Lismore City Council representatives have had numerous discussions with surrounding landholders and have modified the design to accommodate landholder concerns where appropriate.

## Conclusion

Morgans has tendered the lowest rates for the required works and has ranked first when assessed against price and non-price attributes as detailed in the tender document.

Morgans has been operating in the Northern Rivers area for in excess of 30 years undertaking civil construction and earthmoving works. The company has demonstrated an ability of completing works of this nature to the required standard.



## Attachment/s

1. Raw Score and Price Calculator T2011-16 - Caniaba Road
2. Confidential Attachment - Bill of Quantities - Morgans - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*
3. Confidential Attachment - Bill of Quantities - Hazell Bros-Lund Pty Limited - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*

## Recommendation

That:

1. Council accept the tender and award the contract for Tender T2011-16 Caniaba Road widening and rehabilitation to Morgans and accept the Schedule of Rates provided in its submission.
2. The General Manager finalise details and proceed to execute a contract under seal of Council.

T2011-16 Caniaba Road

CANIABA ROAD

TENDER PRICE

Criteria	Weighting	MORGANS	Weighted & calculated	HAZELL BROS	Weighted & calculated
		Tender 1		Tender 2	
		Raw Score		Raw Score	
1	<b>Total Price (out of 10)</b>	35%	7.31	6.29	2.20
2	<b>Capability and Experience (out of 10)</b>	30%	8	7	2.10
3	<b>Quality and Safety (out of 10)</b>	15%	5	9	1.35
4	<b>Environment and Community (out of 10)</b>	10%	5	6	0.60
5	<b>Local Content Minimum 10% (Out of 10)</b>	10%	8	6	0.60
		100%			6.85
	<b>Total 100% or 100</b>		<b>70.07</b>		<b>68.53</b>

# Report

<b>Subject</b>	<b>March 2011 Quarterly Capital Works Program Update for Roads and Water Infrastructure</b>
<b>TRIM Record No</b>	BP11/233:EF09/1392
<b>Prepared by</b>	Manager - Works
<b>Reason</b>	To provide Council with an update on the progress of the 2010-2011 Capital Works Program for Roads and Water Infrastructure.
<b>Community Strategic Plan Link</b>	Improve Roads, Cycleways and Footpaths

## Overview of Report

This report provides Council with an update on progress of the major elements of the Capital Works Program for Roads and Water infrastructure.

## Background

The following summary provides Council with an overview on the progress of the approved major components of the Capital Works Program for Roads and Water infrastructure.

### Urban Roads Capital Works

#### **1. Winterton Parade (Simes Bridge to Alexandra Parade) - \$490,200**

This work has recently been completed and included the upgrade of the stormwater drainage system and raising the existing road levels by approximately 1.0m. The initial bitumen seal has been applied and will be followed by a second coat bitumen seal within the next six months, including the application of a hotmix surface at the intersections with Pitt Lane and Lake Street.

#### **2. Bridge Street, North Lismore (Fawcett Bridge to Terania Street) - \$825,000**

The upgrade of Bridge Street, North Lismore, was partly funded by the NSW Roads & Traffic Authority under the Regional Roads REPAIR program. The replacement of the existing water mains was included in this project due to their age and negated the requirement to undertake future repairs within a new road pavement. Roadworks have now been completed for this project, which experienced significant variations due to the unsuitable ground conditions and the requirement to import rock as a bridging layer. The additional variations have been covered by transferring funds from the Elizabeth Street project. The final asphalt wearing surface will be applied within the next six months.

#### **3. Wyrallah Road (Dalley Street to Oliver Street) - \$418,400**

The majority of works have now been completed with the only outstanding works involving the installation of the roundabout at the Dalley Street intersection and the application of the final asphalt wearing surface at this location. The relocation of Country Energy infrastructure has now been completed. The realignment of the kerbing and installation of the roundabout will be undertaken within the next two months.

## **4. New Ballina Road (Rotary Drive to Milton Street) - \$480,000**

Roadworks are in progress for this project which included the upgrade of the stormwater drainage system and installing kerb and guttering. This work included the installation of approximately 275m of underground stormwater pipes and the construction of 18 stormwater inlet pits. The initial bitumen seal will be followed by a final asphalt surface within the next six months.

## **5. Avondale Avenue - Stage 1 (Wyrallah Road to First Avenue) - \$360,000**

Design plans have been completed for this project and construction of the stormwater drainage system has commenced. This will then be followed by the roadworks, which will include pavement widening and kerb renewals.

## **6. Bellevue Avenue (Donnans Road to Weemala Avenue) - \$299,000**

This project is at the design and investigation stage. Works are currently scheduled to commence during June 2011.

## **7. Conway Street - (SH16 Ballina Road to Dawson Street) - \$750,000**

Consultation with the adjoining business owners has commenced. Works are currently scheduled to commence during June 2011.

## **8. Elizabeth Street, East Lismore – Stage 1 - \$170,000**

Stage 1 of this project has recently been completed from Wyrallah Road to Neilson Street. The scope of this project has been reduced to allow for the variations experienced with the Bridge Street project in North Lismore. Stage 2 of the Elizabeth Street upgrade will be considered in the 2012-2013 Capital Works Program.

## **9. Footpaths Reconstruction - \$174,200**

The urban footpaths are inspected and condition rated on an annual basis, providing a risk rating score. This inspection is a condition placed on Council by its Insurer to reduce Council's liability in this area. The risk rating system takes into account pedestrian use, size of trip points and surface condition.

The footpaths recently reconstructed based on this assessment process include: Parkes Street, Esmonde Street and Laurel Avenue.

## **10. Cycleways – RTA - \$104,000**

The NSW Roads and Traffic Authority (RTA) has funded the widening of the existing footpath along Ballina Road (SH16) in two locations. The first section is from Kellas Street to Rotary Drive, and the second section is from the Goonellabah Public School to the Rous Road intersection. This work has now been completed.

Council funds have been used to complete the High Street cycleway works from Diadem Street to Beardow Street West, which involved extensive earthworks on the northern side.

## **11. Drainage Construction - \$492,500**

Stormwater drainage construction upgrade has recently been completed in Bridge Street, North Lismore, in conjunction with the pavement reconstruction. Works are also scheduled to commence in Phyllis Street (Stage 1) during June 2011.

### **Rural Roads Capital Works**

#### **1. Whian Whian Road – Stage 1 - \$311,000**

The reconstruction of Whian Whian Road was completed by contract (NSW Roads and Traffic Authority) during October 2010. The work extended for 700m north of Simes Bridge.

## **2. Numulgi Road - \$435,000**

The upgrade of Numulgi Road was completed towards the end of December 2010. This work also included the installation of a cattle underpass located on the southern side of Griffin Road. The installation of the underpass was a joint project between Council and the adjoining property owner.

## **3. Dorrroughby Road - Stages 1 & 2 (North of Corndale Road) - \$642,000**

This work is nearing completion and includes the lowering of the intersection between Corndale Road and Dorrroughby Road. The work also includes the upgrading of the stormwater drainage system along Dorrroughby Road.

## **4. Rous Road - Stage 1 (Taylors Road to Muller Road) - \$520,000**

Construction work has recently commenced on this project and is scheduled to be completed towards the end of May 2011.

## **5. Caniaba Road (West of Fredericks Road) - \$430,000**

Tenders were recently called from suitably qualified contractors to undertake this work. Subject to the engagement of a contractor, it is envisaged that site works would commence during June 2011. Submitted tenders are currently being assessed and will be reported to the May 2011 Council meeting with a planned commencement date towards the end of May 2011.

## **6. Newton Drive (Tunable Falls Road) - \$390,000**

Construction work has commenced on this project and is scheduled to be completed during May 2011.

## **7. Mountain Top Road - \$100,000**

Works have recently been completed on bitumen sealing 700m of Mountain Top Road, south of the Stony Chute Road intersection.

## **8. Kyogle Road Realignment - \$348,000**

Road realignment works have been completed on Kyogle Road, west of Leicester Road. This work was funded by the National Blackspot program.

## **Urban & Rural Maintenance Budgets - \$3,887,500**

Due to the continual wet weather being experienced throughout the Lismore City local government area, the maintenance budgets for both urban and rural roads have come under considerable pressure. Road pavements and foundations have become saturated, leading to a loss of structural strength and load carrying capacity. This has resulted in several roads becoming excessively potholed and showing signs of continual failure. Current expenditure in this area amounts to 93% of available funds. In order to balance the funds in this area the current road resurfacing program has been postponed, with the remaining funds from this area (\$280,000) being required to be used for routine road maintenance activities such as pothole and pavement repairs and drainage maintenance works. Council staff have made a flood claim with the NSW Roads & Traffic Authority (RTA) for the December 2010/ January 2011 flood event, which was declared a natural disaster by the State Government. This claim will not be assessed by the RTA until June/July 2011 at which time Council will be notified if its claim is successful.

## **Regional Roads REPAIR Program**

### **1. MR306 Dunoon Road (South of Craiglea Court) - \$336,000**

Road reconstruction and upgrade works have been completed. This work involved the reconstruction and widening of a 600m section, including the upgrade of all stormwater facilities.

## **2. MR306 Dunoon Road (North of Borton Road) - \$346,000**

Road reconstruction works are complete on this 400m section north of Borton Road, Tullera. The pavement was widened to accommodate an 8.0m bitumen seal.

## **3. MR306 Dunoon Road Initial seal (Ch 25.4km to 26.6km) - \$266,400**

The final stage of this work is scheduled to be completed towards the end of June 2011.

## **4. Dunoon Road (Beddoes Road) - \$269,600**

This work is completed and involved the upgrade of Dunoon Road in the vicinity of the Beddoes road intersection.

## **5. Dunoon Road (Ch. 24.3 to 25.4) - \$117,500**

Bitumen sealing of this section of Dunoon road has now been completed.

## Regional Roads Bridge Capital Works

### **1. Southwell Bridge, Blue Knob Road (Goolmangar Creek) - \$899,500**

The replacement of Southwell Bridge is nearing completion with construction of the new structure comprising two spans measuring a total length of 40m providing a carriageway width of 9.0m. The new sub-structure comprises a total of 15 pre-cast concrete driven piles and the super-structure features 32 pre-stressed concrete girders.

Works outstanding include the construction of the road approaches and laying of the final asphalt wearing surface. The new road approaches will incorporate the re-alignment of approximately 230m of Blue Knob Road accommodating the northern and southern approaches to the new bridge. The roadworks are currently scheduled to commence during May 2011.

### **2. Cullen Bridge, Blue Knob Road (Mulgum Creek) - \$1,078,000**

This new bridge will comprise of three spans measuring a total length of 42m providing a width of 9.2m. The new bridge structure will also include a dedicated 2.4m wide footpath for pedestrians, located on the eastern side of the new structure. The footpath will be connected to the existing footpath on Cullen Street via a new pedestrian refuge located on the southern side of the new bridge. Cullen Bridge is expected to be open to traffic towards the end of May 2011.

### **3. Ruthven Bridge, Coraki Road (Pelican Creek) - \$1,206,200**

Staff have experienced delays to the construction of the side track due to the recent flood events and unfavourable ground conditions. It is proposed to now construct a single lane 22m span bridge on the side track in order to address the unstable ground in the creek bed. Once the side track is complete, demolition of the existing structure will take place by a contractor. This work will be followed by the installation of the bridge piles. The new concrete bridge will consist of three spans for a total length of 45m with a width of 9.8m.

### **4. Myott Bridge, Repentance Creek Road (Coopers Creek) - \$1,271,500**

Engineering design plans have now been finalised for this project. The new bridge will involve the construction of concrete blade piers, similar to the existing structure, which is scheduled to commence towards the end of May 2011. Tenders have been called for the supply and delivery of the concrete girders. The new structure will comprise three spans for a total length of 55m, and width of 9.2m.

## Wastewater Infrastructure Capital Works

### 1. Sewer Rising Main No. 3 - \$3,372,100

The new rising main from the Dawson Street Pump Station to the South Lismore treatment plant was commissioned on 8 April 2011. This work included the installation of approximately 4,000m of 500mmø PE pipe using horizontal directional drilling (HDD) technology. The installation of this main also necessitated under-boring the Wilsons River adjacent to the Ballina Road Bridge, to a depth of 14m below the invert of the riverbed.

The new main has been laid in seven separate sections with exit and entry points at each location. All sections have been hydro-statically pressure tested and inspected by CCTV equipment.

### Water Infrastructure Capital Works - \$2,077,400

Detailed below is a list of water main renewals completed to date for this financial year:

#### Length and size of water mains installed

Item	Location	100mmø	150mmø	225mmø	250mmø	375mmø
1	Foleys Road	152m				
2	Esmonde Street	130m	27m			
3	Dunoon Road	485m	286m			
4	High Street			49m	20m	39m
5	Winterton Parade	30m	505m			
6	Bridge Street, North Lismore	256m	235m			
	<b>Totals</b>	<b>1,053m</b>	<b>1,053m</b>	<b>49m</b>	<b>20m</b>	<b>39m</b>

## Sustainability Assessment

### Sustainable Economic Growth and Development

The replacement and upgrade works will reduce the ongoing maintenance liabilities for these assets. The projects will also have a positive effect on Lismore's transport, water and wastewater infrastructure by providing an improved level of service to the community.

### Social Inclusion and Participation

The projects will improve the quality of service provided in the transport, water and wastewater infrastructure area.

### Protect, Conserve and Enhance the Environment and Biodiversity

Environmental impacts are addressed through the REF (review of environmental factors) process. Existing pavement materials and poor sub-grades will be modified where possible to reduce the volumes of imported materials.

### Best-Practice Corporate Governance

All projects have been designed and constructed to industry standards to ensure the life of the new asset is realised.

## Comments

### Finance

Council's 2010/11 Capital Works Program for Roads and Water Infrastructure is funded from various sources including revenue, grants, reserves, loans and developer contributions.

### Other staff comments

Not required.

### Public consultation

The progress on Council's Capital Works program is reported to and discussed by the Infrastructure Assets Policy Advisory Group on a quarterly basis.

### Conclusion

Staff are constantly monitoring the progress on the delivery of the Capital Works Program for roads and water infrastructure to ensure timely completion within the constraints of weather events and emergency works. The completion of one project by public tender has resulted in the delivery of a successful outcome for Council (Whian Whian Road).

### Attachment/s

There are no attachments for this report.

## Recommendation

That the March quarter Capital Works progress report be received and noted.



# Report

<b>Subject</b>	<b>Northern Rivers Local Water Utilities - Memorandum of Understanding</b>
<b>TRIM Record No</b>	BP11/309:EF09/2181
<b>Prepared by</b>	Executive Director - Infrastructure Services
<b>Reason</b>	To obtain Council's endorsement of the Memorandum of Understanding.
<b>Community Strategic Plan Link</b>	Integrated Water Cycle Management

## Overview of Report

This report informs Council of the latest initiative developed by the Regional General Managers Group to progress reform of the water industry at a regional level. It is requested Council endorse a Memorandum of Understanding between Northern Rivers Councils which will develop a regional approach to; long term water supply, water quality management, water supply demand management, resource sharing, best practice pricing and benchmarking of operational activities.

## Background

Council has considered several reports regarding Water Industry Reform since March 2008. Reform is being encouraged at both Federal and State Government levels. We have had the State Government's *'Inquiry into Secure and Sustainable Water Supply and Sewerage Services for Non-Metropolitan NSW'* and as recently as last month a report commissioned by Infrastructure Australia – *'Review of Regional Water Quality and Security'*.

One of the common recommendations from these investigations is the formation of water entities which are larger than single Councils. The purported benefits include; better utilisation of limited expertise and specialist skills, economies of scale in service delivery, management and administrative overheads, consistent application of best practice and sharing of costs over a larger base leading to more uniform pricing.

Generally Local Government has not responded to the prompting of the Federal and State Governments for reform. The major sticking points are the removal of local control and accountability and the financial impact the removal of water services will have on most Councils.

The above reviews have prompted the examination of several models to manage water and wastewater supply. It would appear the model which best addresses the Federal, State and Local Government concerns is the 'Regional Alliance' model. It does not fully address the objectives of any one level of Government. However, Local Government is at a point where some progress on reform needs to be demonstrated and the 'Regional Alliance' appears the only model where some degree of progress can be made at this time.

## Northern Rivers Local Water Utilities Memorandum of Understanding

This Council has participated and encouraged water reform at a regional level. The latest initiative developed by the regional General Managers Group to progress reform is a Memorandum of Understanding (MoU) (copy attached). It is not a full Regional Alliance, however it is a start in working cooperatively toward common regional goals. It sets out specific objectives which will be voluntarily targeted. They include:

- development of a regional water supply strategy incorporating integrated water cycle management criteria, based on a 50 year planning horizon;
- development of a regional drinking water quality management plan incorporating an implementation strategy;
- development of a regional approach to water supply demand management;
- development of agreed protocols and processes for the effective sharing of resources; recognising the opportunistic nature of resource sharing;
- development of a regional best practice pricing strategy;
- development of operational objectives and methodologies for benchmarking across the region and across regional water utilities in New South Wales and across Australia.

## Sustainability Assessment

### Sustainable Economic Growth and Development

This MoU provides some progress in the reform of the water industry. It may lead to a more sustainable regional water entity which will be more beneficial to regional growth than some other governance models that are under consideration by the Federal and State Governments.

### Social Inclusion and Participation

Some of the objectives of the MoU include improvements in drinking water quality and water supply demand management at a regional level.

### Protect, Conserve and Enhance the Environment and Biodiversity

The recommendation of this report will have no adverse effect on the environment.

### Best-Practice Corporate Governance

The objectives of the MoU include development of a long term regional water supply strategy, resource sharing and benchmarking.

## Comments

### Finance

A significant aspect of the water reform agenda includes the reform of governance structures. This could result in Council losing control of its Water and Wastewater activities and the associated benefits this brings to Council's overall operations.

The adoption of the Northern Rivers Local Water Utilities Memorandum of Understanding and the objectives is a proactive step and may assist in Council's assets being protected.

## Other staff comments

Not required.

## Public consultation

No specific consultation with the public has been initiated by Council to date.

## Conclusion

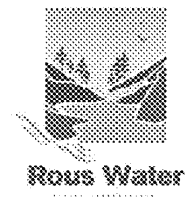
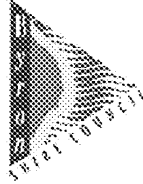
The attached Memorandum of Understanding is presented to inform Council of the latest initiative developed by the Regional General Managers Group to progress water reform in the region. Council's endorsement of the Memorandum of Understanding is requested.

## Attachment/s

1. Memorandum of Understanding - Northern Rivers Local Water Utilities

## Recommendation

That Council endorse and support the principles of the Northern Rivers Local Water Utilities Memorandum of Understanding.



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**NORTHERN RIVERS LOCAL WATER UTILITIES  
MEMORANDUM OF UNDERSTANDING**

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This *Memorandum of Understanding* (MoU) witnesses a voluntary, co-operative agreement entered into March 2011 by the Councils of Ballina Shire, Byron Shire, Kyogle, Lismore City, Richmond Valley, Tweed Shire and Rous Water. These Councils are all members of the Northern Rivers Regional Organisation of Councils (NOROC).

The MoU was a specific outcome of two workshops (in June and October 2010), involving the General Managers, Directors and Water Managers of the seven Local Water Utilities involved.

#### Intent

1. The intent of this Memorandum of Understanding (MoU) is to provide a foundation for development of co-operative partnership/s between the parties to deliver best practice water supply and sewerage services to the Northern Rivers region of New South Wales and to optimise the sharing of resources (staff, equipment, materials, specialist knowledge and capabilities) and in the delivery of services.
2. The MoU recognises that the signatory Councils are committed to furthering the development of a regional water strategy incorporating integrated water cycle management principles, based on a 50 year planning horizon.
3. It is further recognised that a regional water strategy will require broad consensus at the community and political level and that the requisite consultation processes preclude, at this time, a consensus commitment to any binding outcome.
4. The signatories agree that the long-term objective will be progressed with greater confidence by initially establishing stronger working relationships among the Councils, either in toto or via catchment specific groups.

#### Specific Objectives

Targeted short term Objectives under this MoU include:

1. development of a regional drinking water quality management plan incorporating an implementation strategy;
2. development of a regional approach to water supply demand management;
3. development of agreed protocols and processes for the effective sharing of resources; recognising the opportunistic nature of resource sharing;
4. development of a regional best practice pricing strategy;
5. development of operational objectives and methodologies for benchmarking across the region and across regional water utilities in New South Wales and across Australia.

The Objectives are not listed in any order of priority and other relevant initiatives are not precluded.

A "Working Group" comprising Directors and Water Managers will further develop these Objectives and draft appropriate strategies for referral to the NOROC General Managers' Group.

An initial task of the "Working Group" will be to determine the resources required to deliver the Objectives.

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**Governance**

The existing Northern Rivers Directors' Group is responsible for the timely and effective implementation of the Objectives identified by this resource sharing scheme. The Directors' Group will be responsible for engaging the resources required to deliver the objectives.

The Directors' Group will provide quarterly reports to the NOROC General Managers' Group.

The Directors' Group will initiate projects which are within the financial authority of the respective Directors.

Where appropriate, the Directors' Group shall seek approval from the General Managers' Group to initiate a project.

The General Managers' Group will submit initiatives to NOROC for information or approval as appropriate.

**Term of MoU**

The term of this MoU will be two (2) years and thereafter from year to year.

**Dispute Resolution**

If any dispute arises out of this MoU, the parties shall endeavour to resolve same by negotiation in good faith or by agreed alternative dispute resolution processes.

**Termination**

Any or all of the parties may withdraw from the MoU at the expiration of two years and subsequently by giving 90 days written notice.

**Intellectual Property**

All intellectual property arising under this MoU or in the delivery of defined objectives shall be kept confidential and not disclosed to any person not a party to this MoU without the consent of all parties to this MoU.

**Autonomy of Parties**

The parties to this MOU shall retain ownership of all their assets, be responsible for the maintenance and upkeep of their own assets and be totally responsible for service delivery in their own local government area.

**Costs**

Each of the parties to this MoU will be totally responsible for their own costs associated with participation, support and delivery of objectives.

Each party will contribute an equal share to the costs associated with the management of the resource sharing process.

The Directors' Group shall determine the percentage of the cost incurred in the delivery of each project by the respective Councils.

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Executed by the Parties:

Ballina Shire Council: General Manager:.....

Date:..... Signature:.....

Byron Shire Council: General Manager:.....

Date:..... Signature:.....


Kyogle Council: General Manager: *ANNA PIGGOTT*.....

Date: *4.4.11*..... Signature: .....

Lismore City Council: General Manager:.....

Date:..... Signature:.....

Richmond Valley Council: General Manager: *Brian Vincent*.....

Date: *15.4.11*..... Signature: .....

Tweed Shire Council: General Manager:.....

Date:..... Signature:.....

Rous Water: General Manager:.....

Date:..... Signature:.....

# Report

<b>Subject</b>	<b>Goods and Services Tax - Council Compliance</b>
<b>TRIM Record No</b>	BP11/223:EF09/1891
<b>Prepared by</b>	Manager - Finance
<b>Reason</b>	To meet the NSW Division of Local Government requirement for councils to provide a certificate of confirmation regarding their Goods and Services Tax systems
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

The Division of Local Government requires all councils to provide a certificate of confirmation to the effect that their Goods and Services Tax (GST) management systems are adequate with regards to being compliant with the GST legislation.

## Background

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

To meet this requirement, the Division of Local Government (DLG) requires confirmation from all NSW councils that their GST management systems are adequate with regards to being compliant with the GST legislation by 31 May each year.

Initially, compliance was achieved by the DLG requiring councils to annually issue their auditor with a statement to the effect that GST management systems were in place to ensure compliance with GST legislation as well as copies of any correspondence regarding outstanding taxation debts that were attributable to the monthly business activity statement return to the ATO. Based on this, the auditor would undertake an independent review, not a tax audit, on Council's GST management systems. This was completed for 2001, 2002, 2003 and 2004 by Council's Auditor, Thomas Noble and Russell and an appropriate GST Audit Review Report issued.

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

For the current reporting period (1 May 2010 to 30 April 2011) the approach from recent years is again recommended based on the following reasons:-

- a) Council's GST management systems were reviewed and updated as part of the implementation of the corporate software system, Authority. This review included all new business practices necessary for processing transactions. The Authority system provides for the electronic preparation of the Business Activity Statement (BAS) with a range of reporting options that all full transactional investigation of each GST transaction category.
- b) Council's GST management systems are centralised within the Finance section, predominately computerised, and the monthly BAS is prepared and reviewed by the Manager – Finance.
- c) Staff received extensive training on the use of Authority and are proficient with data processing requirements to accurately record and therefore correctly report GST on the BAS.



d) The vast majority of Council's transactions (rates, water, payment of creditor invoices, issuing of debtor invoices, cash payments, grants, contributions, fees and charges) are consistent from year to year and therefore the GST treatment does not change.

e) Spot checks of current practices are undertaken regularly to assess compliance to GST legislation.

f) In February 2010, Council engaged an independent consultant to review its GST revenue systems. While the majority of transactions checked were correct, two errors were detected and rectified. Overall, the consultant was impressed by Council's systems and processes.

g) All 12 BAS's for this period were submitted on time to the ATO. No amendments were required by the ATO.

## **General Information**

Lismore City Council is registered for GST purposes. Based on this registration, Council is required to submit a monthly BAS. For the period 1 July 2000 to 31 March 2011, 129 BAS's have been completed and submitted to the ATO. A summary of the payment information from these is:-

- Total GST payable to the ATO \$20,475,184
- Total GST receivable from the ATO \$46,012,921

Since 1 July 2000, the ATO has undertaken a compliance review in August 2003 and a BAS refund assurance audit in September 2006. While the compliance review was limited, Council was advised that '...had achieved a high level of GST preparedness towards ensuring voluntary compliance.' There was one transaction identified as being non compliant that had to be adjusted. As to the assurance audit, all documentation required was provided and the ATO advised that no further action was required.

The April 2011 BAS will be prepared and submitted before the 10 May 2011 Council meeting is held.

## **Sustainability Assessment**

### **Best-Practice Corporate Governance**

NSW Councils are required to submit a GST Certificate for the period 1 May 2010 to 30 April 2011 to satisfy requirements set by the NSW Division of Local Government. This report and GST Certificate will satisfy Council's obligation.

### **Comments**

#### **Other staff comments**

Not required

#### **Public consultation**

Not required

### **Conclusion**

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

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

## Attachment/s

1. Goods and Services Tax - Certificate of Compliance for 1 May 2010 to 30 April 2011.

## Recommendation

That Council submit a Goods and Services Tax Certificate for the period 1 May 2010 to 30 April 2011 signed by the Mayor and Deputy Mayor to the NSW Division of Local Government



**COUNCIL OF THE CITY OF LISMORE**

**GOODS AND SERVICES TAX CERTIFICATE**

**Payment of Voluntary GST 1 May 2010 to 30 April 2011**

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

- Voluntary GST has been paid by Lismore City Council for the period 1 May 2010 to 30 April 2011.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

This is signed in accordance with Council's resolution made on 10 May 2011.

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Jenny Dowell  
**Mayor**

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Simon Clough  
**Deputy Mayor**

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Paul O'Sullivan  
**General Manager**

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

# Report

<b>Subject</b>	<b>Investments - April 2011</b>
<b>TRIM Record No</b>	BP11/77:EF09/586
<b>Prepared by</b>	Management Accountant
<b>Reason</b>	Required by Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

Investments as at 30 April 2011 are estimated to be \$40,512,330 subject to final market valuations typically provided after month end.

The interest rate reported for April 2011 is estimated to be 5.66% which is above the Bank Bill Swap Rate for the period of 4.90%. 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, investment portfolio performance for the period and a statement of compliance in relation to the requirements of the Local Government Act 1993.

## Report on Investments

- |  |                     |
|--|---------------------|
| • <i>Confirmation of Investments – at Market Value – 31 March 2011</i> | <i>\$44,184,129</i> |
| • <i>Estimated Investments – at Market Value – 30 April 2011</i>       | <i>\$40,512,330</i> |

Investments decreased by approximately \$4 million in April 2011. The main reasons for the decrease include loan repayments and an increase in overall capital works payments.

The current rate of return on investments for April 2011 is estimated to be 5.66% which is above the Bank Bill Swap Rate for the period of 4.90%. 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. A coupon payment has not been recognised as a return on investment this month.

The estimated interest earned for the financial year to April 2011 remains favourable compared to the pro rata Budget. While this variance is expected to narrow as funds held for capital works are expended, a favourable variance is anticipated for 2010/11.

## 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 supported.

## Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. As at 30 April 2011 investments total \$40,512,330 and the annualised rate of return was 5.66%.

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 Movement including name of institution, lodgement date and maturity date
2. Estimated Interest showing interest rate and estimated interest earned for the year
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 a percentage of total portfolio - graphical

## Recommendation

That the report be received and noted.

Capital Value Movements  
Summary of Investments held as at  
30 April 2011

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)	
<b>Cash Based Returns</b>									
Blackrock Care & Maintenance Fund	Managed Fund	Not Rated (Note 7)	High	15/10/2008	N/A	21/04/2011	\$ 1,799,597	\$ 2,066,329	Note 3
CBA Business On Line Banking A/C	Cash Management Account	Cash	High	N/A	N/A	21/04/2011	\$ 2,359,500	\$ 2,359,500	
Macquarie Cash Management Trust	Cash Management Account	Cash	High	1/9/2006	N/A	21/04/2011	\$ 262,702	\$ 262,702	
UBS Cash Management Trust	Cash Management Account	Cash	High	N/A	N/A	21/04/2011	\$ 122,224	\$ 122,224	
Newcastle Permanent	Term Deposit	A-2	High	28/1/2011	28/4/2011	28/01/2011	\$ 1,000,000	\$ 1,000,000	
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	High	4/3/2011	3/5/2011	4/03/2011	\$ 2,000,000	\$ 2,000,000	
Defence Force Credit Union	Term Deposit	Not Rated (Note 7)	High	7/12/2010	10/5/2011	7/12/2010	\$ 2,000,000	\$ 2,000,000	
Westpac Banking Corporation	Term Deposit	AA	High	7/12/2010	7/6/2011	7/12/2010	\$ 2,000,000	\$ 2,000,000	
Newcastle Permanent	Term Deposit	A-2	High	15/2/2011	15/6/2011	15/02/2011	\$ 1,000,000	\$ 1,000,000	
Bank of Cypress	Term Deposit	Not Rated (Note 7)	High	15/2/2011	15/6/2011	15/02/2011	\$ 1,000,000	\$ 1,000,000	
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	High	15/2/2011	15/6/2011	15/02/2011	\$ 2,000,000	\$ 2,000,000	
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	High	20/12/2010	20/6/2010	20/12/2010	\$ 1,000,000	\$ 1,000,000	
Credit Union Australia (CUA)	Term Deposit	A-2	High	11/1/2011	11/7/2011	11/01/2011	\$ 1,000,000	\$ 1,000,000	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	13/10/2010	13/7/2011	13/10/2010	\$ 2,000,000	\$ 2,000,000	
IMB Banking & Financial Services	Term Deposit	A-2	High	18/1/2011	19/7/2011	18/01/2011	\$ 1,000,000	\$ 1,000,000	
Bank of Queensland	Term Deposit	A-2	High	19/1/2011	19/7/2011	19/01/2011	\$ 1,000,000	\$ 1,000,000	
Police & Nurses Credit Union	Term Deposit	Not Rated (Note 7)	High	31/1/2011	1/8/2011	31/01/2011	\$ 1,000,000	\$ 1,000,000	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	31/1/2011	1/8/2011	31/01/2011	\$ 1,000,000	\$ 1,000,000	
IMB Banking & Financial Services	Term Deposit	A-2	High	2/2/2011	2/8/2011	2/02/2011	\$ 2,000,000	\$ 2,000,000	
Bank of Queensland	Term Deposit	A-2	High	7/12/2010	8/8/2011	7/12/2010	\$ 2,000,000	\$ 2,000,000	
Suncorp Bank	Term Deposit	A-1	High	15/2/2011	15/8/2011	15/02/2011	\$ 2,000,000	\$ 2,000,000	
Credit Union Australia (CUA)	Term Deposit	A-2	High	7/3/2011	5/9/2011	7/03/2011	\$ 2,000,000	\$ 2,000,000	
Deutsche Bank CG Yield Curve Note	Euro Bond	A+	High	1/9/2006	18/10/2011	30/06/2010	\$ 247,500	\$ 247,500	Note 5
National Australia Bank	Term Deposit	A1+	High	7/12/2010	7/12/2011	7/12/2010	\$ 2,000,000	\$ 2,000,000	
Summerland Credit Union	Term Deposit	A-2	High	17/1/2011	17/1/2012	17/01/2011	\$ 1,000,000	\$ 1,000,000	
Magnolia (Finders)	Floating Rate CDO	BB-	Low	1/9/2006	20/3/2012	30/06/2010	\$ 255,000	\$ 255,000	Note 5
ING Bank Australia Limited	Term Deposit	A1+	High	5/4/2011	4/4/2012	5/04/2011	\$ 2,000,000	\$ 2,000,000	
RaboDirect (Rabobank Australia Ltd)	Term Deposit	A1+	High	12/4/2011	12/4/2012	12/04/2011	\$ 1,000,000	\$ 1,000,000	
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2006	22/6/2012	30/06/2010	\$ 280,000	\$ 280,000	Note 5
Commonwealth Bank of Australia	Term Deposit	A1+	High	30/11/2009	29/11/2012	30/11/2009	\$ 400,000	\$ 400,000	
Beryl (Esperance 2)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/3/2013	30/06/2010	\$ -	\$ -	Note 5
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	30/06/2010	\$ 20,000	\$ 20,000	Note 5
Zircon (Morimbula)	Floating Rate Note	Early Termination	Low	1/9/2006	20/6/2013	30/06/2010	\$ -	\$ -	Note 5

**Capital Value Movements  
Summary of Investments held as at  
30 April 2011**

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)	
Corsair (Kakadu)	Floating Rate CDO	CCC-	Low	1/9/2006	20/3/2014	30/06/2010	\$ 125,000	\$ 125,000	Note 5
Longreach - Series 25	Equity Linked Investment	A+	High	2/4/2007	4/4/2014	30/06/2010	\$ 759,450	\$ 759,450	Note 2
Helium (Scarborough)	Floating Rate CDO	CCC-	Low	1/9/2006	23/6/2014	30/06/2010	\$ 16,000	\$ 16,000	Note 5
Beryl (Global Bank Note)	Floating Rate Note	Early Termination	Low	1/9/2006	20/9/2014	30/06/2010	\$ -	\$ -	Note 5
Zircon (Coolangatta)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/9/2014	30/06/2010	\$ -	\$ -	Note 5
Aphex (Gleneelg)	Floating Rate CDO	CCC-	Low	1/9/2006	22/12/2014	30/06/2010	\$ 100,000	\$ 100,000	Note 5
Bendigo Bank FR Sub Debt	Subordinate Debt	BBB	Medium	1/9/2006	14/12/2015	31/08/2010	\$ 497,100	\$ 498,625	Note 5
Zircon (Miami)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/3/2017	30/06/2010	\$ -	\$ -	Note 5
<b>Investment on Hand</b>							<b>\$ 40,244,073</b>	<b>\$ 40,512,330</b>	

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

Police & Nurses Credit Union	Term Deposit	Not Rated (Note 7)	High	4/3/2011	4/4/2011	4/03/2011	\$ 2,000,000	\$ 2,000,000
Bank of Western Australia	Term Deposit	A1+	High	14/12/2010	13/4/2011	14/12/2010	\$ 2,000,000	\$ 2,000,000
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	High	19/1/2011	19/4/2011	19/01/2011	\$ 1,000,000	\$ 1,000,000

<b>\$ 45,244,073</b>	<b>\$ 45,512,330</b>
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Note 1: Balance Sheet Valuation is the value reported in Council's Financial Report as at 30 June 2010 or the purchase price for investments purchased post 30/06/10  
 Note 2: Capital Guaranteed note if held to maturity  
 Note 3: The Balance Sheet Valuation is the Market Value as at 30/6/10 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's Investment Order and require no minimum credit rating.

**"Indicative" Source of Funds**

Externally Restricted	31,004,086
Internally Restricted	9,508,244
	<u>\$ 40,512,330</u>

**Estimated Interest  
Summary of Investments held as at  
30 April 2011**

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Current market Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period
<b>Cash Based Returns</b>						
Blackrock Care & Maintenance Fund	Managed Fund	Not Rated	0.00%	\$ 2,066,329	\$ -	0.00%
CBA Business On Line Banking A/C	Cash Management Account	Cash	4.10%	\$ 2,359,500	\$ 7,951	0.23%
Macquarie Cash Management Trust	Cash Management Account	Cash	4.75%	\$ 262,702	\$ 1,026	0.03%
UBS Cash Management Trust	Cash Management Account	Cash	3.82%	\$ 122,224	\$ 384	0.01%
Newcastle Permanent	Term Deposit	A-2	6.00%	\$ 1,000,000	\$ 4,932	0.14%
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	6.00%	\$ 2,000,000	\$ 9,863	0.29%
Defence Force Credit Union	Term Deposit	Not Rated (Note 7)	6.26%	\$ 2,000,000	\$ 10,290	0.30%
Westpac Banking Corporation	Term Deposit	AA	6.14%	\$ 2,000,000	\$ 10,093	0.30%
Newcastle Permanent	Term Deposit	A-2	5.88%	\$ 1,000,000	\$ 4,833	0.14%
Bank of Cypress	Term Deposit	Not Rated (Note 7)	6.15%	\$ 1,000,000	\$ 5,055	0.15%
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	6.03%	\$ 2,000,000	\$ 9,912	0.29%
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	6.26%	\$ 1,000,000	\$ 5,145	0.15%
Credit Union Australia (CUA)	Term Deposit	A-2	6.20%	\$ 1,000,000	\$ 5,096	0.15%
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	6.10%	\$ 2,000,000	\$ 10,027	0.29%
IMB Banking & Financial Services	Term Deposit	A-2	6.24%	\$ 1,000,000	\$ 5,129	0.15%
Bank of Queensland	Term Deposit	A-2	6.45%	\$ 1,000,000	\$ 5,301	0.16%
Police & Nurses Credit Union	Term Deposit	Not Rated (Note 7)	6.25%	\$ 1,000,000	\$ 5,137	0.15%
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	6.40%	\$ 1,000,000	\$ 5,260	0.15%
IMB Banking & Financial Services	Term Deposit	A-2	6.20%	\$ 2,000,000	\$ 10,192	0.30%
Bank of Queensland	Term Deposit	A-2	6.45%	\$ 2,000,000	\$ 10,603	0.31%
Suncorp Bank	Term Deposit	A-1	6.28%	\$ 2,000,000	\$ 10,323	0.30%
Credit Union Australia (CUA)	Term Deposit	A-2	6.29%	\$ 2,000,000	\$ 10,340	0.30%
Deutsche Bank CG Yield Curve Note	Euro Bond	A+	6.99%	\$ 247,500	\$ 1,436	0.04%
National Australia Bank	Term Deposit	A1+	6.60%	\$ 2,000,000	\$ 10,849	0.32%
Summerland Credit Union	Term Deposit	A-2	6.35%	\$ 1,000,000	\$ 5,219	0.15%
Magnolia (Flinders)	Floating Rate CDO	BB-	6.24%	\$ 255,000	\$ 1,539	0.04%
ING Bank Australia Limited	Term Deposit	A1+	6.31%	\$ 2,000,000	\$ 8,990	0.26%
RaboDirect (Rabobank Australia Ltd)	Term Deposit	A1+	6.60%	\$ 1,000,000	\$ 3,255	0.10%
Omega (Henley)	Floating Rate CDO	CCC	5.63%	\$ 280,000	\$ 1,851	0.04%
Commonwealth Bank of Australia	Term Deposit	A1+	7.00%	\$ 400,000	\$ 2,301	0.07%
Beryl (Esperance 2)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%

Note 1,3



**Estimated Interest  
Summary of Investments held as at  
30 April 2011**

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Current market Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period
Corsair (Torquay)	Floating Rate CDO	CCC-	0.00%	\$ 20,000	\$ -	0.00%
Zircon (Merimbula)	Floating Rate Note	Early Termination	0.00%	\$ -	\$ -	0.00%
Corsair (Kakadu)	Floating Rate CDO	CCC-	6.14%	\$ 125,000	\$ 2,523	0.02%
Longreach - Series 25	Equity Linked Investment	A+	0.00%	\$ 759,450	\$ -	0.00%
Helium (Scarborough)	Floating Rate CDO	CCC-	6.63%	\$ 16,000	\$ 1,090	0.00%
Beryl (Global Bank Note)	Floating Rate Note	Early Termination	0.00%	\$ -	\$ -	0.00%
Zircon (Coolangatta)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%
Aphex (Glenelg)	Floating Rate CDO	CCC-	6.53%	\$ 100,000	\$ 2,684	0.02%
Bendigo Bank FR Sub Debt	Subordinate Debt	BBB	5.31%	\$ 498,625	\$ 2,182	0.06%
Zircon (Miami)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%
<b>Investment on Hand</b>				<b>\$ 40,512,330</b>	<b>\$ 190,811</b>	<b>5.41%</b>

Note 2,5

Note 4

**Investments Redeemed during period**

Police & Nurses Credit Union	Term Deposit	Not Rated (Note 7)	5.63%	\$ 2,000,000	\$ 1,234	0.04%
Bank of Western Australia	Term Deposit	A1+	6.05%	\$ 2,000,000	\$ 4,310	0.13%
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	6.20%	\$ 1,000,000	\$ 3,227	0.09%

30/4/2011

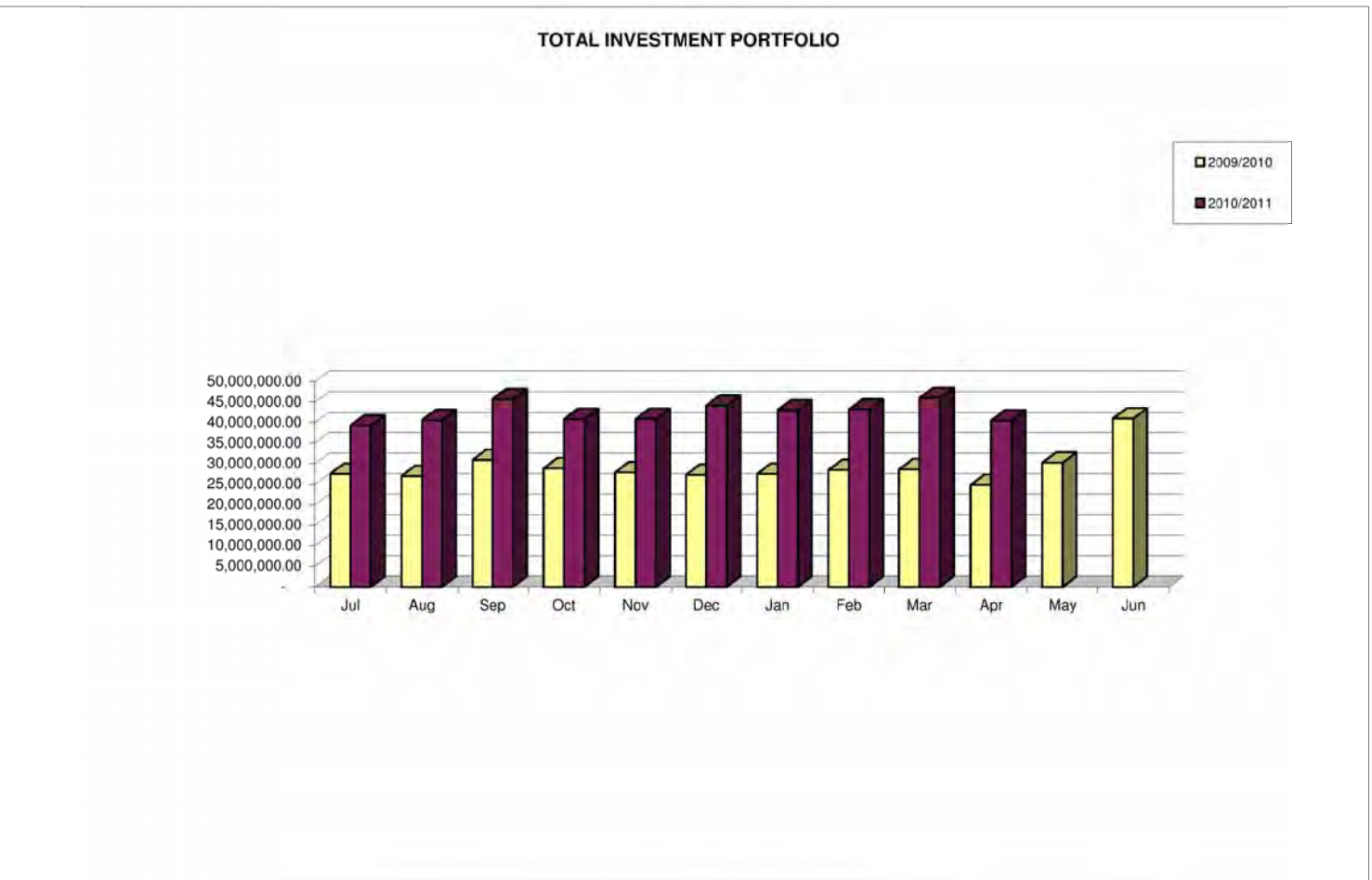
5.66%

<b>\$ 45,512,330</b>	<b>\$ 199,582</b>
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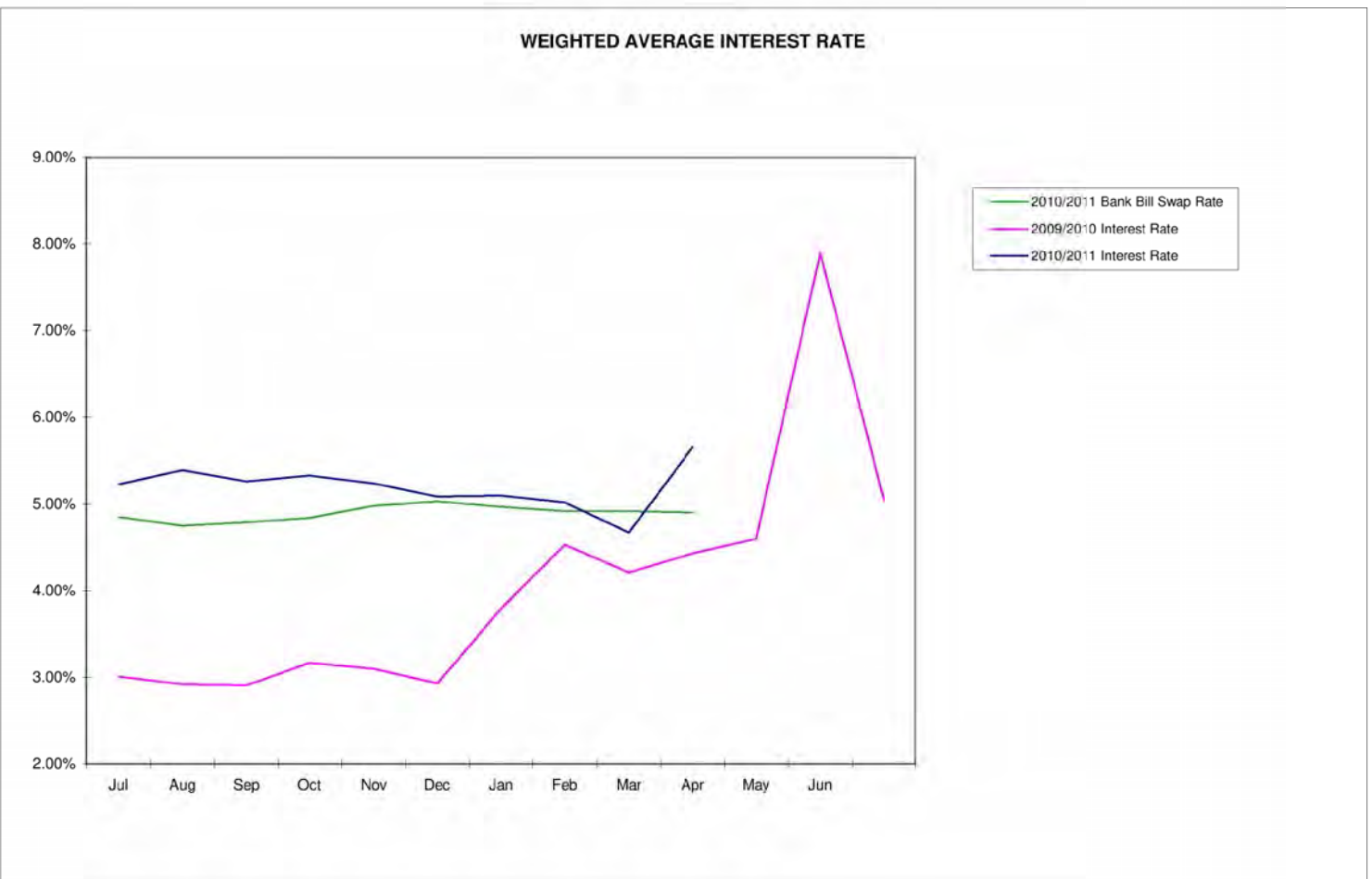
**Investment Income Earned vs. Budget Year to Date**

Estimated interest earned to date \$ 1,997,591  
Pro Rata annual budget \$ 1,793,417

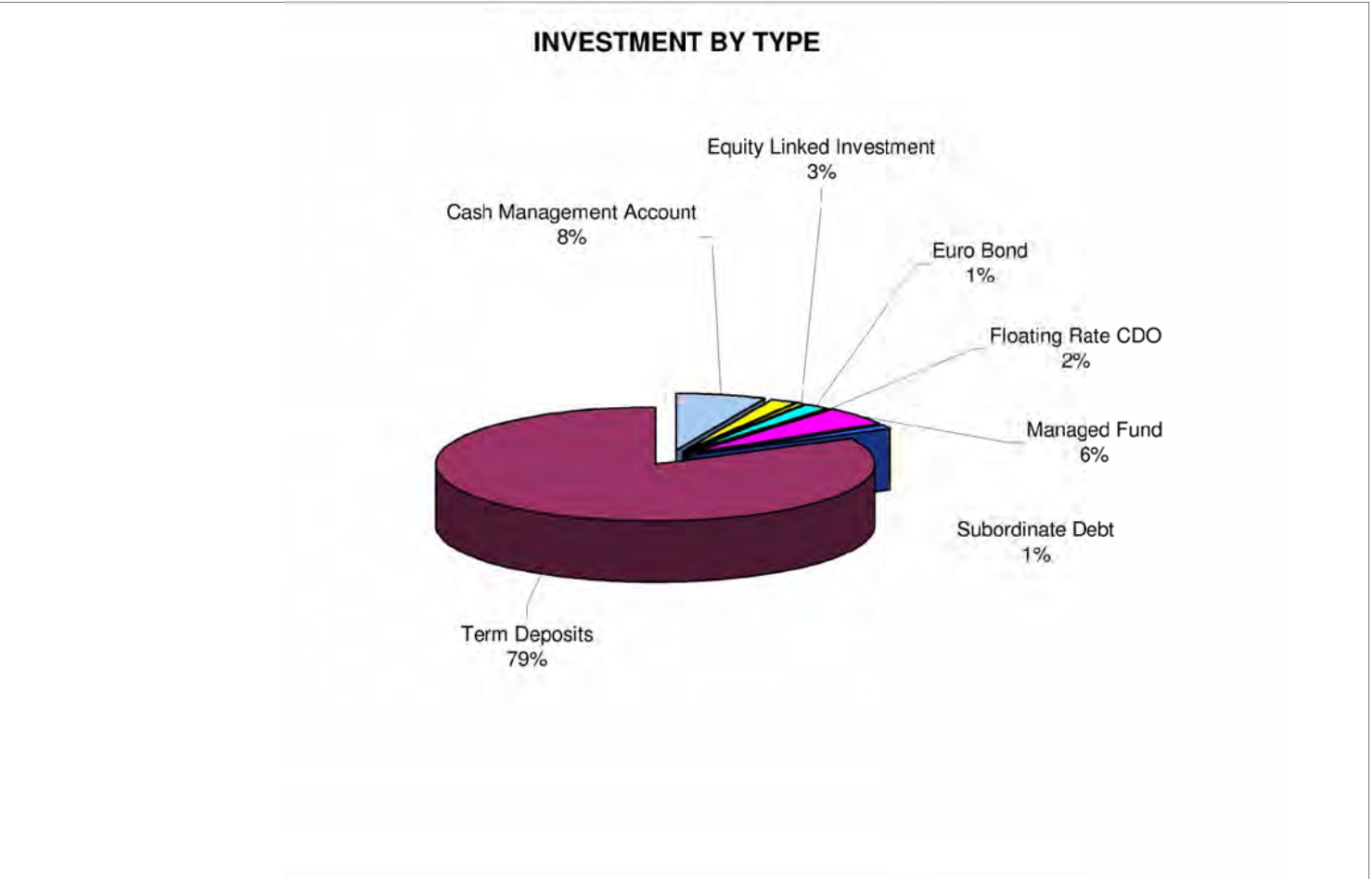
- Note 1: Interest return is calculated on (actual interest + accrued interest + realised gains - losses on disposal - expenses) / principal value
- Note 2: Capital Guaranteed note if held to maturity
- Note 3: Blackrock Care & Maintenance Fund interest rate is shown as zero as regular distributions 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.

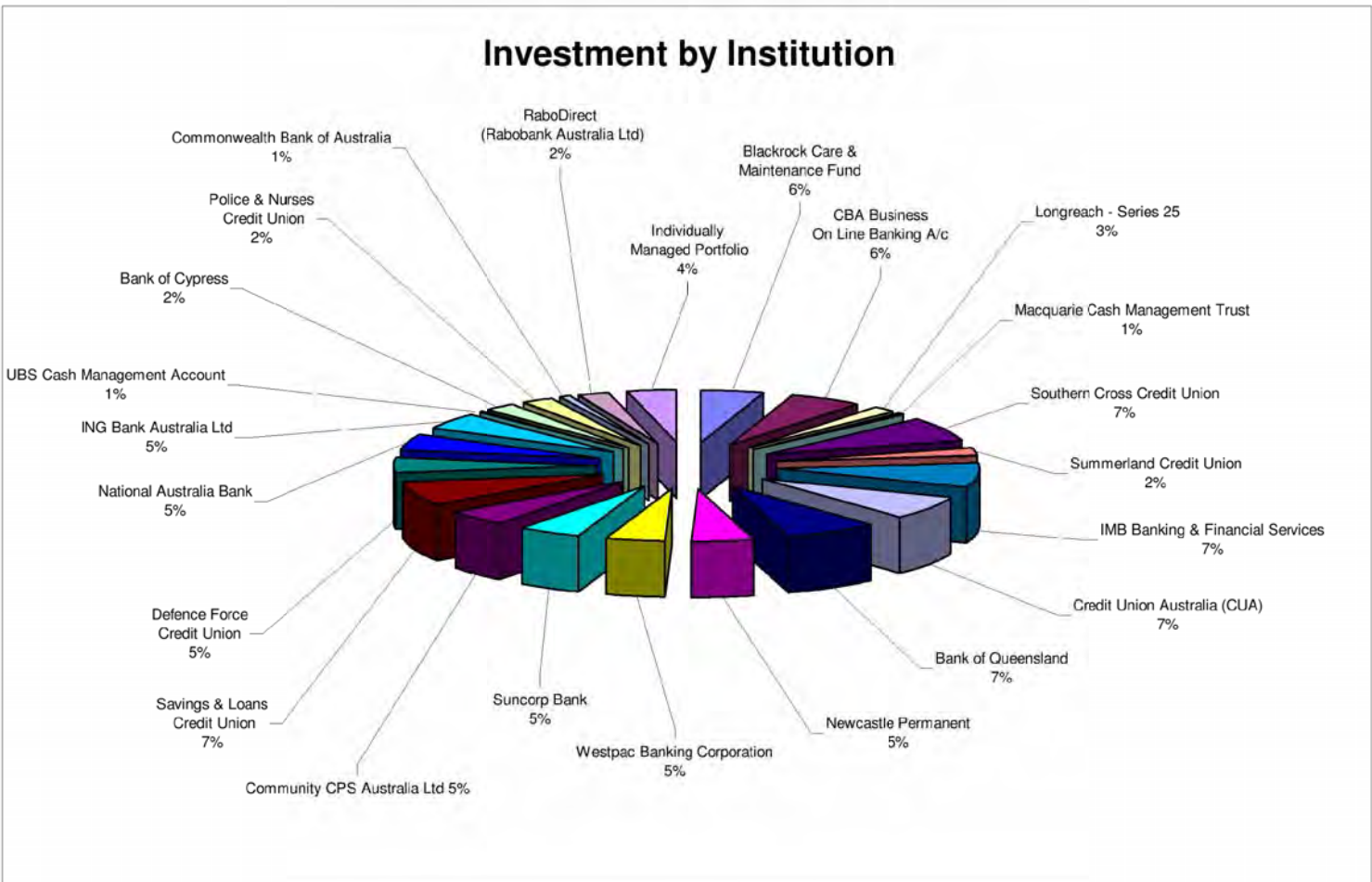


2010-11 Investment Report for council.xls



2010-11 Investment Report for council.xls





# Committee Recommendations

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## Committee Recommendation

Traffic Advisory Committee Minutes 20 April 2011

### Attachment/s

1. Traffic Advisory Committee Minutes 20 April 2011

### Recommendation

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

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE HELD IN THE MAGELLAN ROOM,  
CBD CENTRE, 55 MAGELLAN STREET, LISMORE ON WEDNESDAY, 20 APRIL 2011 AT 10.00AM.**

## Present

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

## In Attendance

Lisa Marshall (*Road Safety Officer*) and Bill MacDonald (*Traffic & Emergency Services Co-ordinator*).

## Apologies

Apologies for non-attendance on behalf of Thomas George MP (*Member for Lismore*), Garry Hemsworth (*Executive Director-Infrastructure Services*) and Scott Turner (*Manager-Assets*) were received and accepted.

## Confirmation of Minutes

**TAC24/11** The Committee was advised that the minutes of the Traffic Advisory Committee held on 16 March 2011 were confirmed by Council at its meeting on 12 April 2011.

## Disclosure of Interest

NIL

## Part 'A' – Committee Recommendations

### **Australian Red Cross Blood Service - Parking in Bounty Street, Lismore**

Requesting a parking limit of two hours outside and opposite 26 Bounty Street.

(C111/7246/R7301)

The Australian Red Cross Donor Centre is relocating to 26 Bounty Street, Lismore. Currently the time limit for parking in front of and opposite the building is unlimited. It is requested to limit this parking to two hours which is enough time for donors to complete a blood donation.

During peak times there may be up to 30 donors and they would like to ensure there is adequate parking in close proximity to the Centre. Parking availability has a significant impact on people's decision to donate blood and it is also desirable to have parking available in close proximity given that they will have just given blood.

### **Australian Red Cross Blood Service - Parking in Bounty Street, Lismore (*Cont'd*)**

All businesses on the northern side of Bounty Street have been consulted and offer no objection to the proposal to install 2-hour parking. After further discussions with the Blood Service it has been determined that the section on the northern side of Bounty Street, between Carrington Street and the cul-de-sac to the east, approximately 20 spaces, would be adequate to meet their needs.



The peak periods are generally outside normal business hours when ample parking would be available in any case. This would minimise any impact on unrestricted parking for all day parkers who currently use this area.

As a result of further representations from Thomas Noble Russell and discussions with Leanne Latham of Australian Red Cross Blood Service and bearing in mind that existing 2-hour parking in front of the City Hall is currently underutilised, it is now proposed that additional 2-hour parking be introduced on the northern side of Bounty Street, between Carrington Street and the driveway to No. 20 Bounty Street (approximately 10 additional spaces).

**TAC25/11** **Recommended** that 2-hour parking be introduced on the northern side of Bounty Street, between Carrington Street and the driveway to No. 20 Bounty Street.

#### **Kirstin Paterson - Review of Parking outside Blakebrook Public School**

Advising there is no adequate parking in front of the school for parents delivering and collecting young children and due to recent bus zoning, there is even less parking available. (C111/7164:R2704)

The school is situated on a busy road with minimal overtaking room and is dangerous for young children to cross whilst also presenting a hazard for passing traffic. There is parking 100m down the road away from the gate but it is not adequate for the number of students who attend the school.

Parents have been told they would receive a spot fine for parking in the bus zone which is located in front of the school gates. There is no supervision at the school gate and children freely walk out to meet the cars as they pull in.

An onsite meeting was held with the Acting School Principal on 5 April 2011 to discuss a number of issues relating to bus times and parking generally as well as concerns regarding the standard times currently shown on the School Zone signage on approaches to the school. It would appear that the school operates outside normal hours and the signs need to be altered to account for this.

The school has advised that it is currently investigating the provision of on site parking for staff which should resolve some of the problems associated with the availability of onstreet parking. A reduction in the times shown on the bus zone signs will also assist in freeing up available space for parents dropping off or picking up children.

Mr Smallman advised that the RTA would not generally support a variation in School Zone times however, it was noted that a precedence had already been set with a similar variation at Caniaba School. It was felt that should agreement be forthcoming the installation of flashing lights should be a priority as well to ensure motorists were aware of the unusual times.

#### **Kirstin Paterson - Review of Parking outside Blakebrook Public School (Cont'd)**

**TAC26/11** **Recommended** that the proposal to alter afternoon times shown on the School Zone signage on Rosehill Road to read 2.45pm to 4.15pm be referred to the RTA for consideration of approval. Further that the existing bus zone signage be altered to read 8.15am to 8.45am and 3.45pm to 4.15pm.

### **Caddies Coffee Company – 10kph Shared Zone – Carrington Street and Inner CBD Lanes**

Urging Council to implement a 10kph shared zone speed limit in Carrington Street, Eggins, County, Nesbitt and Larkin Lanes, continuing the standard that exists in Magellan Street. (CI11/8036:R7303-03)

A 'Shared Zone' was introduced in Magellan Street between Keen and Molesworth Streets a number of years ago as part of its reconstruction. More recently, part of Carrington Street, north of Magellan Street has been reconstructed however, the balance of the internal laneway system operates under conditions that require a mix of pedestrian and light vehicular traffic as well as heavy transport vehicles carrying out deliveries.

For the majority of these roads there is no defined footpaths and so any measures that would increase the safety of pedestrians is supported.

The Committee supported the proposal in principle however, Mr Smallman advised that the RTA was currently finalising a new policy on shared zones and 10kph speed limits that will likely be known as 'slow zones'.

- TAC27/11** **Recommended** that the proposal for the introduction of a 10kph 'shared zone' or 'slow zone' in Carrington Street, north of Magellan Street, Nesbitt Lane, Eggins Lane, County Lane and Larkin Lane, west of Keen Street be referred to the RTA for consideration and approval in conjunction with the impending new policy.

### **Cassandra Jefferys – Discover Fitness Fun Run – Nimbin**

Forwarding traffic management plan for the proposed fun run to be held on Sunday, 28 August 2011 for approval by Council. (CI11/8093:EF10/129)

The fun run was held last year and it would appear was a successful event without any significant incident in terms of traffic management.

The proposal is supported subject to the implementation of the attached Traffic Management Plan.

- TAC28/11** **Recommended** that approval be granted for the staging of the fun run in accordance with the Traffic Management Plan as submitted.

### **Southern Cross University – Darrel Chapman Fun Run**

Forwarding traffic management plan for the proposed fun run to be held in Lismore on Sunday, 15 May 2011. (CI11/8514:EF10/129)

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

- TAC29/11** **Recommended** that approval for the proposed fun run be granted in accordance with the traffic management plan as submitted.

### **National Aboriginal and Islander Day of Celebration (NAIDOC) 2011**

Lee-Ann Emzin, Council's Aboriginal Community Development Officer, has provided a Traffic Management Plan and event description for consideration of approving associated road and carpark closures associated with the NAIDOC event to be held on 30 June 2011. (ED11/11599:EF10/129)

This year's event will be held on Thursday, 30 June 2011 with anticipated numbers attending being approximately 1,500-2,000 people.

It is proposed to close Victoria Street between the southern side of the Ballina Road Bridge and the skate park and also the carpark beside the Visitor Information Centre from 7.30am to 3.30pm.

The event has been held at this location for the past several years without incident.

**TAC30/11** **Recommended** that approval be granted for the proposed closure of Victoria Street and the Heritage Park Carpark in accordance with the information provided.

**Councillor David Yarnall – Speed Limit – Dunoon Road, Modanville**

Forwarding a submission regarding the installation of the 60kph speed limit on Dunoon Road through Modanville outlining residents concerns and issues.

It was noted that this issue had already been discussed at the last meeting and that Councillor Yarnall had been provided with additional information since that may have assisted in addressing some concerns.

The introduction and review of specific speed limits is a technical issue and determined through the appropriate process and not necessarily through consultation which would undoubtedly produce a number of different scenarios. It was noted that a media release had been issued as a result of the new changed conditions.

The length of the new zone was discussed and in particular its starting point for Dunoon bound motorists and it was agreed that this would be further investigated with a view to reducing the length of the 60kph zone.

**TAC31/11** **Recommended** that this matter be referred to the RTA for investigation with a view to repositioning the 60kph speed limit signs on Dunoon Road south of Modanville, further north.

**Jyllie Jackson – Lismore Lantern Parade – Saturday, 25 June 2011**

Forwarding information relevant to this year's Lantern Parade and accompanying Traffic Management Plan and seeking approval of the proposed traffic conditions.  
(EF09/1898)

The Traffic Management Plan was basically the same as in recent years apart from a proposal to prohibit parking on the southern side and the centre of Magellan Street between Keen and Carrington Streets from 6.30am and on both sides of Magellan Street between Carrington Street and Molesworth Street from 2.00pm.

This is seen as important in ensuring the safety of the significant number of community members who congregate in this area to view the parade.

**TAC32/11** **Recommended** that approval be granted for the proposed parade in accordance with the Traffic Management Plan as submitted.

**Snr Const Peter Kirk – Parking in Cullen Street, Nimbin**

Requesting consideration of introducing emergency vehicle parking in front of the Nimbin Police Station and in front of the Nimbin Hospital on the opposite side of Cullen Street.  
(R1701)

A 'No Stopping' zone currently exists in front of the Nimbin Police Station and modifications to allow 'emergency vehicles excepted' could be added without any impact on existing parking.

Parking in front of the Nimbin Hospital is currently available to the general public and bearing in mind the current representations from the Hospital, it was felt that additional restrictions may have a negative impact on the availability of parking generally in this area. It was agreed that implementation on the Police Station side may be adequate for the time being.

- TAC33/11** **Recommended** that the existing 'No Stopping' signs in front of the Nimbin Police Station and St Vincent de Paul next door be altered to read 'No Stopping emergency vehicles excepted'.

## Part 'B' – Determined by Committee

### **Director of Nursing, Nimbin Hospital - Parking in Cecil Street, outside Nimbin Hospital**

Requesting parking in Cecil Street outside Nimbin Hospital be assessed.

CI11/6848:R1704

The area is sometimes used by overnight vans and visitors making it difficult for Hospital staff to find parking. As this parking area is used by staff at Nimbin Hospital, it is requested that signs stating "Parking for staff/visitors at Nimbin Hospital only" be erected.

This area is on the northern side of Cecil Street and was formalised as part of the Hospital redevelopment some years ago. There are 10 parking spaces available.

### **Nimbin Hospital - Parking in Cecil Street, outside Nimbin Hospital** *(Cont'd)*

Nimbin Police have confirmed that one of the main problems is that this area is used by campervan owners for longer term parking and they often have to move them on. If this was resolved by way of signage, parking would become more readily available. Staff parking should be managed by the Hospital onsite and Council should not be providing specific parking for Hospital staff onstreet. Adequate parking on Cecil Street close to the Hospital is available generally.

- TAC34/11** **It was agreed** that signage 'Long term or overnight campervan parking in this area is prohibited' be erected either end of the parking area adjacent to the Nimbin Hospital on the northern side of Cecil Street.

### **Danielle Lavis – Speed Limit on Bruxner Highway past Richmond Hill Turnoff**

Requesting the 60kph speed limit be extended to the eastern side of the Richmond Hill turnoff as she lives on Bruxner Highway between Pineapple Road and Richmond Hill Road and now there is the possibility that the bus company will refuse to stop to pick up her son and take him to school.  
(CI11/8044:R6408-16)

This section of the Bruxner Highway is currently signposted 80kph. Council staff have had a number of meetings with the RTA regarding the proposed realignment of the Bruxner Highway which includes deviation in some areas.

In addition the intersections of Pineapple Road and Richmond Hill Road have been identified in the Bruxner Highway Corridor Study as requiring upgrading within the next ten years.

There have been eight accidents in this area between 2005 and 2009 with a number since this period as well. Roadside development along the Bruxner Highway in the area in question is rural in nature and the introduction of a lower speed limit to address isolated problems is generally not supported however, bearing in mind the growing accident history, this issue has already been referred to the RTA which is carrying out an assessment to determine whether the speed limit needs to be reduced at least in the short term until upgrades are undertaken.

The current deviation works in Ballina and Alstonville will undoubtedly lead to significant increases in vehicular traffic along the Bruxner Highway and this, together with a growing incidence of accidents, would suggest that the upgrading of this section of the highway needs to be addressed at the earliest opportunity.

Mr Smallman undertook to advise the status of the review and a likely completion date.

**TAC35/11**

**It was agreed** that this matter be referred to the RTA for its attention and consideration in conjunction with the current speed limit assessment being carried out.

**Peter McWilliam – Dangerous Intersection Keen and Orion Streets**

Drawing attention to frequent accidents and near misses at this corner and suggesting a clearly placed 'Stop' sign on the middle of the road and/or a road hump be placed on the Keen Street approach to clearly warn drivers of danger posed from approaching Orion Street traffic. (CI11/8123:R7313-06)

The location has been the subject of a number of inspections and reports in recent years resulting in centre medians and 'Give Way' signs being installed on Keen Street and advanced warning signs installed on Orion Street.

It would appear that there is still a significant accident history building indicating that past measures have not fully addressed the problem. The installation of a speed hump on Orion Street, west of the intersection may present problems in terms of available sight distance to the facility due to the existence of a crest on the western approach in Orion Street.

If this is found to be the case, the potential of installing a temporary roundabout facility should be investigated. Either facility would need to be monitored to gauge its effectiveness.

**TAC36/11**

**It was agreed** that this matter be referred to Council's Design Services Section with a view to investigating the installation of either a speed hump on Orion Street, west of Keen Street or a temporary roundabout facility with any proposal being submitted back to the Committee for further consideration.

**Alfredo Bonanno – Accessible Parking Areas in Nimbin**

Requesting Council consider creating two extra accessible parking spaces in Cullen Street, one on the same side of the street as the School of Arts and another in the proximity of the Oasis Café. (CI11/8548:R1701)

Two additional accessible parking spaces have recently been installed in the Western Carpark immediately west of Cullen Street and close to the Oasis Café. These are in addition to the existing parking space at the other end of Cullen Street in front of the butcher shop.

From discussions with a number of businesses in Cullen Street it would appear that the use of the existing onstreet parking space is not excessive however, its abuse by those without permits does restrict its availability.

A letter has recently been received from the Nimbin Chamber of Commerce requesting that Council Rangers commence enforcement of existing parking conditions in Nimbin on a regular basis and this is currently being addressed by the relevant manager. Enforcement in general would result in a greater turnover of parking and may negate the need for additional accessible parking spaces. A further assessment of the need for additional spaces could then be carried out after an adequate period of enforcement had been carried out. Rangers would be in a position to advise on its effectiveness and future needs.

**TAC37/11** **It was agreed** that the writer be advised of current considerations and that a further assessment on the need for additional accessible spaces would be carried out once enforcement had been given a chance to take effect.

**Coralie Gardiner – Speed Limit on Koonorigan Road**

Raising concerns regarding the recently implemented 80kph speed limit on Koonorigan Road and 'Drive to Conditions' signage and suggesting that vehicle speeds have increased as a result and requesting consideration of a further review to reduce the speed limit to 60kph. (R3101)

The approximately 9km long 80kph speed limit was introduced several months ago as a result of a request from a Koonorigan resident. The RTA carried out an assessment of the road and determined it was appropriate that the speed limit be reduced from 100kph to 80kph.

Development along Koonorigan Road is rural in nature and set well back from the road. Sections along the road that require lower speed limits including a number of bends are already signposted with lower advisory speeds. 60kph speed limits are generally introduced in an urban environment and not suitable for rural situations where ultimately it is the drivers' responsibility to 'drive to conditions'.

**TAC38/11** **It was agreed** that the writer be advised that 60kph speed limits were generally only appropriate in an urban environment with significant development and that the RTA had carried out an assessment of Koonorigan Road and determined that a 80kph speed limit was appropriate.

**Amber McBride – ASU – Proposed Rally and March on 8 June 2011**

Forwarding information regarding a proposed rally and march to mark National Day of Action for Equal Pay on Wednesday, 8 June 2011. (EF10/129)

The organisers propose to hold a rally on the corner of Magellan and Carrington Streets at approximately 11am to 12pm followed by a march heading down Magellan Street, right into Molesworth Street, right into Woodlark Street, right into Keen Street, right into Conway Street, with a possible rally at the intersection of Conway and Carrington Streets and finishing back at the intersection of Magellan and Carrington Streets.

With a relatively small number of participants anticipated to take part it was pointed out that under the RTA guidelines this event fell under the Class 4 category as a moving event and as such a Traffic Management Plan was generally not required. Approval or otherwise was normally provided from Police once a 'public assemblies' form had been submitted for their consideration.

Concern was expressed regarding the proposed route and its length and potential impact on CBD traffic flows.

Snr Const Kirk advised that the necessary forms had been forwarded to the organisers and the matter would be further assessed once the completed forms had been received.

**TAC39/11** **It was agreed** that the writer be advised of the concerns relating to the proposed route and length and its impact on CBD traffic and that Police would provide further advice once a completed 'public assemblies' form had been submitted for their consideration.

#### **NORPA – Temporary Bus Zone in Bounty Street**

Forwarding information regarding the Careers Expo to be held at the City Hall on Thursday, 5 May and Friday, 6 May 2011 and seeking approval for the introduction of a temporary bus zone to allow students to be dropped off and picked up.

(C111/9643:EF09/1881)

These measures were implemented last year and assisted in the orderly arrival and departure of visitors from the various schools.

**TAC40/11** **It was agreed** that approval be granted for the introduction of a temporary bus zone on the southern side of Bounty Street between the staff carpark driveway at the eastern end of the City Hall down to Molesworth Street on Thursday, 5 May and Friday, 6 May 2011.

#### **Wyrallah Rural Forum – Bend on Wyrallah Road**

Councillor Dowell relayed concerns of residents regarding the significant number of accidents that have occurred recently on a right hand bend approximately 2km from Champions Quarry.

(R5201)

Lisa Marshall advised that Council staff were aware of this situation and as a result a 'black spot' submission had been made for the upgrade and realignment of the bend. In the short term, arrangements had been made for additional warning signage to be installed.

Snr Const Kirk advised that warning signs are already in place and any accidents are largely as a result of motorists negotiating the bend too fast.

Frank Smallman advised that he would investigate the appropriateness of existing advisory speed limit signs and the need for any further alterations.

**TAC41/11** **It was agreed** that the above measures be noted.

## Closure

This concluded the business and the meeting terminated at 11.10 am.

# Financial Assistance - Section 356

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Financial Assistance – Section 356

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

Budget: \$21,400                      Spent to date: \$20,382

**Local Congregations of Jehovah’s Witnesses** is requesting Council discount the hire fees (\$2,086) for use of the City Hall to listen to the presentations of bible lectures on 9 and 10 April 2011.

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

**\$521.50**

**Local Congregations of Jehovah’s Witnesses** is requesting Council discount the hire fees (\$1,043) for use of the City Hall to listen to the presentations of bible lectures on 20 November 2011.

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

**\$260.75**

*In accordance with policy.*

**b) Mayor’s Discretionary Fund (GL390.485.15)**

Budget: \$2,700                      Spent to date: \$1,450

Ms Mary Harris’ family is requesting a donation to the Friends of the Lismore Rainforest Botanic Gardens in memory of Ms Harris.

**\$50**

**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

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## 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:

<b>Item</b>	<b>17.1 Quarry Financial Review</b>
<b>Grounds for Closure</b>	Section 10A(2) (d ii):
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY, 12 APRIL 2011 AT 6.00PM.**

## Present

Mayor, Councillor Dowell; Councillors Houston, Battista, Meineke, Clough, Chant, Graham, Yarnall, Ekins, Marks, and Smith, together with the General Manager, Executive Director-Sustainable Development, Executive Director-Infrastructure Services, Manager-Finance, Manager-Integrated Planning, Manager-Development and Compliance, Manager-Community Services, Manager-Information Services, Acting Manager-Assets, Acting Manager-Corporate Services, City Centre Manager, Events Coordinator, Environmental Strategies Officer, Acting Communications Coordinator and the General Manager's Personal Assistant.

## Confirmation of Minutes

334/11 **RESOLVED** that the minutes of the Lismore City Council held on 8 March 2011 be confirmed.

(Councillors Meineke/Chant)

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

**Voting against:** Nil

## Disclosure of Interest

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

### **Report – Agreement for Provision of Wastewater Services to the Proposed Crawford Land Development**

Nature of Interest: My husband is an employee of Southern Cross University (SCU) and sits on the SCU Council. Neither he nor I gain in any pecuniary or non-pecuniary way from this agreement however, there may be a perception of a conflict of interest in this matter as it relates to the consideration of expenditure by Council that assists SCU through its business arm Norsearch in developing land. I therefore err on the side of caution and will leave the Chamber and not participate in the debate or vote on this item.

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

### **Report – Agreement for Provision of Wastewater Services to the Proposed Crawford Land Development**

Nature of Interest: I am employed by SCU.

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

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**Report – Lismore Business Promotion Panel Vacancy**

Nature of Interest: One of the nominees was on my election ticket.

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

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**Report – Agreement for Provision of Wastewater Services to the Proposed Crawford Land Development**

Nature of Interest: I am an occasional employee of SCU.

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

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**Report – Agreement for Provision of Wastewater Services to the Proposed Crawford Land Development**

Nature of Interest: I am the director of Far North Coast Football.

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

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**Report – Development Application 5.2008.613 – Animal Establishment (organic free range mobile egg/poultry production)**

Nature of Interest: The proponent is a member of the Economic Development Policy Advisory Group (EDPAG).

## 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:

**Geoff Smith - Lismore Tourist Caravan Park**

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Mr Smith advised the Lismore Palms Caravan Park was a safer option than the current Lismore Tourist Caravan Park, not subject to flash flooding and sufficient warning times for normal flooding. He spoke to the benefits of both parks operating as one entity.

**Peter Harris - Lismore Tourist Caravan Park**

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Mr Harris spoke of the decreased risk of flooding that this caravan park provided and considered that it was a viable alternative option for residents of the Lismore Tourist Caravan Park.

**Kel Graham - Local Environment Plan (LEP) Template**

Mr Graham supported aspects of the Motion with respect to rail corridors, boundary adjustments but raised serious concerns about flood zones and the replacement of Clause 2.3(2) claiming this would reduce the rights of landowners.

**Rebecca Whatling and Louise Watson - Prevention of Animal Cruelty**

Ms Whatling claimed that issues of animal cruelty was out of control, that there was one RSPCA inspector for this area which was clearly inadequate. She sought Councils support to obtain further inspectors for this area.

**Jim Punch/Tony Riordan - North Lismore Plateau**

Mr Punch of the Winterton Property Group outlined the track record of the Group in such developments. He cited the expenditure on services to be spent by the Group for the benefit of the general community and the funds this would generate for Council.

Mr Riordan spoke to the benefits to Lismore of the development, to the CBD and the surrounding regions. He stressed the desire of local owners to work together and with Council to bring the development to fruition.

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

**Michael Carter and Stuart Picken - Agreement for Provision of Wastewater Services to the Proposed Crawford Land Development**

Mr Carter spoke to the momentum of the residential development and that of the APFI. He cited benefits to the city in terms of economics, diversity of culture and housing choice. He stressed the consultative approach undertaken to prepare the development and the benefits to Council of the wastewater proposal.

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

**Emma Abbott and Ellen – DA 5.2008.613 – Animal Establishment (organic free range mobile egg/poultry production)**

Ms Abbott spoke against the development raising issues with respect to non-compliance and the negative impacts on residents. She expressed concerns about the accuracy of the buffer zone mapping. She also raised issues with respect to traffic movement hours, chip mulch location and landscaping plans.

## Condolence

### **Condolence - Yamato Takada (Sister City)** (Cr Jenny Dowell) - *ef10/363*

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I rise to move a condolence motion to the people of Yamato Takada, our Sister City, the people of Japan and those within this community with Japanese heritage and links.

This Council acknowledges the tragedy that struck Miyagi prefecture in the Tohoku region at 2.46pm on Friday, 11 March 2011. At that time, a catastrophic earthquake struck off the north east coast of Honshu resulting in an horrific tsunami that rushed ashore destroying almost everything in its path and killing more than 20,000 people.

Australia has had a difficult history with Japan. I'm proud that Lismore has been at the forefront of healing old wounds through the oldest Sister City relationship between our two Countries. In 2013 we will celebrate 50 years of our relationship with Yamato Takada. Our Rotary Clubs are celebrating a 50 year link with clubs in Japan (indeed Lismore West Rotarians were in Japan on that fateful day) and our Ikebana Chapter is celebrating its 51<sup>st</sup> anniversary this year.

Yamato Takada is in the Nara prefecture to the south of Tokyo, near Osaka and 700km south of the earthquake, tsunami and nuclear affected prefectures. Yamato Takada is safe and physically unaffected but its residents have family, friends and colleagues in the north-east. They grieve for their country and its people and are appreciative of Australia's and Lismore's condolences.

Every year when our school students visit Yamato Takada, they also visit Omiya Kita high school in Saitama. Students from Yamato Takada and Omiya Kita also visit Lismore annually. Saitama, 30 km from Tokyo, has been affected by food shortages, lack of transport and increased radiation levels.

2011 has brought floods and cyclones in Australia and an earthquake in NZ. Now in Japan, we see devastation on an almost unimaginable scale. Again emergency workers including search and rescue teams and engineers have gone to the aid of another country.

To honour the lives lost and to express our sympathy to Yamato Takada, to Saitama and to Japan as a nation I ask that you stand while we spend a moment in silence.

335/11 **RESOLVED** that Council's expression of sympathy be conveyed to the citizens of Yamato Takada via the Mayor and the MOTION was APPROVED with members standing and observing the customary moments silence.

(Councillor Dowell)

## Notice of Motions

### **10.1 Kerbside Collection**

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That Council delivers a report on the Resource Recovery Centre, in time for 2011/12 budget consideration, regarding:

1. The results of the two free tip days held annually over the last 3 years.
2. The possibility of replacing one of the free tip days with an annual 'emu pick' kerbside collection for large items.

At the request of the mover the NOTICE OF MOTION was WITHDRAWN.

(Councillor Smith) (BP11/101)

### **10.2 Liberty Swing**

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336/11

**RESOLVED** that:

1. Council make an application to Variety Australia (a children's charity) to install what is termed a 'Liberty Swing' which is a playground swing for children with disabilities in Nesbitt Park.
2. In order to fund the purchase and installation of the swing the \$20,000 set aside for a study on shaded car park in Brown's creek be re-directed as Council's contribution to the swing if the application is successful (Liberty Australia usually pay for 25% of the cost or about \$10,000 and the Council's disability access fund would contribute a further \$10,000 of the balance).

(Councillors Battista/Graham) (BP11/168)

**Voting for:** Councillors Chant, Marks, Battista, Dowell, Graham and Smith

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



### **10.3 Lismore Tourist Caravan Park**

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A MOTION WAS MOVED that Council staff contact the owner of the Lismore Palms Caravan Park in order to:

1. Investigate the possibility of collaboration between Council and owners of the Palms Caravan Park in extending the park to include the raised block of land between existing park and the Westpac helicopter base for use as added Caravan sites.
2. Investigate the relocation of those permanent residents from the Lismore Tourist Caravan Park who have difficulties finding alternative lodging and/or prefer to live on a caravan site.
3. Hold a workshop with recommendation/s forwarded to Council for deliberation.

(Councillors Battista/Smith) (BP11/210)

AN AMENDMENT WAS MOVED that Council staff contact the owners of Lismore Caravan Parks in order to:

1. Investigate the possibility of collaboration between Council and owners of the Lismore Caravan Parks.
2. Investigate the relocation of those permanent residents from the Lismore Tourist Caravan Park who have difficulties finding alternative lodging and/or prefer to live on a caravan site.
3. Hold a workshop with recommendation/s forwarded to Council for deliberation.

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

(Councillors Clough/Ekins) (BP11/210)

**Voting for:** Councillors Houston, Clough, Chant, Marks, Dowell, Yarnall and Smith

**Voting against:** Councillors Meineke, Battista, Graham and Ekins

337/11

**RESOLVED** that Council staff contact the owners of Lismore Caravan Parks in order to:

1. Investigate the possibility of collaboration between Council and owners of the Lismore Caravan Parks.
2. Investigate the relocation of those permanent residents from the Lismore Tourist Caravan Park who have difficulties finding alternative lodging and/or prefer to live on a caravan site.
3. Hold a workshop with recommendation/s forwarded to Council for deliberation.

(Councillors Clough/Ekins) (BP11/210)

**Voting for:** Councillors Houston, Meineke, Clough, Chant, Marks, Dowell, Yarnall, Ekins and Smith

**Voting against:** Councillors Battista and Graham

#### **10.4 Revolving Climate Change Fund**

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338/11 **RESOLVED** that Council prepare a report on funding model options, operational guidelines and reporting mechanisms for the 'Cities for Climate Protection Implementation Fund'.

(Councillors Clough/Smith) (BP11/211)

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

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

#### **10.5 Light Rail**

---

A MOTION WAS MOVED that Council write to the new Minister for Transport and the local state member requesting assistance with NOROC'S Regional Integrated Transport Plan and in particular consideration of providing a frequent light rail service, return from Casino to Murwillumbah.

(Councillors Clough/Yarnall) (BP11/212)

AN AMENDMENT WAS MOVED that Council write to the new Minister for Transport and the local state member requesting assistance with NOROC'S Regional Integrated Transport Plan and in particular consideration of providing a full freight and passenger rail service, return from Casino to the border.

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

(Councillors Smith/Marks) (BP11/212)

**Voting for:** Councillors Houston, Meineke, Chant, Marks, Battista, Dowell, Graham, Ekins and Smith

**Voting against:** Councillors Clough and Yarnall

339/11 **RESOLVED** that Council write to the new Minister for Transport and the local state member requesting assistance with NOROC'S Regional Integrated Transport Plan and in particular consideration of providing a full freight and passenger rail service, return from Casino to the border.

(Councillors Smith/Marks) (BP11/212)

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

### **10.6 Local Environment Plan (LEP) Template**

---

A MOTION WAS MOVED that Council write to the new State Minister for Planning, NOROC and the local State Member requesting that:

1. The Standard Instrument - Principal Local Environmental Plan be amended to:
  - (a) Replace clause 2.3 (2), *'The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone'*, with the words, *'The consent authority must not grant consent to the carrying out of development in a particular zone unless it is of the opinion that the proposed development is consistent with the objectives of the zone'*.
  - (b) Remove the 10% limit on rural and related boundary adjustments.
  - (c) Create additional zones that specifically identify flood prone land.
2. Rail corridors are able to be included in the SP2 Infrastructure Zone (or equivalent zone) until this issue is properly resolved and our rail corridors are adequately protected.

On submission to the meeting the MOTION was DEFEATED.

(Councillors Clough/Smith) (BP11/213)

#### **Section 375A Voting Record**

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

### **10.7 Prevention of Animal Cruelty**

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340/11 **RESOLVED** that Council write to the Royal Society for the Prevention of Cruelty to Animals (RSPCA) requesting that it employ an inspector in Lismore for the Lismore and surrounding areas to deal with animal cruelty issues.

(Councillors Clough/Smith) (BP11/214)

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

## Reports

### 12.1 North Lismore Plateau

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341/11 **RESOLVED** that Council:

1. Agree to support the planning proposal as outlined in this report for the revised North Lismore Plateau study area being the Investigation Study Area shown as a red outline in attachment G and forward it to the NSW Department of Planning for its consideration and processing through the planning gateway.
2. Amend the 'Lismore Urban Strategy 2003' in relation to the land release sequencing as outlined in this report and the area of the North Lismore Plateau as shown on maps 11, 13 and 14 of the strategy (attachment J), to align this area with the revised map referred to in recommendation (1).
3. Publicly exhibit the changes to the 'Lismore Urban Strategy 2003' referred to in recommendation (2), for a period of 28 days.
4. Request the NSW Department of Planning to amend sheet 4 (attachment K) of the 'Far North Coast Regional Strategy 2006' to align the area of the North Lismore Plateau with the revised map referred to in recommendation (1).

(Councillors Yarnall/Chant) (BP11/205)

#### **Section 375A Voting Record**

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

**Voting against:** Nil

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

### 12.2 Agreement for Provision of Wastewater Services to the Proposed Crawford Land Development

---

342/11 **RESOLVED** that:

1. Council commit to funding the construction of the rising main servicing the Crawford development, extending from the proposed Crawford sewage pump station to its connection with the Southern Trunk Main.
2. Any future expenditure by Council shall be subject to the agreed funding of wastewater infrastructure by Norsearch Ltd and Council being confirmed within a planning agreement for the land.
3. Construction of the above rising main be included within the revision of Council's Strategic Business Plan for Water Supply and Wastewater Services being undertaken as part of the preparation of Council's 2011/12 Operational Plan.

4. The General Manager write to Norsesearch Ltd confirming Council's commitment to funding of this infrastructure.

(Councillors Smith/Battista) (BP11/169)

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

**Voting against:** Councillor Ekins

**Dissenting Vote:** Councillor Ekins

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

### **12.3 Development Application 5.2008.613 - Animal Establishment (organic free range mobile egg/poultry production)**

---

343/11 **RESOLVED** that Council, as the consent authority, grant consent to Development Application No. 5.2008.613 subject to the following conditions:

1. In granting this development consent, Council requires:
  - all proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
  - all proposed works be carried out in accordance with any amendment or modification outlined in these conditions
  - any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions and be substantially in accordance with the stamped approved plans titled "Property layout including primary buffer areas", "Catchment Characteristics", and "Vegetation" (all dated 3/11/2010); "Wetland" (dated 11/11/2010); Figure 5a "Layout of composting site", and Figure 5b "Detention pond for waters exiting composting site" (undated; received by Council 8/2/2011); Landscape Plan (undated; received by Council 21/2/2011); and Mobile eco-shelter design and floor plans (as lodged with original DA). Copies of the approved plans are attached to this consent.

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

#### **BUILDING**

2. The mobile eco-shelters are to be erected in accordance with manufacturer's specifications and details are to be submitted **prior to commencement of work**.

**Reason:** *To ensure the shelter is structural adequate.*

#### **ENVIRONMENTAL HEALTH**

3. The development must be operated and in accordance with the information contained within the various documents forming the statement of environmental effects (SEE) for this development. If there is any conflict between the SEE and any condition of this consent then the condition takes precedence. If there is any inconsistency in the SEE documentation the most stringent requirement/s will apply unless otherwise varied by Council in writing.

**Reason:** *To ensure the development operates in accordance with good environmental practice.*

4. All activities of the development must be carried out in accordance with good environmental practice and in an environmentally satisfactory manner.

**Reason:** *To protect the environment.*

5. A minimum vegetative cover of 90% must be provided and maintained at all times within the home run and foraging areas. The vegetative cover must substantially bind the soil to prevent soil erosion. Good environmental management practices must be implemented to achieve this outcome.

**Reason:** *To prevent soil erosion and to protect the environment.*

6. The wetland and all erosion control measures and all drainage pathways leading to and draining from the wetland must be maintained in an optimum condition to ensure the effective and efficient management and treatment of all runoff and stormwaters and to ensure no water pollution is caused. All surface waters arising from upslope of the home runs and from upslope of those parts of the foraging area that are heavily trafficked by the poultry must be diverted clear of these areas to reduce the potential impact of these waters in causing erosion.

**Reason:** *To protect the environment and to ensure there is no pollution of waters.*

7. The proposed landuse shall not result in the emission of offensive noise as defined in the *Protection of the Environment (Operations) Act, 1997*.

Offensive noise means:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

**Note 1:** Audible security alarm systems are not permitted.

**Note 2:** The siting, installation and management of any air management systems must ensure that offensive noise is not created.

**Note 3:** The siting, installation and management of any refrigeration equipment must ensure that offensive noise is not created.

**Note 4:** The siting, installation and management of any water pumping systems must ensure that offensive noise is not created.

**Note 5:** The activities and the barking of any dogs must ensure that offensive noise is not created.

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

8. The management of all noise generated on the premises from all activities and sources and including the barking of any dogs must ensure that offensive noise is not created. Appropriate management practices must be implemented.

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

9. The proposed landuse shall not result in the emission of offensive odour as defined in the *Protection of the Environment (Operations) Act, 1997*.

Offensive odour means an odour:

- (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:

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

- (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.

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

10. All noxious and environmental weeds and animal pests (with particular attention given to flies, rodents and other vermin) must be properly controlled in an environmentally satisfactory and sustainable manner and in accordance with good environmental practice.

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

11. The existing on-site sewage management systems serving the applicants dwelling and the packing shed are permitted to be used as staff amenities. These systems must be regularly monitored to ensure that they continue to operate in an environmentally satisfactory manner. If the systems demonstrate that they are unable to manage the increased effluent loadings Council will require that the system/s be upgraded or replaced to comply with good environmental practice.

**Reason:** *To ensure that the on-site sewage management systems are operate in an environmentally satisfactory manner.*

12. The management of all waste materials and including all composting operations and the application of the composted waste materials onto the land must be carried in accordance with good environmental practice. Waste management must not create offensive odours or encourage, harbour or nurture vermin or pests.

**Note 1:** It is recommended that you consult with the NSW Food Authority and the NSW Department of Primary Industries and include any requirements they may have with composting and waste management.

**Reason:** *To ensure waste management is carried out in accordance with good environmental practice.*

13. **Within 21 days of the issue of this Consent** obtain an Egg Food Safety Scheme Business Licence from the NSW Food Authority.

**Within 14 days of obtaining the licence** a copy of the licence and any related conditions/requirements must be submitted to the Consent Authority (LCC) for record purposes.

**Reason:** *To ensure the necessary license is obtained.*

#### **ENGINEERING**

14. **Within 6 months of the date of this Consent**, the proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks are:

The construction of Chilcott Street to a 5 metre wide rural gravel road pavement, in accordance with Chapter 6 of The Lismore Development Control Plan – Part A.

Upon completion of the above roadworks, the applicant shall obtain a Compliance Certificate for the works from Council. To obtain this Compliance Certificate a practising qualified surveyor or engineer shall submit to Council for approval, a

“works-as-executed” set of plans and construction certification. The certification shall confirm that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development and Construction Manual (as amended).

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

15. Prior to the issue of the Compliance Certificate in Condition 14, the applicant shall obtain approval under Section 138 of the Roads Act for the all works upon the public road. For this approval full design plans of the proposed engineering works to satisfy Condition 14 shall be submitted to and approved by Council. Such plans shall be accompanied with the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

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

16. **Within 60 days of the date of this Consent**, a vehicular access from the road pavement to each lot, including any existing access, shall be provided by the construction/upgrading of a crossing, in accordance with the Council's Design and Construction Specification for Vehicular Access.

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

17. The drainage systems employed on site shall provide adequate on site retention or detention of stormwaters to ensure that post development stormwater flow rates from the site are comparable to pre development flows.

**Reason:** *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any structures erected, and from any developed areas that may be constructed or used in conjunction with this development on the land. (EPA Act Sec 79C(b))*

18. In accordance with Lismore Council's Rural Road Numbering System, the proponent shall place road number identification on a post at the vehicular entry point at the front boundary of the property.

**Reason:** *To provide visual identification of the property (EPA Act Sec 79C(e)).*

#### **PLANNING**

19. There is to be no more than a maximum of 6,000 laying birds on the property at any one time, and no more than a total of 9,000 birds including chicks and spent hens at any one time

**Reason:** *To accord with the maximum number of birds as advised*

20. **Within 60 days of the date of this Consent**, the 'Forage Area' as shown on the "Property Layout and Primary Buffer Areas Plan" is to be permanently fenced with a suitable fence that will permanently contain all poultry birds at all times. No birds are to be allowed outside the designated forage area at any time. The fencing to be maintained and kept operational at all times whilst the free-range poultry use is on the site.

**Reason:** *To ensure that buffer distances as required by DCP Chapter 11 "Buffers" are maintained, and to provide a performance time limit on construction.*

21. All 'buffer' tree plantings, including the additional 1,000 forest red gums as indicated on the landscape planting plan and additional information schedules are to be planted and maintained until established, within 60 days of date of this consent.

**Reason:** *To ensure that adequate buffering is provided to adjoining properties, and to provide a performance time limit on planting.*



22. In the event that the subject properties, being Lots 1 and 2 DP 701527, are sold or disposed of to separate owners outside the current 'family' ownership, all free-range poultry operations as approved under this consent are to cease, and the consent is to be formally surrendered.
- Reason:** *The current operation relies upon occupation of both lots and, if separated, the required minimum buffers to adjoining lots cannot be maintained; also access to the requisite detention pondage on Lot 2 would be removed to Lot 1.*
23. All deliveries and pick-ups attributed to the poultry farming operations on the site to be restricted to between the hours from 6.00am to 7.00pm Mondays to Saturdays only.
- Reason:** *To ensure that trucking movements in Chilcott Street are limited to reasonable hours to reduce any impact upon other residents in the area*
24. Trucking movements to and from the site in relation to the overall free-range poultry operation shall be restricted to an aggregate maximum of four (4) trucks per week for egg pick-up and chip mulch delivery; and an aggregate maximum of twelve (12) trucks per annum for poultry feed and new chick delivery, and spent bird removals.
- Reason:** *To limit trucking movements to and from the site, and to help preserve the amenity of the neighbourhood.*
25. **Within 60 days of the date of this Consent**, the applicant shall submit for Council's endorsement and approval a Management Plan for the free-range poultry operation on the properties. This Plan shall include, but not be restricted to, nominated persons for management compliance with the conditions of the consent on an ongoing basis, maximum numbers of birds on site, eco-shelters, home runs, fencing construction and maintenance, site drainage, employee numbers and hours, delivery and pick up requirements, road upgrading timetable, composting and dead birds management, and cessation of the poultry operation in the event that the two properties involved are separately sold.
- Reason:** *To have a clear and established plan of management in place for the operation of the poultry farm.*

(Councillors Meineke/Marks) (BP11/203)

**Section 375A Voting Record**

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

**Voting against:** Councillor Graham

**12.4 Nimbin Caravan Park and Operation of Nimbin Public Pool**

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344/11

**RESOLVED** that:

1. In accordance with Clause 178(1) (b) of the *Local Government (General) Regulation*, Council decline to accept any tenders for T2011-17 – Lease of Nimbin Caravan Park.
2. In accordance with Clause 178(3) (e) of the *Local Government (General) Regulation*, Council resolve to enter into negotiations with Ms Christine Seymour and Mr Peter Mann for the lease of the Nimbin Caravan Park and the operation of the Nimbin Pool Complex.
3. The General Manager be authorised to finalise negotiations and enter a contractual agreement subject to completion of a satisfactory financial background check of the preferred tenderer and the receipt of legal advice from Council's solicitor on the form of the contractual agreement.
4. In accordance with Clause 178(4) (a) of the *Local Government (General) Regulation*, the reasons that Council declines to invite fresh tenders are that:
  - Council has already conducted a tender process and received an adequate response;
  - the respondents to the tender process are capable of delivering the services that Council requires;
  - some matters need to be resolved and clarified prior to entering into a contractual agreement;
  - those matters are not of a nature that significantly alters the content or requirements of the tender.
5. In the event that the financial background check is not satisfactory, or any other aspect of the negotiations with the preferred tenderer cannot be resolved to the satisfaction of Council, the General Manager be authorised to conduct negotiations for a suitable outcome on either the lease of the Caravan Park, or the operation of the pool complex, or both with the second preferred tenderer Ms Jennene Matteson and Mr Wayne van Boheemen.

(Councillors Houston/Smith) (BP11/201)

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

**Voting against:** Nil

**12.5 Crime Prevention Plan 2011-2013**

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345/11 **RESOLVED** that Council adopt the 2011-13 Lismore City Council Crime Prevention Plan.

(Councillors Clough/Marks) (BP10/696)

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

**Voting against:** Nil

**12.6 Community Services Policy Advisory Group Membership**

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346/11 **RESOLVED** that Council:

1. Appoint the following three nominated community members being Elizabeth Reimer, Clare Kable and Charmaine Williams to the Community Services Policy Advisory Group for the remainder of the current term of Council plus an additional three months.
2. Appoint one additional Councillor representative to the Community Services Policy Advisory Group.

(Councillors Houston/Smith) (BP11/5)

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

**Voting against:** Nil

347/11 **FURTHER RESOLVED** that Councillor Marks be appointed as the Councillor representative to the Community Services Policy Advisory Group.

(Councillors Marks/Chant) (BP11/5)

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

**Voting against:** Nil

**12.7 Festivals and Events Strategy and Events Contribution Policy**

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348/11 **RESOLVED** that Council endorse the public exhibition of the draft Festivals and Events Strategy and the draft Festival and Events Contribution Policy as attached for a period of 28 days and report back to Council for finalisation.

(Councillors Chant/Battista) (BP10/627)

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

**Voting against:** Nil

**12.8 Lismore Levee Repairs - Private Property Impacts**

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349/11 **RESOLVED** that :

1. Council endorse the principle of a land swap with Clarence Properties to resolve the issue of garages on their property which need to be relocated to facilitate repairs.
2. Council note the area in the Hensley Carpark identified for the proposed land swap and reconstruction of the garages.
3. The General Manager finalise negotiation with Clarence Properties in regards to the acquisition of land relocation of garages from 39 Glasgow Lane affected by the required repair works to the levee.
4. The matter be reported back to Council for approval prior to execution of the necessary documentation.

(Councillors Smith/Marks) (BP11/208)

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

**Voting against:** Nil

### **12.9 Internal Audit**

---

A MOTION WAS MOVED that Council delay a decision on accepting this report until the appointment of the new General Manager and he/she has commenced their appointment.

(Councillors Marks/Meineke) (BP11/127)

AN AMENDMENT WAS MOVED that:

1. Council establish a more formal internal audit process by incorporation into the General Manager's Annual Performance Plan.
2. An amount of \$50,000 be included in the draft 2011/12 Operational Plan to fund internal audit processes.

On submission to the meeting the AMENDMENT was DEFEATED.

(Councillors Yarnall/Graham) (BP11/127)

**Voting for:** Councillors Marks, Yarnall and Ekins

**Voting against:** Councillors Houston, Meineke, Clough, Chant, Battista, Dowell, Graham and Smith

350/11

**RESOLVED** that Council delay a decision on accepting this report until the appointment of the new General Manager and he/she has commenced their appointment.

(Councillors Marks/Meineke) (BP11/127)

**Voting for:** Councillors Houston, Meineke, Clough, Chant, Marks and Battista

**Voting against:** Councillors Dowell, Graham, Yarnall, Ekins and Smith

### **12.10 Information Services' Strategic Plan 2010 - 2012**

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351/11

**RESOLVED** that Council adopt the Information Services' Strategic Plan 2010 – 2012.

(Councillors Meineke/Graham) (BP11/164)

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

**Voting against:** Nil

### **12.11 Lismore Business Promotion Panel**

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A MOTION WAS MOVED that Council resolve in respect of the two subject recommendations from the Lismore Business Promotion Panel that:

1. Council funding of \$20,000 towards the visitor guide be funded immediately.
2. Reinstatement of the services of a single dedicated employee for CBD maintenance tasks be considered and that the Infrastructure Services Directorate work with the Lismore Business Promotion Panel to determine the desired CBD maintenance levels of service and resolve these through the appropriate channels.

(Councillors Smith/Chant) (BP11/200)

AN AMENDMENT WAS MOVED that Council resolve in respect of the two subject recommendations from the Lismore Business Promotion Panel that:

1. Council funding of \$20,000 towards the Visitor Guide be considered and resolved as part of the 2011/2012 budget considerations.
2. Reinstatement of the services of a single dedicated employee for CBD maintenance tasks be considered and that the Infrastructure Services Directorate work with the Lismore Business Promotion Panel to determine the desired CBD maintenance levels of service and resolve these through the appropriate channels.

(Councillors Yarnall/Ekins) (BP11/200)

#### **MOTION BE PUT**

With not less than two members speaking for the MOTION and not less than two members speaking against the MOTION Councillor Ekins MOVED that the MOTION be PUT.

352/11 **RESOLVED** that the MOTION be PUT.

(Councillor Ekins) (BP11/200)

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

**Voting against:** Nil

On submission to the meeting the AMENDMENT was DEFEATED.

(Councillors Yarnall/Ekins) (BP11/200)

**Voting for:** Councillors Clough, Graham, Yarnall and Ekins

**Voting against:** Councillors Houston, Meineke, Chant, Marks, Battista, Dowell and Smith

353/11 **RESOLVED** that Council resolve in respect of the two subject recommendations from the Lismore Business Promotion Panel that:

1. Council funding of \$20,000 towards the visitor guide be funded immediately.
2. Reinstatement of the services of a single dedicated employee for CBD maintenance tasks be considered and that the Infrastructure Services Directorate work with the Lismore Business Promotion Panel to determine the desired CBD maintenance levels of service and resolve these through the appropriate channels.

(Councillors Smith/Chant) (BP11/200)

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

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

At this juncture Councillor Battista left the meeting.

#### **12.12 Lismore Business Promotion Panel vacancy**

354/11 **RESOLVED** that Council appoint Mr Daniel McCabe to the vacant position on the Lismore Business Promotion Panel.

(Councillors Smith/Marks) (BP11/199)

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

**Voting against:** Nil

At this juncture Councillor Battista returned to the meeting.

#### **12.13 Lismore Development Control Plan - Amendments Chapters 7 and 9**

355/11 **RESOLVED** that Council:

1. Approve Lismore Development Control Plan Amendment No. 10 which alters as follows:

Section 7.7.3.1 is replaced with:

**7.7.3.1 Fixed Car Parking Rate**

*With the exception of certain uses listed below, a fixed rate of no less than 3.3 car spaces/100m<sup>2</sup> of gross floor area (as defined in the Lismore LEP) shall be required for development within the CBD/City Centre.*

Exceptions:

(i) **Residential uses exception:** Where the development is (or includes) a residential use listed below, the minimum number of spaces required for the residential component shall be as described in Schedule 1 rounded up to the next whole number:

- Bed and Breakfast Establishment
- Boarding House
- Dwelling House
- Dual Occupancy
- Motel
- Residential Flat Building.

(ii) **'Refreshment Room' and Outdoor Dining use exceptions:**

(Where: "Enclosed" has the same definition as "gross floor area" in the Lismore LEP; and "Magellan Street- Entertainment/Activity Precinct" is that area indicated by Map No 2 in Council's 'Outdoor Dining Policy' as adopted on **14 September 2010**)

(e) For 'enclosed' outdoor dining areas constructed outside the Magellan Street- Entertainment/Activity Precinct, Section 94 charges for non-provision of car parking in accordance with the specified rate under this DCP will apply.

(f) For 'enclosed' outdoor dining areas constructed within the specified Magellan Street- Entertainment/Activity Precinct, Section 94 charges for non-provision of car parking in accordance with the specified rate under this DCP will not apply.

(g) For 'unenclosed' outdoor dining areas in all CBD/City Centre locations, Section 94 charges for non-provision of car parking in accordance with the specified rate under this DCP do not apply in accordance with the definition of GFA.

(h) If construction of a new outdoor dining area necessitates removal of car parking spaces from the road reserve, a contribution for the lost space(s) will be levied in accordance with the Lismore Contributions Plan (Section 2.5.5), **however** this contribution will not be levied if the new outdoor dining area is located within the Magellan Street- Entertainment/Activity Precinct.

(iii) **All Commercial and Business (incl. refreshment rooms) use exceptions:**

Existing commercial/business/retail premises within the Lismore CBD (see map 1 of this DCP) may, with consent, increase internal floor space by up to 20% of the existing building GFA up to a maximum of 40 sq. m. without incurring Section 94 charges for car parking. This allowance will only be available once to each premises (whether 20% or 40 sq m is achieved or not), and any further internal extensions will attract relevant Sec 94 charges. The allowance applies from the date that DCP Amendment No. 10 takes effect (include here date of notification in local newspaper).



And DCP Chapter 9 amended as follows:

- i) Amended Development Control Table under Clause 9.4 In the Development Control Table under Clause 9.4, for the table relating to Zones 3(a), 3(b), 3(f), and 4(a), the words “*weighted portable footpath signs as permitted by Council’s Outdoor Dining Policy*” should be inserted in column 3 after the words ‘*any advertising sign not listed in Column 2 or 4*’; and the words “*except for the specific weighted portable footpath signs permitted with consent under the provisions of Council’s Outdoor Dining Policy*” should be inserted in column 4, after the words ‘*portable footpath sign*’.
  - ii) Amendment to ‘Portable Footpath Sign’ under Clause 9.11 In the ‘Additional Information’ for ‘Portable Footpath Sign’ under Clause 9.11, the words “*with the exception of specific, weighted portable footpath signs permitted under the provisions of Council’s Outdoor Dining Policy*” should be inserted at the end of the paragraph after the word “*area*”.
2. Notify the public of the adoption of Amendment No. 10 to the Lismore Development Control Plan in accordance with clause 21 of the *Environmental Planning and Assessment Regulation 2000*.

(Councillors Meineke/Chant) (BP11/202)

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

**Voting against:** Nil

**12.14 General Insurance Tender**

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356/11 **RESOLVED** that the tender submitted for Council’s insurance for 2011/12 by Jardine Lloyd Thompson Pty Ltd as detailed in the report in the sum of \$218,656.69 be accepted.

(Councillors Chant/Marks) (BP11/204)

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

**Voting against:** Nil

**12.15 Water Industry Reform - Infrastructure Australia Report**

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357/11

**RESOLVED** that:

1. Council authorise the General Manager to make a submission to Infrastructure Australia on the Regional Towns Water Quality and Security Review.
2. The submission will express the position that Council does not support the formation of a State owned regional water corporation but that locally controlled Regional Water Authority or mandatory regional alliance are the preferred models.
3. Council supports national initiatives to improve:
  - a. Conformance with National Drinking Water Standards,
  - b. Best Practice Management Framework,
  - c. Improved water pricing, and
  - d. Development of a more highly skilled workforce.
4. The submission be distributed to NOROC to help develop a regional response to the AECOM report.

(Councillors Clough/Marks) (BP11/207)

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

**Voting against:** Nil

**12.16 Investments - March 2011**

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358/11

**RESOLVED** that the report be received and noted.

(Councillors Chant/Battista) (BP11/76)

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

**Voting against:** Nil

## Committee Recommendations

### 13.1 Traffic Advisory Committee Meeting of 16 March 2011

359/11 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Meineke/Marks) (BP11/206)

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

**Voting against:** Nil

## Documents for Signing and Sealing

### 14.1 Documents for Signing and Sealing

360/11 **RESOLVED** that the following documents be executed under the Common Seal of the Council:

**Outdoor Dining Licence – New Tattersalls Hotel – 108 Keen Street, Lismore (P5751)**

Licence for outdoor dining comprising an area of 9.6m<sup>2</sup> over the footpath adjacent to the premises at 108 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 28 March 2011 – 31 December 2012 and is fee-free in accordance with the Policy.

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

Licence for outdoor dining comprising an area of 13.5m<sup>2</sup> over the footpath adjacent to the premises at 86 Magellan Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 January 2011 – 31 December 2012 and is fee-free in accordance with the Policy.

**Outdoor Dining Licence – Big Robs – 77 Keen Street, Lismore (P20999)**

Licence for outdoor dining comprising an area of 5.05m<sup>2</sup> over the footpath adjacent to the premises at 77 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 April 2011 – 31 December 2012 and is fee-free in accordance with the Policy.

**Outdoor Dining Licence – Goanna Bakery – 171 Keen Street, Lismore (P5624)**

Licence for outdoor dining comprising an area of 15.4m<sup>2</sup> over the footpath adjacent to the premises at 171 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 January 2011– 31 December 2012 and is fee-free in accordance with the Policy.

**Outdoor Dining Licence – La Baracca – 29 Keen Street, Lismore (P5593)**

Licence for outdoor dining comprising an area of 14.1m<sup>2</sup> over the footpath adjacent to the premises at 29 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 January 2011– 31 December 2012 and is fee-free in accordance with the Policy – however repayment for previous construction costs will continue.

**Outdoor Dining Licence – Lismore Pie Cart – 11 Magellan Street, Lismore (P23113)**

Licence for outdoor dining comprising an area of 63.3m<sup>2</sup> over the footpath adjacent to the premises at 11 Magellan Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 January 2011– 31 December 2012 and is fee-free in accordance with the Policy – however repayment for previous construction costs will continue.

**Outdoor Dining Licence – Thai Satay – 143 Keen Street, Lismore (P5618 )**

Licence for outdoor dining comprising an area of 27m<sup>2</sup> over the footpath adjacent to the premises at 143 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 January 2011– 31 December 2012 and is fee-free in accordance with the Policy – however repayment for previous construction costs will continue.

(Councillors Marks/Clough) (BP11/217)

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

**Voting against:** Nil

## Financial Assistance – Section 356

### Financial Assistance – Section 356 Report

361/11 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

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

Budget: \$21,400                      Spent to date: \$20,382

**Tropical Fruits** are requesting Council discount the hire fees (\$796) for use of the City Hall to hold the annual Easter fund raising event on 23 April 2011. An entrance fee will be charged.

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

**\$159.20**

*In accordance with policy.*

**b) Council Contributions to Charitable Organisations**

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

Budget: \$15,000                      Spent to date: \$11,533.12

**February 2011**

Multitask \$70.80  
Five Loaves \$290.90  
Friends of the Koala \$69.53  
Lismore Soup Kitchen \$21.82  
1<sup>st</sup> Lismore Scout Group \$50.91  
LifeLine \$229.80  
St Vincent De Paul \$43.64  
Westpac Life Saver Helicopter \$58.20

**Total \$835.60**

**March 2011**

Multitask \$290.90  
Five Loaves \$149.60  
Friends of the Koala \$66.32  
Youth Connections North Coast Inc \$126.68  
Lismore Soup Kitchen \$14.55  
LifeLine \$182.66  
Westpac Life Saver Helicopter \$50.92

**Total \$881.63**

*In accordance with policy.*

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

Budget Approved: \$11,100                      Spent to date: \$2,959

**Lismore Thistles Soccer Club** are requesting Council waive or reduce fees (\$440) associated with a development application for upgrading of existing lights at Thistles Park.

**Recommendation:** In accordance with clause B of the policy, a donation of 30% of the development application fees applies.

**\$132.00**

*In accordance with policy.*

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

Budget: \$2,700                      Spent to date:\$1,050

**Rous Public School** is seeking assistance with raising funds for educational materials through their 32<sup>nd</sup> Annual Bonfire and Fireworks Extravaganza on Saturday, 4 June 2011 (CI111/6974).

**\$100**

**Lismore Minister's Fellowship** is seeking assistance for their National Day of Thanksgiving celebrations honouring people and services that assist people with disability on Sunday, 29 May 2011.

**\$100**

**Paddle for Life** is seeking a donation for their next fundraising event on Saturday, 16 April 2011 (ED11/6090).

**\$100**

**MDF for Clunes Old School Association** is seeking a donation for the purchase of plants for community planting in Avalon Avenue and Remnant Drive, Clunes.

**\$100**

**Dunoon Public School** is seeking a donation towards the Marimba Festival from 22-24 June 2011 (ED11/10039).

**\$100**

**e) Miscellaneous Community Donations – Policy 1.4.13 (GL390.525.15)**

Budget Approved: \$30,500      Spent to date: \$29,112

**Paddle for Life** requesting Council sponsorship for the cost of signage (\$350). The Paddle for Life launch is on 16 April 2011 and the 2011 beneficiaries are Summerland Early Intervention and Southern Cross LADS (ED11/6090).

Comment: A \$30,500 budget was provided for Miscellaneous Community Donations in 2010/11. A public submission process took place in mid 2010 and Council determined the successful applicants at its 13 July 2010 meeting. A total of \$29,112 was allocated leaving \$1,388 available for urgent donation request.

The request from Paddle for Life has not been assessed against the policy criteria however it is considered an urgent donation request. It is supported and proposed that a donation of \$250 be made from Miscellaneous Community Donations.

A donation of \$100 is separately reported from the Mayor's Discretionary Fund.

**Recommendation:** A donation towards the cost of signage applies.

**\$250.00**

**Blink Inc on behalf of Newcastle City Council and Newcastle Permanent Building Society** are requesting the waiving of labour fees (\$1,048.55) incurred at the staging of the program 'Cinema Under The Stars' at event at Hepburn Park on 11 February 2011. The company request's the waiving of fees on the basis that they are 'Not-for-Profit' (CI11/7653).

Comment: Parks and Recreation staff were called upon to place waste bins out, pick up litter after the event and open toilets to retrieve hirer's equipment. These requests were not notified to Council prior to the event as required under the conditions of hire.

**Recommendation:** Given the success of the program and the benefit it provides the to Lismore community, a donation is supported.

**\$500**

**Lismore Twilight Cricket organisers** are requesting a fee reduction of \$300 for this year following many postponed games due to a wet summer. All players in the competition have paid their fees in full, and it is requested that the players receive a refund in the form of a donation (C111/5474).

Comment: It is agreed that due to the wet weather, there was a reduction in the number of games played, however Parks and Recreation have recurrent costs associated with ground maintenance and these did not change due to wet weather.

**Recommendation:** Due to the impact of the wet weather, a donation is supported.

**\$100**

**f) Donations to Rural Halls – Policy 1.4.11 (GL390.680.15) (GL390.705.15)**

Budget: \$29,000 and \$16,600  
\$16,441.60

Spent to date: \$29,000.00 and

**Recommendation:** In accordance with policy, a donation towards maintenance and rates is made to the following 29 rural halls:

<u>Rural Hall</u>	<u>Maintenance</u>	<u>Rates</u>	<u>Total</u>
Eltham Public Hall	\$1,000.00	\$610.83	\$1,610.83
Corndale Hall	\$1,000.00	\$597.18	\$1,597.18
Clunes Public Hall	\$1,000.00	\$893.26	\$1,893.26
Keerrong Public Hall	\$1,000.00	\$724.60	\$1,724.60
Rock Valley Public Hall	\$1,000.00	\$677.85	\$1,677.85
Rosebank Public Hall	\$1,000.00	\$853.67	\$1,853.67
Ruthven Public Hall	\$1,000.00	\$518.99	\$1,518.99
Whian Whian Public Hall	\$1,000.00	\$750.25	\$1,750.25
South Gundurimba Hall	\$1,000.00	\$394.05	\$1,394.05
Caniaba Literary Institute	\$1,000.00	\$928.14	\$1,928.14
Blue Knob Public Hall	\$1,000.00	\$568.22	\$1,568.22
Koonorigan Hall	\$1,000.00	\$679.92	\$1,679.92
Coffee Camp Public Hall	\$1,000.00	\$589.73	\$1,589.73
Numulgi Public Hall	\$1,000.00	\$762.66	\$1,762.66
Tullera Public Hall	\$1,000.00	\$853.67	\$1,853.67
Nimbin School of Arts	\$1,000.00	\$1,487.76	\$2,487.76
Goolmangar School of Arts	\$1,000.00	\$746.11	\$1,746.11
Jiggi School of Arts	\$1,000.00	\$724.60	\$1,724.60
Repentance Creek Hall	\$1,000.00	\$679.92	\$1,679.92
Dungarubba Memorial Hall	\$1,000.00	Non Rateable	\$1,000.00
Dorrroughby Hall	\$1,000.00	Non Rateable	\$1,000.00
Dunoon Hall	\$1,000.00	Non Rateable	\$1,000.00
Wyrallah Hall Association	\$1,000.00	Non Rateable	\$1,000.00

Tregeagle Hall	\$1,000.00	Non Rateable	\$1,000.00
Bexhill School of Arts	\$1,000.00	Non Rateable	\$1,000.00
Roy Waddell Community Centre	\$1,000.00	Non Rateable	\$1,000.00
The Channon Hall	\$1,000.00	Non Rateable	\$1,000.00
Billen Cliffs Hall	\$1,000.00	Non Rateable	\$1,000.00
Tunable Creek Hall	\$1,000.00	Non Rateable	\$1,000.00
<b>Totals</b>	<b>\$29,000.00</b>	<b>\$14,041.41</b>	<b>\$43,041.41</b>

**g) Donations to Community Organisations – Policy 1.4.14 (GL390.151.15) (GL390.300.15) (GL390.310.15) (GL390.355.15) (GL390.565.15) (GL390.570.15) (GL390.705.15) (GL390.441.15) (GL390.447.15) (GL390.560)(GL390.291.15) (GL390.562.15)**

Budget: \$2,000, \$5,000, \$2,000, \$700, \$4,600, \$2,000, \$16,600, \$1,000, \$20,000, \$40,000, \$11,000 and \$5,000

Spent to date: \$2,000, \$2,229, \$2000, \$700, \$4,600, \$2,000, \$16,441.60, \$1,000, \$20,000, \$30,000, \$0 and \$0

**Recommendation:** In accordance with policy and the 2010/11 Budget, a donation is made to the following organisations:

<b>Clunes Old School Association</b>	<b>\$2,000.00</b>
<b>Far North Coast Life Education</b>	<b>\$5,000.00</b>
<b>Friends of the Koala</b>	<b>\$2,000.00</b>
<b>Richmond River Historical Society</b>	<b>\$700.00</b>
<b>North Coast Academy of Sport</b>	<b>\$4,600.00</b>
<b>North Coast National A&amp;I Society</b>	<b>\$2,000.00</b>
<b>NSW Police Citizens Boys Club</b>	<b>\$897.00</b>
<b>Nimbin A&amp;I Society</b>	<b>\$804.40</b>
<b>Nimbin Headers Sports Club</b>	<b>\$698.79</b>
<b>Home Garden Education Club</b>	<b>\$1,000.00</b>
<b>Lismore Showgrounds Trust</b>	<b>\$20,000.00</b>
<b>NORPA (Cultural Program)</b>	<b>\$40,000.00</b>
<b>Five Loaves – Caring is sharing</b>	<b>\$11,000.00</b>
<b>Nimbin Mardi Grass</b>	<b>\$5,000.00</b>

(Councillors Graham/Yarnall) (BP11/240)

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

**Voting against:** Nil



## Closure

This concluded the business and the meeting terminated at 9.55pm.

CONFIRMED this TENTH day of MAY 2011 at which meeting the signature herein was subscribed.

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**MAYOR**